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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2097

02/21/2023 Authored by Frazier, Urdahl, Koegel, Berg, Sencer-Mura and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for active shooter drill standards; proposing coding
1.3 for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [121A.038] ACTIVE SHOOTER DRILLS.

1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.7 the meanings given.

1.8 (b) "Active shooter drill" means an emergency preparedness drill designed to teach
1.9 students, teachers, school personnel, and staff how to respond in the event of an armed
1.10 intruder on campus or an armed assailant in the immediate vicinity of the school. An active
1.11 shooter drill is not an active shooter simulation, nor may an active shooter drill include any
1.12 sensorial components, activities, or elements which mimic a real life shooting.

1.13 (c) "Active shooter simulation" means an emergency exercise including full-scale or
1.14 functional exercises, designed to teach adult school personnel and staff how to respond in
1.15 the event of an armed intruder on campus or an armed assailant in the immediate vicinity
1.16 of the school which also incorporates sensorial components, activities, or elements mimicking
1.17 a real life shooting. Activities or elements mimicking a real life shooting include but are
1.18 not limited to simulation of tactical response by law enforcement. An active shooter
1.19 simulation is not an active shooter drill.

1.20 (d) "Evidence-based" means a program or practice that demonstrates any of the following:

1.21 (1) a statistically significant effect on relevant outcomes based on any of the following:

2.1 (i) strong evidence from one or more well designed and well implemented experimental  
 2.2 studies;

2.3 (ii) moderate evidence from one or more well designed and well implemented  
 2.4 quasi-experimental studies; or

2.5 (iii) promising evidence from one or more well designed and well implemented  
 2.6 correlational studies with statistical controls for selection bias; or

2.7 (2) a rationale based on high-quality research findings or positive evaluations that the  
 2.8 program or practice is likely to improve relevant outcomes, including the ongoing efforts  
 2.9 to examine the effects of the program or practice.

2.10 (e) "Full-scale exercise" means an operations-based exercise that is typically the most  
 2.11 complex and resource-intensive of the exercise types and often involves multiple agencies,  
 2.12 jurisdictions, organizations, and real-time movement of resources.

2.13 (f) "Functional exercises" means an operations-based exercise designed to assess and  
 2.14 evaluate capabilities and functions while in a realistic, real-time environment, however,  
 2.15 movement of resources is usually simulated.

2.16 Subd. 2. **Standards.** (a) An active shooter drill conducted with students in any grades  
 2.17 kindergarten through grade 12 must be:

2.18 (1) accessible;

2.19 (2) developmentally appropriate and age appropriate, including using appropriate safety  
 2.20 language and vocabulary;

2.21 (3) culturally aware;

2.22 (4) trauma-informed; and

2.23 (5) inclusive of accommodations for students with mobility restrictions, sensory needs,  
 2.24 developmental or physical disabilities, mental health needs, and auditory or visual limitations.

2.25 (b) Before an active shooter drill may be conducted, it must meet the requirements of  
 2.26 paragraph (a), clauses (1) to (5).

2.27 Subd. 3. **Student mental health and wellness.** Active shooter drill protocols must  
 2.28 include a reasonable amount of time immediately following the drill for teachers to debrief  
 2.29 with their students. The opportunity to debrief must be provided to students before regular  
 2.30 classroom activity may resume. During the debrief period, students must be allowed to  
 2.31 access any mental health services available on campus, including counselors, school  
 2.32 psychologists, or social workers. An active shooter drill must not be combined or conducted

3.1 consecutively with any other type of emergency preparedness drill. An active shooter drill  
3.2 must be accompanied by an announcement prior to commencing. The announcement must  
3.3 use concise and age-appropriate language and, at a minimum, inform students there is no  
3.4 immediate danger to life and safety.

3.5 Subd. 4. **Notice.** (a) A school must provide notice of a pending active shooter drill to  
3.6 every student's parent or legal guardian before an active shooter drill is conducted. Whenever  
3.7 practicable, notice must be provided at least 24 hours in advance of a pending active shooter  
3.8 drill and inform the parent or legal guardian of the right to opt their student out of  
3.9 participating. If notice was not provided in advance, notice that an active shooter drill was  
3.10 conducted must be provided to every student's parent or legal guardian within 24 hours of  
3.11 the drill.

