

By: González of El Paso

H.B. No. 195

Substitute the following for H.B. No. 195:

By: Dutton

C.S.H.B. No. 195

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provisions and plans by public schools to ensure the
3 safety of individuals with disabilities or impairments during a
4 mandatory school drill or a disaster or emergency situation.

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

6 SECTION 1. Section 12.104(b), Education Code, as amended by
7 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.
8 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular
9 Session, 2021, is reenacted and amended to read as follows:

10 (b) An open-enrollment charter school is subject to:

11 (1) a provision of this title establishing a criminal
12 offense;

13 (2) the provisions in Chapter 554, Government Code;
14 and

15 (3) a prohibition, restriction, or requirement, as
16 applicable, imposed by this title or a rule adopted under this
17 title, relating to:

18 (A) the Public Education Information Management
19 System (PEIMS) to the extent necessary to monitor compliance with
20 this subchapter as determined by the commissioner;

21 (B) criminal history records under Subchapter C,
22 Chapter 22;

23 (C) reading instruments and accelerated reading
24 instruction programs under Section 28.006;

- 1 (D) accelerated instruction under Section
2 28.0211;
- 3 (E) high school graduation requirements under
4 Section 28.025;
- 5 (F) special education programs under Subchapter
6 A, Chapter 29;
- 7 (G) bilingual education under Subchapter B,
8 Chapter 29;
- 9 (H) prekindergarten programs under Subchapter E
10 or E-1, Chapter 29, except class size limits for prekindergarten
11 classes imposed under Section 25.112, which do not apply;
- 12 (I) extracurricular activities under Section
13 33.081;
- 14 (J) discipline management practices or behavior
15 management techniques under Section 37.0021;
- 16 (K) health and safety under Chapter 38;
- 17 (L) the provisions of Subchapter A, Chapter 39;
- 18 (M) public school accountability and special
19 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
20 39, and Chapter 39A;
- 21 (N) the requirement under Section 21.006 to
22 report an educator's misconduct;
- 23 (O) intensive programs of instruction under
24 Section 28.0213;
- 25 (P) the right of a school employee to report a
26 crime, as provided by Section 37.148;
- 27 (Q) bullying prevention policies and procedures

1 under Section 37.0832;

2 (R) the right of a school under Section 37.0052
3 to place a student who has engaged in certain bullying behavior in a
4 disciplinary alternative education program or to expel the student;

5 (S) the right under Section 37.0151 to report to
6 local law enforcement certain conduct constituting assault or
7 harassment;

8 (T) a parent's right to information regarding the
9 provision of assistance for learning difficulties to the parent's
10 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

11 (U) establishment of residency under Section
12 25.001;

13 (V) school safety requirements under Sections
14 37.108, 37.1081, 37.1082, 37.1083, 37.109, 37.113, 37.114,
15 37.1141, 37.115, 37.207, and 37.2071;

16 (W) the early childhood literacy and mathematics
17 proficiency plans under Section 11.185;

18 (X) the college, career, and military readiness
19 plans under Section 11.186; and

20 (Y) [~~(X)~~] parental options to retain a student
21 under Section 28.02124.

22 SECTION 2. Subchapter A, Chapter 29, Education Code, is
23 amended by adding Section 29.0053 to read as follows:

24 Sec. 29.0053. INCLUSION OF ACCOMMODATIONS DURING MANDATORY
25 SCHOOL DRILLS IN INDIVIDUALIZED EDUCATION PROGRAM OR SECTION 504
26 PLAN. (a) In this section:

27 (1) "Committee" means a committee established under

1 Section 29.005(a).

2 (2) "Section 504 plan" means a plan created under
3 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

4 (3) "Team" means a team established for a student
5 under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
6 794).

7 (b) In developing or modifying an individualized education
8 program or a Section 504 plan for a student, the student's committee
9 or team, as applicable, shall consider whether the student's
10 disabilities or impairments would require the school district to
11 provide any specific accommodations for the student during a
12 mandatory school drill required under Section 37.114. If the
13 student's committee or team determines that the student would
14 require a specific accommodation, the committee or team shall:

15 (1) identify each disability or impairment that
16 requires accommodation; and

17 (2) for each disability or impairment identified under
18 Subdivision (1), recommend specific accommodations for that
19 disability or impairment.

20 (c) In making considerations and recommendations under
21 Subsection (b), a committee or team must follow the guidelines
22 established by the agency under Section 37.1083.

23 (d) A student's committee or team shall provide to each
24 administrator with emergency planning responsibilities at the
25 school district and campus at which the student is enrolled the
26 information described by Subsections (b)(1) and (2).

