

116TH CONGRESS  
2D SESSION

# H. R. 8869

To create a Council on Emergency Response Protocols to ensure the establishment of accessible, developmentally appropriate, culturally aware, and trauma-informed emergency response protocols in public schools, early childcare and education settings, and institutions of higher education, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Ms. WILD (for herself and Mr. FITZPATRICK) introduced the following bill;  
which was referred to the Committee on Education and Labor

---

## A BILL

To create a Council on Emergency Response Protocols to ensure the establishment of accessible, developmentally appropriate, culturally aware, and trauma-informed emergency response protocols in public schools, early childcare and education settings, and institutions of higher education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Responsible  
5 Emergency Protocols for All Students Act” or the “PREP  
6 for All Students Act of 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The lack of accessible, developmentally ap-  
4 propriate, culturally aware, and trauma-informed  
5 emergency response protocols for children and youth  
6 in public schools, early childcare and education set-  
7 tings, and institutions of higher education is not a  
8 trivial issue:

9 (A) In 2016, there were 12,032,000 chil-  
10 dren from ages 3 to 5 enrolled in preprimary  
11 education programs, and almost one-quarter of  
12 children under the age of 5 are in some form  
13 of childcare arrangement, including nurseries,  
14 childcare centers, and preschools.

15 (B) In the 2017–2018 school year—

16 (i) 14 percent of students in grades  
17 kindergarten through grade 12 had a dis-  
18 ability; and

19 (ii) 11 percent of students in  
20 postbaccalaureate programs self-identified  
21 as having a disability.

22 (2) As of the date of enactment of this Act, lit-  
23 tle has been done to integrate specific populations,  
24 such as children and youth at various developmental  
25 stages or children and youth with disabilities, into  
26 emergency preparedness planning.

1           (3) In 2018 alone, there were 108 natural dis-  
2           asters in the United States, including severe thun-  
3           derstorms, floods, wildfires, droughts, earthquakes,  
4           and other extreme weather.

5           (4) During the 16 academic years from 2000  
6           through 2015, there were 85 fatal fires in dor-  
7           mitories, fraternities, sororities, and off-campus  
8           housing, resulting in 118 fatalities—an average of  
9           approximately 7 per school year.

10          (5) The risks associated with natural and man-  
11          made disasters have a disproportionate impact on in-  
12          dividuals with disabilities. People with disabilities  
13          are 2 to 4 times more likely to die or sustain critical  
14          injuries during a disaster than people without dis-  
15          abilities.

16          (6) Technology plays an increasingly vital role  
17          in emergency communications but remains largely  
18          inaccessible for many individuals with disabilities.

19          (7) The rise of gun violence and gun violence-  
20          related deaths has contributed to the expansion of  
21          school security technologies and devices. While such  
22          technologies and devices have the potential to save  
23          lives, they have largely been developed without con-  
24          sideration of the needs of students at various devel-  
25          opmental stages or students with disabilities. Thus,

1       there may be inherent biases within these tech-  
2       nologies and devices that disadvantage or create bias  
3       toward specific populations.

4           (8) As of the date of enactment of this Act, 92  
5       percent of schools nationwide have an active shooter  
6       lockdown protocol. More than 1,000,000 elementary-  
7       age children experienced a lockdown in the 2017–  
8       2018 school year, and among that group, at least  
9       220,000 were in kindergarten or prekindergarten.

10          (9) While the Department of Homeland Secu-  
11       rity active shooter emergency guidelines recommend  
12       that students and personnel in school and early  
13       childcare and education settings “Run, Hide, and  
14       Fight”, these strategies can exacerbate danger for  
15       young children in prekindergarten and childcare cen-  
16       ters, and can exclude and put at risk students with  
17       a wide range of disabilities.

18          (10) At the height of the 2019 novel  
19       coronavirus (COVID–19) pandemic, emergency clo-  
20       sures of early education centers, elementary schools,  
21       secondary schools, and institutions of higher edu-  
22       cation created great disruptions in learning and cast  
23       a light on educational institutions’ lack of prepared-  
24       ness protocols for public health emergencies.

1           (11) During the pandemic, early care and edu-  
2           cation remains indispensable for the development of  
3           children and for millions of health care workers, first  
4           responders, educators, and essential personnel, and  
5           it is imperative that early care and education centers  
6           and schools have emergency preparedness plans to  
7           ensure the safety of students and educators.

