

By: King of Hemphill, Buckley, Ashby, Dutton,
Walle, et al.

H.B. No. 2

A BILL TO BE ENTITLED

1 AN ACT
2 relating to measures for ensuring safety and security in public
3 schools, including the establishment of a school safety grant
4 program and a school safety plan implementation grant program, and
5 the allocation of certain constitutional transfers of money to the
6 state school safety fund, the economic stabilization fund, and the
7 state highway fund.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. Section 37.108(b-1), Education Code, is amended
10 to read as follows:

11 (b-1) In a school district's safety and security audit
12 required under Subsection (b), the district must certify that the
13 district used all school safety-related state ~~[the]~~ funds provided
14 to the district ~~[through the school safety allotment under Section~~
15 ~~48.115]~~ only for the purposes of improving the safety of schools in
16 the district ~~[provided by that section].~~

17 SECTION 2. Section 37.117(c), Education Code, as added by
18 Chapter 1 (S.B. 838), Acts of the 88th Legislature, Regular
19 Session, 2023, is amended to read as follows:

20 (c) To comply with this section, a school district or
21 open-enrollment charter school may:

22 (1) use school safety-related state funds provided to
23 the district or school ~~[through the school safety allotment under~~
24 ~~Section 48.115 or other available funds]~~; and

1 (2) use the district's or school's customary
2 procurement process.

3 SECTION 3. Subchapter D, Chapter 37, Education Code, is
4 amended by adding Section 37.1087 to read as follows:

5 Sec. 37.1087. SCHOOL SAFETY GRANT PROGRAM. (a) In this
6 section:

7 (1) "Fund" means the state school safety fund
8 established under Section 7, Article VII, Texas Constitution.

9 (2) "Program" means the school safety grant program
10 established in this section.

11 (b) The commissioner shall establish a school safety grant
12 program using proceeds of the fund to annually provide grants to
13 school districts and open-enrollment charter schools.

14 (c) The commissioner may award grants each school year not
15 to exceed a total amount of \$1.1 billion.

16 (d) Except as provided by Subsection (f), the commissioner
17 shall award a school district or open-enrollment charter school a
18 grant under this section in an amount equal to the sum of:

19 (1) the total amount to which the district or school
20 would be entitled under Section 48.051, if the allotment under that
21 section was allotted for each student enrolled in the district or
22 school instead of for each student in average daily attendance,
23 multiplied by 0.01; and

24 (2) the sum of:

25 (A) \$50,000 for each district or school campus
26 with 500 or fewer enrolled students;

27 (B) \$100,000 for each district or school campus

1 with 501 to 1,000 enrolled students;

2 (C) \$150,000 for each district or school campus
3 with 1,001 to 1,500 enrolled students;

4 (D) \$175,000 for each district or school campus
5 with 1,501 to 2,000 enrolled students; and

6 (E) \$200,000 for each district or school campus
7 with more than 2,000 enrolled students.

8 (e) A school district or open-enrollment charter school
9 campus that provides only virtual instruction or utilizes only
10 facilities not subject to the district's or school's control is not
11 included for purposes of determining the amount of the grant
12 awarded to the district or school under Subsection (d).

13 (f) If the amount of grants calculated under Subsection (d)
14 exceeds \$1.1 billion in a school year, the commissioner shall
15 proportionately reduce the amount of each grant in that school year
16 in an amount necessary to limit the amount of grants to \$1.1
17 billion.

18 (g) The commissioner may adopt rules necessary to implement
19 and administer this section.

20 SECTION 4. Sections 48.115(b), (c-1), (d), and (e),
21 Education Code, are transferred to Subchapter D, Chapter 37,
22 Education Code, redesignated as Section 37.1088, Education Code,
23 and amended to read as follows:

24 Sec. 37.1088. PERMISSIBLE USES OF SCHOOL SAFETY GRANT. (a)
25 A school district or open-enrollment charter school may only use a
26 grant awarded under Section 37.1087 [~~(b) Funds allocated under~~
27 ~~this section must be used~~] to improve school safety and security,

1 including costs associated with:

2 (1) securing school facilities in accordance with the
3 requirements of Section 37.351, including:

4 (A) improvements to school infrastructure;

5 (B) the use or installation of perimeter security
6 fencing conducive to a public school learning environment or
7 physical barriers, which may not include razor wire;

