

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §221.46, Active Shooter Training for Public Schools and Institutions of Higher Education, with non-substantive changes to the proposed text as published in the December 22, 2023 issue of the *Texas Register* (48 TexReg 7883). The rule will be republished.

This adopted new rule conforms with the addition of Texas Occupations Code §1701.2515 made by Senate Bill 999 (88R). Texas Occupations Code §1701.2515 requires that individuals and legal entities that provide active shooter training to peace officers of students or employees at a public primary or secondary school or institution of higher education be certified by the Commission to provide the training.

No comments were received regarding adoption of the amendment as proposed.

The new rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.2515, Certificate Required to Provide Active Shooter Training at Public Schools and Institutions of Higher Education. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.2515 requires the Commission to establish a certification program for providers of active shooter training and adopt rules for the renewal of a certificate.

The new rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.2515, Certificate Required to Provide Active Shooter Training at Public Schools and Institutions of Higher Education. No other code, article, or statute is affected by this adoption.

The adopted new rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

§221.46. Active Shooter Training for Public Schools and Institutions of Higher Education.

(a) To qualify for an Active Shooter Training Instructor certificate under Texas Occupations Code § 1701.2515, an individual must possess a current TCOLE Instructor Proficiency Certificate, complete an active shooter training instructor course approved by the commission, and complete any required application. The certificate expires two years from the date of issuance. An individual may apply for renewal of the certificate by providing proof the applicant has completed eight hours of continuing education related to law enforcement response to active shooter events.

(b) To qualify as an Active Shooter Training Provider under Texas Occupations Code § 1701.2515, a training provider must complete an application and show proof that the training provider employs appropriate training staff that possess a current Active Shooter Training Instructor certificate described in § 221.46(a). The certificate expires two years from the date of issuance.

(c) The effective date of this section is April 1, 2024.