

117TH CONGRESS
2D SESSION

H. R. 7859

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 child care and education settings, and institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

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 child care 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 2022”.

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 child care 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 child care arrangement, including nurseries,
14 child care 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 child
13 care and education settings “Run, Hide, and Fight”,
14 these strategies can exacerbate danger for young
15 children in prekindergarten and child care centers,
16 and can exclude and put at risk students with a
17 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 child care 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 child care 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 child care 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 child care.

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, developmental, mental health, or
19 other disability who has demonstrated disability
20 advocacy experience in kindergarten through
21 grade 12 education.

22 (H) An individual with a physical, sensory,
23 intellectual, developmental, mental health, or
24 other disability who has been enrolled in an in-
25 stitution of higher education for at least a year

1 during the 5 years prior to the date of the indi-
2 vidual's appointment to the Council.

3 (I) An individual with a physical, sensory,
4 intellectual, developmental, mental health, or
5 other disability who has been enrolled in an in-
6 stitution of higher education for a year prior to
7 the date of the individual's appointment to the
8 Council.

9 (J) A parent or guardian of a child in an
10 early child care and education program.

11 (K) A parent or guardian of a child with
12 a physical, sensory, intellectual, or develop-
13 mental disability in—

14 (i) an early child care and education
15 program; or

16 (ii) a public elementary school or sec-
17 ondary school.

18 (3) FEDERAL MEMBERS.—

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

23 (i) The Assistant Secretary of the Of-
24 fice of Planning, Evaluation and Policy
25 Development.

1 (ii) The Assistant Secretary of the Of-
2 fice of Special Education and Rehabilita-
3 tive Services.

4 (iii) The Assistant Secretary for Civil
5 Rights.

6 (iv) The Director of the Office of In-
7 novation and Early Learning.

8 (v) The Director of the Office of Spe-
9 cial Education Programs.

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

15 (i) The Director of the Office of Child
16 Care.

17 (ii) The Director of the Office of
18 Head Start.

19 (C) FEMA MEMBER.—The Administrator
20 of the Federal Emergency Management Agency
21 shall serve as a member of the Council.

22 (4) ADDITIONAL REQUIREMENTS FOR REP-
23 RESENTATION.—The chairperson shall, to the best
24 of the chairperson's ability, promote representation
25 among the membership of the Council, including—

1 (A) ensuring that not less than one of the
2 members appointed under paragraph (2) has di-
3 rectly experienced, as a student, gun violence or
4 another emergency event in which a lockdown
5 protocol was enforced in an educational setting
6 that was the primary target of the emergency
7 event; and

8 (B) ensuring diversity among members ap-
9 pointed under such paragraph with regard to
10 race, ethnicity, disability, gender identity and
11 expression, age, sexual orientation, primary lan-
12 guage, and other demographic characteristics.

13 (c) MEETINGS.—

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

17 (2) FREQUENCY.—The Council shall meet at
18 the call of the chairperson.

19 (3) QUORUM.—A majority of the members of
20 the Council shall constitute a quorum, but a lesser
21 number of members may hold hearings.

22 **SEC. 5. DUTIES.**

23 (a) HEARING.—The Council shall hold a hearing with
24 relevant stakeholders, including students and educators,
25 principals and other school leaders, child care experts, dis-

1 ability advocates, civil rights advocates, law enforcement,
2 security experts, and others, not later than 120 days after
3 the date of enactment of this Act.

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

5 (1) study emergency response protocols, includ-
6 ing gun violence response and prevention protocols,
7 natural disaster preparedness procedures, fire drills,
8 and other emergency preparation drills or lockdown
9 procedures, for educational settings including early
10 child care and education settings, elementary schools
11 and secondary schools, and institutions of higher
12 education; and

13 (2) conduct a complete and thorough review of
14 the relevant literature and research surrounding
15 emergency response protocols in such educational
16 settings and the impact that emergency response
17 protocols can have on specific populations of chil-
18 dren, youth, and employees, including the effects on
19 children living in poverty and children of color.

20 (c) RECOMMENDATIONS AND GUIDELINES.—After
21 completing the study and review described in subsection
22 (b), the Council shall provide—

23 (1) recommendations that ensure that States,
24 early child care and education settings, local edu-
25 cational agencies, and institutions of higher edu-

1 cation are provided with accurate information about
2 the needs of specific populations of children, youth,
3 and employees during emergencies;

4 (2) guidelines for States, early child care and
5 education settings, local educational agencies, and
6 institutions of higher education to use in developing
7 and implementing emergency response protocols, in-
8 cluding gun violence response and prevention proto-
9 cols, natural disaster preparedness procedures, fire
10 drills, and other emergency preparation drills or
11 lockdown procedures, that are inclusive and acces-
12 sible; and