8 (C) exterior door and window safety and security
9 upgrades, including exterior door numbering and locking systems and
10 security film that provides resistance to a forced entry; and

11 (D) the purchase and maintenance of:

12 (i) security cameras and, if the district
13 or school has already installed security cameras, other security
14 equipment, including video surveillance as provided by Section
15 29.022; and

16 (ii) technology, including communications
17 systems or devices, such as silent panic alert devices, two-way
18 radios, or wireless Internet booster equipment, that facilitates
19 communication and information sharing between students, school
20 personnel, and first responders in an emergency;

21 (2) providing security for the district or school,
22 including:

23 (A) employing [~~school-district~~] peace officers,
24 private security officers, and school marshals; and

25 (B) collaborating with local law enforcement
26 agencies, such as entering into a memorandum of understanding for
27 the assignment of school resource officers [~~to schools~~] in the

1 district or school;

2 (3) school safety and security measures, including:

3 (A) active shooter and emergency response
4 training;

5 (B) prevention and treatment programs relating
6 to addressing adverse childhood experiences; and

7 (C) the prevention, identification, and
8 management of emergencies and threats, using evidence-based,
9 effective prevention practices and including:

10 (i) providing licensed counselors, social
11 workers, chaplains, and individuals trained in restorative
12 discipline and restorative justice practices;

13 (ii) providing mental health personnel and
14 support, including chaplains;

15 (iii) providing behavioral health
16 services, including services provided by chaplains;

17 (iv) establishing threat reporting
18 systems; and

19 (v) developing and implementing programs
20 focused on restorative justice practices, culturally relevant
21 instruction, and providing mental health support, including
22 support provided by chaplains;

23 (4) providing programs related to suicide prevention,
24 intervention, and postvention, including programs provided by
25 chaplains; ~~and~~

26 (5) employing a school safety director and other
27 personnel to manage and monitor school safety initiatives and the

1 implementation of school safety requirements for the district or
2 school; and

3 (6) implementing the Texas Overdose Prevention
4 Program - Schools (TOPPS) developed by The University of Texas San
5 Antonio Health Science Center.

6 (b) [(c-1)] The agency, or if designated by the agency, the
7 Texas School Safety Center, shall establish and publish a directory
8 of approved vendors of school safety technology and equipment a
9 school district or open-enrollment charter school may select from
10 when using a grant awarded under Section 37.1087 [~~funds allocated~~
11 ~~under this section~~]. If a school district or open-enrollment
12 charter school uses a grant awarded under Section 37.1087 [~~funds~~
13 ~~allocated under this section~~] to purchase technology or equipment
14 from a vendor that is not included in the directory, the district or
15 school must solicit bids from at least three vendors before
16 completing the purchase.

17 (c) [(d)] The commissioner shall annually publish a report
18 regarding grants awarded under Section 37.1087 [~~funds allocated~~
19 ~~under this section~~] including the programs, personnel, and
20 resources purchased by districts and schools using the grant [~~funds~~
21 ~~under this section~~] and other purposes for which the grant was
22 [~~funds were~~] used.

23 (d) [(e)] Notwithstanding any other law, a school district
24 or open-enrollment charter school may use a grant awarded under
25 Section 37.1087 [~~funds allocated under this section~~] to provide
26 training to a person authorized by the district or school to carry a
27 firearm on a district or school campus.

1 (e) A school district or open-enrollment charter school
2 that receives a grant awarded under Section 37.1087 to conduct a
3 psychological or psychiatric examination or test of or provide
4 psychological or psychiatric treatment to a student may only do so
5 if conducting the examination or test or providing the treatment is
6 part of a threat assessment under Section 37.115 or, before
7 conducting the examination or test or providing the treatment, the
8 district or school obtains written consent for the examination,
9 test, or treatment from the student's parent or guardian. For
10 purposes of this subsection:

11 (1) "Psychological or psychiatric examination or
12 test" means a method designed to elicit information regarding an
13 attitude, habit, trait, opinion, belief, feeling, or mental
14 disorder or a condition thought to lead to a mental disorder,
15 regardless of the manner in which the method is presented or
16 characterized, including a method that is presented or
17 characterized as a survey, check-in, or screening or is embedded in
18 an academic lesson.