3.12 (b) If a student is opted out of participating in an active shooter drill, no negative  
3.13 consequence must impact the student's general school attendance record nor may  
3.14 nonparticipation alone make a student ineligible to participate in or attend school activities.

3.15 (c) The commissioner of education must ensure the availability of alternative safety  
3.16 education for students who are opted out of participating or otherwise exempted from an  
3.17 active shooter drill. Alternative safety education must provide essential safety instruction  
3.18 through less sensorial safety training methods and must be appropriate for students with  
3.19 mobility restrictions, sensory needs, developmental or physical disabilities, mental health  
3.20 needs, and auditory or visual limitations.

3.21 Subd. 5. **Participation in active shooter drills and active shooter simulations.** (a) A  
3.22 student in kindergarten through grade 12 must not be required to participate in an active  
3.23 shooter drill that does not meet the standards in subdivision 2. A student must not be required  
3.24 to participate in an active shooter simulation.

3.25 (b) An active shooter simulation must not take place during regular school hours if a  
3.26 majority of students are present, or expected to be present, at the school. A parent or legal  
3.27 guardian of a student in grades 9 through 12 must have the opportunity to opt their student  
3.28 into participating in an active shooter simulation. A parent or legal guardian opting to have  
3.29 their student participate in an active shooter simulation must do so in writing.

3.30 Subd. 6. **Violence prevention.** (a) Every school conducting an active shooter drill must  
3.31 provide students in grades 6 through 12 at least one hour, or one standard class period, of  
3.32 violence prevention training annually.

3.33 (b) The violence prevention training must be evidence-based and may be delivered  
3.34 in-person, virtually, or digitally. Training must, at a minimum, teach students the following:

4.1 (1) how to identify observable warning signs and signals of an individual who may be  
4.2 at risk of harming oneself or others;

4.3 (2) the importance of taking threats seriously and seeking help; and

4.4 (3) the steps to report dangerous, violent, threatening, harmful, or potentially harmful  
4.5 activity.

4.6 (c) By December 1, 2023, the commissioner of education must develop a list of  
4.7 evidence-based trainings that a school may use to fulfill the requirements of this section,  
4.8 including no-cost programming, if any. The commissioner must:

4.9 (1) post the list publicly on the department's website; and

4.10 (2) update the list every two years.

4.11 (d) A district must ensure that students have the opportunity to contribute to their school's  
4.12 safety and violence prevention planning, aligned with the recommendations of the Federal  
4.13 Emergency Management Agency's multihazard planning for schools, including:

4.14 (1) student opportunities for leadership related to prevention and safety;

4.15 (2) encouragement and support to students in establishing clubs and programs focused  
4.16 on safety; and

4.17 (3) providing students with the opportunity to seek help from adults and to learn about  
4.18 prevention connected to topics including bullying, sexual harassment, sexual assault, and  
4.19 suicide.

4.20 Subd. 7. **Publicly available information.** (a) The Department of Education must make  
4.21 publicly available on its website a list of vendors that teach school personnel, including  
4.22 school safety officers, how to conduct active shooter drills. This list must be updated every  
4.23 two years. The commissioner must ensure the list:

4.24 (1) is limited to training that meets the standards in subdivision 2;

4.25 (2) includes qualified training available to schools at no cost, if any; and

4.26 (3) includes the name of each vendor and their website address, if available.

4.27 (b) For the purposes of this subdivision, "vendor" must include for-profit and nonprofit  
4.28 entities, as well as public agencies.

4.29 (c) The commissioner of education must, in partnership with the commissioner of human  
4.30 services, develop guidelines for measuring the effectiveness of active shooter drills. The

5.1 guidelines must be available to every school that conducts an active shooter drill. Every  
5.2 local school board must hold at least one meeting every year to review the following:

5.3 (1) the efficacy and effects of each school's active shooter drills;

5.4 (2) the effect of active shooter drills on the safety of students and staff; and

5.5 (3) the effect of active shooter drills on the mental health and wellness of students and  
5.6 staff.

5.7 (d) The commissioners of education and human services must distribute the active shooter  
5.8 drill guidelines to parents, legal guardians, students, teachers, school staff, and school-based  
5.9 mental health professionals for their review and comments.