8           (12) Emergency preparation drills and real-life  
9           lockdowns where danger may be external can create  
10          undue stress, fear, and trauma in children, youth,  
11          employees, and other specific populations in schools,  
12          early childcare and education settings, and institu-  
13          tions of higher education.

14          (13) Traumatic events have a long-lasting and  
15          profound sensory impact on young children, as birth  
16          to age 5 is a critical developmental age. Frightening  
17          visual stimuli, loud noises, violent movements, and  
18          other sensations associated with an unpredictable  
19          frightening event, such as in an emergency prepara-  
20          tion drill or lockdown, can cause substantial stress.  
21          Unlike older children, young children cannot express  
22          in words whether they feel afraid, overwhelmed, or  
23          helpless, and may have difficulty regulating their be-  
24          havior and emotions after experiencing trauma.

1           (14) There is an increasing need to ensure the  
2           establishment of accessible, developmentally appro-  
3           priate, culturally aware, and trauma-informed emer-  
4           gency response protocols, including gun violence re-  
5           sponse and prevention protocols, natural disaster  
6           preparedness procedures, fire drills, and other emer-  
7           gency preparation drills or lockdown procedures, in  
8           public schools, early childcare and education set-  
9           tings, and institutions of higher education.

10 **SEC. 3. DEFINITIONS.**

11       In this Act:

12           (1) ESEA DEFINITIONS.—The terms “elemen-  
13           tary school”, “local educational agency”, “para-  
14           professional”, “school leader”, “secondary school”,  
15           and “specialized instructional support personnel”  
16           have the meanings given the terms in section 8101  
17           of the Elementary and Secondary Education Act of  
18           1965 (20 U.S.C. 7801).

19           (2) ACCESSIBLE.—The term “accessible”, when  
20           used with respect to an emergency response protocol,  
21           means a protocol that—

22                   (A) is developed in full compliance with  
23                   title II of the Americans with Disabilities Act of  
24                   1990 (42 U.S.C. 12131 et seq.) and the Reha-

1           bilitation Act of 1973 (29 U.S.C. 701 et seq.);  
2           and

3           (B) accounts for a comprehensive range of  
4           disabilities, including children and youth who  
5           use non-speech modes of communication.

6           (3) COUNCIL.—The term “Council” means the  
7           Council on Emergency Response Protocols estab-  
8           lished under section 4.

9           (4) CULTURALLY AWARE.—The term “cul-  
10          turally aware”, when used with respect to an emer-  
11          gency response protocol, means a protocol that—

12                (A)(i) incorporates the roles of first re-  
13                sponder personnel, law enforcement personnel,  
14                school resource officers, and other authorities in  
15                the communities where the students live and at-  
16                tend school;

17                (ii) takes into account the use and preva-  
18                lence of firearms in such communities; and

19                (iii) is cognizant of the ways in which Afri-  
20                can American students and students of other  
21                racial or ethnic minority groups are more likely  
22                to face disciplinary action in schools;

23                (B) is designed to be sensitive to and re-  
24                spect cultural differences and differences in cus-  
25                toms and worldview; and

1 (C) considers the ways in which certain  
2 emergency events have disparate impact on Af-  
3 rican Americans, Native peoples, and other ra-  
4 cial and ethnic minorities.

5 (5) DEVELOPMENTALLY APPROPRIATE.—The  
6 term “developmentally appropriate”, when used with  
7 respect to an emergency response protocol, means a  
8 protocol that is appropriate for children’s ages and  
9 physical, social, sensory, and emotional develop-  
10 mental statuses.

11 (6) DISABILITY.—The term “disability” has the  
12 meaning given the term in section 3 of the Ameri-  
13 cans with Disabilities Act of 1990 (42 U.S.C.  
14 12102).

15 (7) INSTITUTION OF HIGHER EDUCATION.—The  
16 term “institution of higher education” has the  
17 meaning given the term in section 102 of the Higher  
18 Education Act of 1965 (20 U.S.C. 1002).