19 (2) "Psychological or psychiatric treatment" means
20 the planned, systematic use of a method or technique that is
21 designed to affect behavioral, emotional, or attitudinal
22 characteristics of an individual or group.

23 SECTION 5. Subchapter D, Chapter 37, Education Code, is
24 amended by adding Section 37.1089 to read as follows:

25 Sec. 37.1089. SCHOOL SAFETY PLAN IMPLEMENTATION GRANT
26 PROGRAM. (a) In this section, "fund" means the state school safety
27 fund established under Section 7, Article VII, Texas Constitution.

1 (b) The commissioner shall establish a grant program using
2 proceeds of the fund to provide grants to school districts and
3 open-enrollment charter schools for the reimbursement of
4 expenditures required for the implementation of a school safety
5 plan that has been approved by the agency.

6 (c) The commissioner may award grants each school year in an
7 amount not to exceed:

8 (1) a total amount of \$250 million; and

9 (2) \$10 million per school district or open-enrollment
10 charter school.

11 (d) If the amount of grant requests under the program
12 exceeds \$250 million in a school year, the commissioner shall
13 proportionately reduce the amount of each grant in that school year
14 in an amount necessary to limit the total amount of grants provided
15 to \$250 million.

16 (e) Subject to the limitation under Subsection (c)(1) and
17 notwithstanding Subsection (c)(2), if excess funds are available
18 for a school year, the commissioner may provide additional grants
19 to school districts and open-enrollment charter schools that
20 incurred eligible expenses of more than \$10 million in that school
21 year.

22 (f) The commissioner may adopt rules as necessary to
23 implement this section.

24 SECTION 6. Section 37.354(a), Education Code, is amended to
25 read as follows:

26 (a) The commissioner may authorize a school district to use
27 money provided to the district for the purpose of improving school

1 safety and security, including [~~the school safety allotment under~~
2 ~~Section 48.115 or any other~~] funding or grant money available to the
3 district for that purpose, to comply with the requirements of this
4 subchapter.

5 SECTION 7. The heading to Subchapter H, Chapter 316,
6 Government Code, is amended to read as follows:

7 SUBCHAPTER H. ALLOCATION OF CERTAIN CONSTITUTIONAL TRANSFERS OF
8 MONEY [~~TO ECONOMIC STABILIZATION FUND AND STATE HIGHWAY FUND~~]

9 SECTION 8. The heading to Section 316.092, Government Code,
10 is amended to read as follows:

11 Sec. 316.092. DETERMINATION OF THRESHOLD FOR
12 CONSTITUTIONAL TRANSFER TO STATE SCHOOL SAFETY FUND AND STATE
13 HIGHWAY FUND.

14 SECTION 9. The heading to Section 316.093, Government Code,
15 is amended to read as follows:

16 Sec. 316.093. ADJUSTMENT OF CONSTITUTIONAL ALLOCATIONS TO
17 FUND, STATE SCHOOL SAFETY FUND, AND STATE HIGHWAY FUND.

18 SECTION 10. Section 316.093, Government Code, is amended by
19 amending Subsections (b), (c), and (d) and adding Subsections (b-1)
20 and (c-1) to read as follows:

21 (b) If the sum described by Subsection (a) is less than the
22 amount determined under Section 316.092 for that state fiscal
23 biennium, the comptroller shall:

24 (1) reduce the allocation to the state highway fund
25 provided by Section 49-g(c), Article III, Texas Constitution, by
26 the lesser of:

27 (A) the amount by which the sum described by

1 Subsection (a) is less than the amount determined under Section
2 316.092 for that state fiscal biennium; or

3 (B) the amount that would otherwise be allocated
4 for transfer to the state highway fund under Section 49-g(c),
5 Article III, Texas Constitution;

6 (2) if the sum described by Subsection (a) plus the
7 amount by which the allocation to the state highway fund is reduced
8 under Subdivision (1) of this subsection is less than the amount
9 determined under Section 316.092 for that state fiscal biennium,
10 reduce the allocation to the state school safety fund provided by
11 Section 49-g(c), Article III, Texas Constitution, by the lesser of:

12 (A) the amount by which the sum described by
13 Subsection (a) plus the amount by which the allocation to the state
14 highway fund is reduced under Subdivision (1) is less than the
15 amount determined under Section 316.092 for that state fiscal
16 biennium; or