13 (3) guidelines—

14 (A) for the development and implementa-
15 tion of accessible, developmentally appropriate,
16 culturally aware, and trauma-informed emer-
17 gency response protocols, including gun violence
18 response and prevention protocols, natural dis-
19 aster preparedness procedures, fire drills, and
20 other emergency preparation drills or lockdown
21 procedures, that include information about—

22 (i) preparedness drills, including dis-
23 cussions and seminars on emergency pre-
24 paredness, workshops, and full-scale emer-
25 gency simulations;

1 (ii) emergency communications;
2 (iii) training for educators, early child
3 care and education staff, administrators,
4 and support personnel, including—

5 (I) training addressing implicit
6 biases on the basis of race, national
7 origin, socioeconomic status, religion,
8 disability, and sex (including sexual
9 orientation and gender identity); and

10 (II) other training to ensure the
11 nondiscriminatory application of pro-
12 tocols and treatment of students;

13 (iv) the use of technology; and

14 (v) other issues determined appro-
15 priate by the Council;

16 (B) for the use of Federal funds by States,
17 early child care and education programs, local
18 educational agencies, and institutions of higher
19 education to develop and implement emergency
20 response protocols, including gun violence re-
21 sponse and prevention protocols, natural dis-
22 aster preparedness procedures, fire drills, and
23 other emergency preparation drills or lockdown
24 procedures, that are inclusive and accessible;
25 and

1 (C) for States to create and develop rec-
2 ommendations for oversight for public elemen-
3 tary schools and secondary schools, early child
4 care and education settings, and institutions of
5 higher education to ensure any emergency re-
6 sponse protocols—

7 (i) are inclusive and accessible;
8 (ii) protect student privacy; and
9 (iii) avoid exacerbating risk for chil-
10 dren and youth with disabilities, young
11 children, employees, and other specific pop-
12 ulations.

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

16 (1) findings from stakeholders related to the
17 challenges faced by children and youth with disabil-
18 ities, young children, and other specific populations
19 with regard to emergency response protocols, includ-
20 ing gun violence response and prevention protocols,
21 natural disaster preparedness procedures, fire drills,
22 and other emergency preparation drills or lockdown
23 procedures; and

24 (2) the recommendations and guidelines de-
25 scribed in subsection (c).

1 **SEC. 6. POWERS OF COUNCIL.**

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

6 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

11 (2) FURNISHING INFORMATION.—On request of
12 the chairperson of the Council, the head of the de-
13 partment or agency shall furnish the information to
14 the Council.

15 (c) POSTAL SERVICES.—The Council may use the
16 United States mails in the same manner and under the
17 same conditions as other departments and agencies of the
18 Federal Government.

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

20 (a) COMPENSATION OF MEMBERS.—Only members of
21 the Council representing categories described in subpara-
22 graphs (G) through (K) of section 4(b)(2) shall be com-
23 pensated for their work for the Council. Such members
24 may receive compensation at a rate equal to the daily
25 equivalent of the annual rate of basic pay prescribed for
26 level IV of the Executive Schedule under section 5315 of

1 title 5, United States Code, for each day (including travel
2 time) during which the members are engaged in the per-
3 formance of the duties of the Council.

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

11 (c) STAFF.—

12 (1) IN GENERAL.—The chairperson of the
13 Council may, without regard to the civil service laws
14 (including regulations), appoint and terminate an ex-
15 ecutive director and such other additional personnel
16 as may be necessary to enable the Council to per-
17 form its duties, except that the employment of an
18 executive director shall be subject to confirmation by
19 the Council.

20 (2) COMPENSATION.—The chairperson of the
21 Council may fix the compensation of the executive
22 director and other personnel without regard to chap-
23 ter 51 and subchapter III of chapter 53 of title 5,
24 United States Code, relating to classification of posi-
25 tions and General Schedule pay rates, except that

1 the rate of pay for the executive director and other
2 personnel may not exceed the rate payable for level
3 V of the Executive Schedule under section 5316 of
4 that title.

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

9 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
10 TENT SERVICES.—The chairperson of the Council may
11 procure temporary and intermittent services under section
12 3109(b) of title 5, United States Code, at rates for individ-
13 uals that do not exceed the daily equivalent of the annual
14 rate of basic pay prescribed for level V of the Executive
15 Schedule under section 5316 of that title.

16 **SEC. 8. TERMINATION OF COUNCIL.**

17 The Council shall terminate 60 days after the date
18 on which the Council submits the report required under
19 section 5(d).

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

21 (a) IN GENERAL.—There is authorized to be appro-
22 priated to the Council to carry out this Act a total of
23 \$500,000 for fiscal years 2023 and 2024.

1 (b) AVAILABILITY.—Any sums appropriated under
2 subsection (a) shall remain available, without fiscal year
3 limitation, until expended.

○