19 (8) TRAUMA-INFORMED.—The term “trauma-  
20 informed”, when used with respect to an emergency  
21 response protocol, means a protocol that—

22 (A) recognizes the prevalence of trauma  
23 and the role that trauma plays in the lives of  
24 children, youth, and survivors of trauma;



1 (B) considers the physical, psychological,  
2 and emotional well-being of individuals during  
3 and after an emergency event; and

4 (C) takes an approach that actively com-  
5 bats the traumatization or retraumatization of  
6 children, youth, and survivors of trauma.

7 **SEC. 4. ESTABLISHMENT OF COUNCIL ON EMERGENCY RE-**  
8 **SPONSE PROTOCOLS.**

9 (a) ESTABLISHMENT.—There is established a Council  
10 on Emergency Response Protocols.

11 (b) COMPOSITION.—

12 (1) CHAIRPERSON.—The Secretary of Edu-  
13 cation, in an expeditious manner, shall appoint an  
14 individual who represents one of the categories de-  
15 scribed in paragraph (2) to serve as a member and  
16 chairperson of the Council.

17 (2) APPOINTED MEMBERS.—By not later than  
18 90 days after the date of enactment of this Act, the  
19 chairperson of the Council shall appoint a member  
20 to the Council for each of the following categories  
21 (except for the category represented by the chair-  
22 person):

23 (A) An executive director or a representa-  
24 tive from a national organization representing  
25 individuals with disabilities.

1 (B) An executive director or a representa-  
2 tive from a national organization representing  
3 early childcare educators.

4 (C) The executive director or a representa-  
5 tive from a national organization representing  
6 law enforcement officials.

7 (D) The executive director or a representa-  
8 tive from an organization focused on emergency  
9 preparedness training in early childcare.

10 (E) A member of an organization rep-  
11 resenting teachers, school leaders, specialized  
12 instructional support personnel, and paraprofes-  
13 sionals.

14 (F) A member of an organization rep-  
15 resenting school-based child welfare and mental  
16 health professionals.

17 (G) An individual with a physical, sensory,  
18 intellectual, or developmental disability who has  
19 demonstrated disability advocacy experience in  
20 kindergarten through grade 12 education.

21 (H) An individual with a mental health  
22 disability who has been enrolled in an institu-  
23 tion of higher education for at least a year dur-  
24 ing the 5 years prior to the date of the individ-  
25 ual's appointment to the Council.

1 (I) An individual with a physical, sensory,  
2 intellectual, or developmental disability who has  
3 been enrolled in an institution of higher edu-  
4 cation for a year prior to the date of the indi-  
5 vidual's appointment to the Council.

6 (J) A parent or guardian of a child in an  
7 early childcare and education program.

8 (K) A parent or guardian of a child with  
9 a physical, sensory, intellectual, or develop-  
10 mental disability in—

11 (i) an early childcare and education  
12 program; or

13 (ii) a public elementary school or sec-  
14 ondary school.

15 (3) FEDERAL MEMBERS.—

16 (A) DEPARTMENT OF EDUCATION MEM-  
17 BERS.—The following officers of the Depart-  
18 ment of Education shall serve as members of  
19 the Council:

20 (i) The Assistant Secretary of the Of-  
21 fice of Planning, Evaluation, and Policy  
22 Development.

23 (ii) The Assistant Secretary of the Of-  
24 fice of Special Education and Rehabilita-  
25 tive Services.

1 (iii) The Assistant Secretary for Civil  
2 Rights.

3 (iv) The Director for the Office of  
4 Early Learning.

5 (v) The Director of the Office of Spe-  
6 cial Education Programs.

7 (B) HEALTH AND HUMAN SERVICES MEM-  
8 BERS.—The following officers of the Adminis-  
9 tration for Children and Families of the De-  
10 partment of Health and Human Services shall  
11 serve as members of the Council:

12 (i) The Director of the Office of Child  
13 Care.

14 (ii) The Director of the Office of  
15 Head Start.

16 (C) FEMA MEMBER.—The Administrator  
17 of the Federal Emergency Management Agency  
18 shall serve as a member of the Council.

19 (4) ADDITIONAL REQUIREMENTS.—The chair-  
20 person shall ensure that not less than 1 of the mem-  
21 bers appointed under paragraph (2) has directly ex-  
22 perience, as a student, gun violence or another  
23 emergency event in which a lockdown protocol was  
24 enforced in an educational setting that was the pri-  
25 mary target of the emergency event.