17 (B) the amount that would otherwise be allocated
18 for transfer to the state school safety fund under Section 49-g(c),
19 Article III, Texas Constitution; and

20 (3) increase the allocation to the economic
21 stabilization fund provided by Section 49-g(c), Article III, Texas
22 Constitution, in an [equal] amount equal to the amount by which the
23 allocations to the state highway fund and the state school safety
24 fund are reduced under Subdivisions (1) and (2) of this subsection,
25 as applicable[, until the amount determined under Section 316.092
26 for that state fiscal biennium would be achieved by the transfer to
27 the fund or the total amount of the sum described by Section

1 ~~49-g(c), Article III, Texas Constitution, is allocated to the fund,~~
2 ~~whichever occurs first].~~

3 (b-1) Notwithstanding Subsection (b), for the state fiscal
4 year beginning September 1, 2024, if the sum described by
5 Subsection (a) is less than the amount determined under Section
6 316.092 for that state fiscal biennium, the comptroller shall
7 reduce the allocation to the state highway fund provided by Section
8 49-g(c), Article III, Texas Constitution, and increase the
9 allocation to the economic stabilization fund in an equal amount
10 until the amount determined under Section 316.092 for that state
11 fiscal biennium would be achieved by the transfer to the fund or the
12 sum of the amounts described by Section 49-g(c) of that article less
13 the allocation to the state school safety fund as provided by
14 Sections 49-g(c-1) and (c-3) of that article for that state fiscal
15 year is allocated to the fund, whichever occurs first. This
16 subsection expires September 1, 2025.

17 (c) For the purposes of Section 49-g(c-2), Article III,
18 Texas Constitution, for a state fiscal biennium beginning on or
19 after September 1, 2043, the comptroller shall adjust the
20 allocation provided by Section 49-g(c-1) of that article so that:

21 (1) the amount allocated for transfer to the state
22 highway fund under Section 49-g(c-1) of that article is instead ~~[of~~
23 ~~amounts to be transferred to the fund and to the state highway fund~~
24 ~~under Section 49-g(c) of that article in a state fiscal year~~
25 ~~beginning on or after September 1, 2043, so that the total of those~~
26 ~~amounts is]~~ transferred to the economic stabilization fund; and

27 (2) if the total of the transfer under Subdivision (1)

1 and the sum described by Subsection (a) is less than the amount
2 determined under Section 316.092 for that state fiscal biennium,
3 the amount allocated for transfer to the state school safety fund is
4 reduced and the allocation to the economic stabilization fund is
5 increased in an equal amount until the amount determined under
6 Section 316.092 for that state fiscal biennium would be achieved by
7 the transfer to the fund or the total amount of the sum described by
8 Section 49-g(c) of that article is allocated to the fund, whichever
9 occurs first.

10 (c-1) The [, except that the] comptroller shall reduce a
11 transfer made under Subsection (c) [this subsection] as necessary
12 to prevent the amount in the fund from exceeding the limit in effect
13 for that biennium under Section 49-g(g), Article III, Texas
14 Constitution [of that article].

15 (d) Subsection [Subsections (a) and] (b) and this
16 subsection expire December 31, 2042.

17 SECTION 11. The following provisions are repealed:

- 18 (1) the heading to Section 48.115, Education Code;
19 (2) Sections 48.115(a), (a-1), (b-1), (b-2), and (c),
20 Education Code; and
21 (3) Section 316.092(b), Government Code.

22 SECTION 12. The changes made by this Act to the Education
23 Code apply beginning with the 2024-2025 school year.

24 SECTION 13. The changes made by this Act to Subchapter H,
25 Chapter 316, Government Code, apply beginning with the state fiscal
26 year beginning September 1, 2024.

27 SECTION 14. This Act takes effect on the date on which the

1 constitutional amendment proposed by the 88th Legislature, 4th
2 Called Session, 2023, creating the state school safety fund to
3 provide ongoing financial support for projects that ensure the
4 safety of public schools in this state and providing for the
5 transfer of certain general revenues to that fund, the economic
6 stabilization fund, and the state highway fund is approved by the
7 voters. If that amendment is not approved by the voters, this Act
8 has no effect.