27 (e) A committee or team may invite school district and

1 campus administrators with emergency planning responsibilities to
2 assist the committee or team in making the considerations and
3 recommendations described by Subsection (b).

4 SECTION 3. Section 37.108(f), Education Code, is amended to
5 read as follows:

6 (f) A school district shall include in its multihazard
7 emergency operations plan:

8 (1) a chain of command that designates the individual
9 responsible for making final decisions during a disaster or
10 emergency situation and identifies other individuals responsible
11 for making those decisions if the designated person is unavailable;

12 (2) provisions that address physical and
13 psychological safety for responding to a natural disaster, active
14 shooter, and any other dangerous scenario identified for purposes
15 of this section by the agency or the Texas School Safety Center;

16 (3) provisions for ensuring the safety of students in
17 portable buildings;

18 (4) provisions for ensuring that students and district
19 personnel with disabilities are provided equal access to safety
20 during a disaster or emergency situation based on the guidelines
21 established by the agency under Section 37.1083;

22 (5) provisions for providing immediate notification
23 to parents, guardians, and other persons standing in parental
24 relation in circumstances involving a significant threat to the
25 health or safety of students, including identification of the
26 individual with responsibility for overseeing the notification;

27 (6) provisions for supporting the psychological

1 safety of students, district personnel, and the community during
2 the response and recovery phase following a disaster or emergency
3 situation that:

4 (A) are aligned with best practice-based
5 programs and research-based practices recommended under Section
6 [38.351](#);

7 (B) include strategies for ensuring any required
8 professional development training for suicide prevention and
9 grief-informed and trauma-informed care is provided to appropriate
10 school personnel;

11 (C) include training on integrating
12 psychological safety and suicide prevention strategies into the
13 district's plan, such as psychological first aid for schools
14 training, from an approved list of recommended training established
15 by the commissioner and Texas School Safety Center for:

16 (i) members of the district's school safety
17 and security committee under Section [37.109](#);

18 (ii) district school counselors and mental
19 health professionals; and

20 (iii) educators and other district
21 personnel as determined by the district;

22 (D) include strategies and procedures for
23 integrating and supporting physical and psychological safety that
24 align with the provisions described by Subdivision (2); and

25 (E) implement trauma-informed policies;

26 (7) a policy for providing a substitute teacher access
27 to school campus buildings and materials necessary for the

1 substitute teacher to carry out the duties of a district employee
2 during an emergency or a mandatory emergency drill; and

3 (8) the name of each individual on the district's
4 school safety and security committee established under Section
5 37.109 and the date of each committee meeting during the preceding
6 year.

7 SECTION 4. Subchapter D, Chapter 37, Education Code, is
8 amended by adding Section 37.1083 to read as follows:

9 Sec. 37.1083. GUIDELINES FOR SCHOOL DRILL ACCOMMODATIONS
10 AND MULTHAZARD EMERGENCY OPERATIONS PLAN PROVISIONS FOR
11 INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS. (a) The agency
12 shall establish guidelines for:

13 (1) the considerations and recommendations required
14 under Section 29.0053 regarding accommodations for a student with
15 an individualized education program or a plan created under Section
16 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); and

17 (2) the required provisions in a school district's
18 multihazard emergency operations plan under Section 37.108(f)(4)
19 to ensure the safety of students and district personnel with
20 disabilities or impairments during a disaster or emergency
21 situation.

22 (b) In establishing guidelines under Subsection (a), the
23 agency shall consult with:

24 (1) the Texas School Safety Center;

25 (2) regional education service centers;

26 (3) public school educators and administrators who
27 work with students with disabilities or impairments; and

1 (4) advocacy groups representing individuals with
2 disabilities or impairments.

3 (c) A school district must follow the guidelines
4 established by the agency under Subsection (a)(2) in adopting and
5 implementing the district's multihazard emergency operations plan
6 under Section 37.108.

7 SECTION 5. As soon as practicable after the effective date
8 of this Act but not later than December 1, 2023, the Texas Education
9 Agency shall establish the guidelines required by Section 37.1083,
10 Education Code, as added by this Act.

11 SECTION 6. To the extent of any conflict, this Act prevails
12 over another Act of the 88th Legislature, Regular Session, 2023,
13 relating to nonsubstantive additions to and corrections in enacted
14 codes.

15 SECTION 7. Section 29.0053, Education Code, as added by
16 this Act, applies beginning with the 2024-2025 school year.

17 SECTION 8. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.