1 (c) MEETINGS.—

2 (1) INITIAL MEETING.—The Council shall hold  
3 its first meeting not later than 90 days after the  
4 date of enactment of this Act.

5 (2) FREQUENCY.—The Council shall meet at  
6 the call of the chairperson.

7 (3) QUORUM.—A majority of the members of  
8 the Council shall constitute a quorum, but a lesser  
9 number of members may hold hearings.

10 **SEC. 5. DUTIES.**

11 (a) HEARING.—The Council shall hold a hearing with  
12 relevant stakeholders, including students and educators,  
13 principals and other school leaders, childcare experts, dis-  
14 ability advocates, civil rights advocates, law enforcement,  
15 security experts, and others, not later than 120 days after  
16 the date of enactment of this Act.

17 (b) STUDY AND REVIEW.—The Council shall—

18 (1) study emergency response protocols, includ-  
19 ing gun violence response and prevention protocols,  
20 natural disaster preparedness procedures, fire drills,  
21 and other emergency preparation drills or lockdown  
22 procedures, for educational settings including early  
23 childcare and education settings, elementary schools  
24 and secondary schools, and institutions of higher  
25 education; and

1           (2) conduct a complete and thorough review of  
2       the relevant literature and research surrounding  
3       emergency response protocols in such educational  
4       settings and the impact that emergency response  
5       protocols can have on specific populations of chil-  
6       dren, youth, and employees, including the effects on  
7       children living in poverty and children of color.

8       (c) RECOMMENDATIONS AND GUIDELINES.—After  
9       completing the study and review described in subsection  
10      (b), the Council shall provide—

11           (1) recommendations that ensure that States,  
12       early childcare and education settings, local edu-  
13       cational agencies, and institutions of higher edu-  
14       cation are provided with accurate information about  
15       the needs of specific populations of children, youth,  
16       and employees during emergencies;

17           (2) guidelines for States, early childcare and  
18       education settings, local educational agencies, and  
19       institutions of higher education to use in developing  
20       and implementing emergency response protocols, in-  
21       cluding gun violence response and prevention proto-  
22       cols, natural disaster preparedness procedures, fire  
23       drills, and other emergency preparation drills or  
24       lockdown procedures, that are inclusive and acces-  
25       sible; and

1 (3) guidelines—

2 (A) for the development and implementa-  
3 tion of accessible, developmentally appropriate,  
4 culturally aware, and trauma-informed emer-  
5 gency response protocols, including gun violence  
6 response and prevention protocols, natural dis-  
7 aster preparedness procedures, fire drills, and  
8 other emergency preparation drills or lockdown  
9 procedures, that include information about—

10 (i) preparedness drills, including dis-  
11 cussions and seminars on emergency pre-  
12 paredness, workshops, and full-scale emer-  
13 gency simulations;

14 (ii) emergency communications;

15 (iii) training for educators, early  
16 childcare and education staff, administra-  
17 tors, and support personnel, including—

18 (I) training addressing implicit  
19 biases on the basis of race, national  
20 origin, socioeconomic status, religion,  
21 disability, and sex (including sexual  
22 orientation and gender identity); and

23 (II) other training to ensure the  
24 nondiscriminatory application of pro-  
25 tocols and treatment of students;

1 (iv) the use of technology; and

2 (v) other issues determined appro-  
3 priate by the Council;

4 (B) for the use of Federal funds by States,  
5 early childcare and education programs, local  
6 educational agencies, and institutions of higher  
7 education to develop and implement emergency  
8 response protocols, including gun violence re-  
9 sponse and prevention protocols, natural dis-  
10 aster preparedness procedures, fire drills, and  
11 other emergency preparation drills or lockdown  
12 procedures, that are inclusive and accessible;  
13 and

14 (C) for States to create and develop rec-  
15 ommendations for oversight for public elemen-  
16 tary schools and secondary schools, early  
17 childcare and education settings, and institu-  
18 tions of higher education to ensure any emer-  
19 gency response protocols—

20 (i) are inclusive and accessible;

21 (ii) protect student privacy; and

22 (iii) avoid exacerbating risk for chil-  
23 dren and youth with disabilities, young  
24 children, employees, and other specific pop-  
25 ulations.



1 (d) REPORT.—By not later than 18 months after the  
2 date of enactment of this Act, the Council shall prepare  
3 and submit to Congress a detailed report that contains—

4 (1) findings from stakeholders related to the  
5 challenges faced by children and youth with disabili-  
6 ties, young children, and other specific populations  
7 with regard to emergency response protocols, includ-  
8 ing gun violence response and prevention protocols,  
9 natural disaster preparedness procedures, fire drills,  
10 and other emergency preparation drills or lockdown  
11 procedures; and

12 (2) the recommendations and guidelines de-  
13 scribed in subsection (c).

14 **SEC. 6. POWERS OF COUNCIL.**

15 (a) HEARINGS.—The Council may hold such hear-  
16 ings, sit and act at such times and places, take such testi-  
17 mony, and receive such evidence as the Council considers  
18 advisable to carry out this Act.

19 (b) INFORMATION FROM FEDERAL AGENCIES.—

20 (1) IN GENERAL.—The Council may secure di-  
21 rectly from a Federal department or agency such in-  
22 formation as the Council considers necessary to  
23 carry out this Act.

24 (2) FURNISHING INFORMATION.—On request of  
25 the chairperson of the Council, the head of the de-

1       partment or agency shall furnish the information to  
2       the Council.

3       (c) POSTAL SERVICES.—The Council may use the  
4       United States mails in the same manner and under the  
5       same conditions as other departments and agencies of the  
6       Federal Government.

7       **SEC. 7. COUNCIL PERSONNEL MATTERS.**

8       (a) COMPENSATION OF MEMBERS.—Only members of  
9       the Council representing categories described in subpara-  
10      graphs (G) through (K) of section 4(b)(2) shall be com-  
11      pensated for their work for the Council. Such members  
12      may receive compensation at a rate equal to the daily  
13      equivalent of the annual rate of basic pay prescribed for  
14      level IV of the Executive Schedule under section 5315 of  
15      title 5, United States Code, for each day (including travel  
16      time) during which the members are engaged in the per-  
17      formance of the duties of the Council.

18      (b) TRAVEL EXPENSES.—A member of the Council  
19      shall be allowed travel expenses, including per diem in lieu  
20      of subsistence, at rates authorized for employees of agen-  
21      cies under subchapter I of chapter 57 of title 5, United  
22      States Code, while away from their homes or regular  
23      places of business in the performance of services for the  
24      Council.

25      (c) STAFF.—

1           (1) IN GENERAL.—The chairperson of the  
2       Council may, without regard to the civil service laws  
3       (including regulations), appoint and terminate an ex-  
4       ecutive director and such other additional personnel  
5       as may be necessary to enable the Council to per-  
6       form its duties, except that the employment of an  
7       executive director shall be subject to confirmation by  
8       the Council.

9           (2) COMPENSATION.—The chairperson of the  
10      Council may fix the compensation of the executive  
11      director and other personnel without regard to chap-  
12      ter 51 and subchapter III of chapter 53 of title 5,  
13      United States Code, relating to classification of posi-  
14      tions and General Schedule pay rates, except that  
15      the rate of pay for the executive director and other  
16      personnel may not exceed the rate payable for level  
17      V of the Executive Schedule under section 5316 of  
18      that title.

19      (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-  
20      eral Government employee may be detailed to the Council  
21      without reimbursement, and such detail shall be without  
22      interruption or loss of civil service status or privilege.

23      (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24      TENT SERVICES.—The chairperson of the Council may  
25      procure temporary and intermittent services under section

1 3109(b) of title 5, United States Code, at rates for individ-  
2 uals that do not exceed the daily equivalent of the annual  
3 rate of basic pay prescribed for level V of the Executive  
4 Schedule under section 5316 of that title.

5 **SEC. 8. TERMINATION OF COUNCIL.**

6 The Council shall terminate 60 days after the date  
7 on which the Council submits the report required under  
8 section 5(d).

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-  
11 priated to the Council to carry out this Act a total of  
12 \$500,000 for fiscal years 2021 and 2022.

13 (b) AVAILABILITY.—Any sums appropriated under  
14 subsection (a) shall remain available, without fiscal year  
15 limitation, until expended.

○