

By: González of El Paso

H.B. No. 195

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to provisions and plans by public schools to ensure the  
3 safety of individuals with disabilities during a disaster or  
4 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 DISASTER  
25 OR EMERGENCY 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 an individualized education program  
5 team, as defined by 20 U.S.C. Section 1414(d)(1)(B), established  
6 for a student under Section 504, Rehabilitation Act of 1973 (29  
7 U.S.C. Section 794).

8 (b) In developing or modifying an individualized education  
9 program or a Section 504 plan for a student, the student's committee  
10 or team, as applicable, shall consider and, if appropriate, address  
11 in the student's program or plan any necessary accommodations that  
12 the student will need during a disaster or emergency situation.

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

15 (f) A school district shall include in its multihazard  
16 emergency operations plan:

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

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

25 (3) provisions for ensuring the safety of students in  
26 portable buildings;

27 (4) provisions for ensuring that students and district

1 personnel with disabilities are provided equal access to safety  
2 during a disaster or emergency situation based on the guidelines  
3 established by the agency under Section 37.1083;

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

9 (6) provisions for supporting the psychological  
10 safety of students, district personnel, and the community during  
11 the response and recovery phase following a disaster or emergency  
12 situation that:

13 (A) are aligned with best practice-based  
14 programs and research-based practices recommended under Section  
15 [38.351](#);

16 (B) include strategies for ensuring any required  
17 professional development training for suicide prevention and  
18 grief-informed and trauma-informed care is provided to appropriate  
19 school personnel;

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

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

27 (ii) district school counselors and mental

1 health professionals; and

2 (iii) educators and other district  
3 personnel as determined by the district;

4 (D) include strategies and procedures for  
5 integrating and supporting physical and psychological safety that  
6 align with the provisions described by Subdivision (2); and

7 (E) implement trauma-informed policies;

8 (7) a policy for providing a substitute teacher access  
9 to school campus buildings and materials necessary for the  
10 substitute teacher to carry out the duties of a district employee  
11 during an emergency or a mandatory emergency drill; and

12 (8) the name of each individual on the district's  
13 school safety and security committee established under Section  
14 37.109 and the date of each committee meeting during the preceding  
15 year.

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

18 Sec. 37.1083. GUIDELINES FOR MULTHAZARD EMERGENCY  
19 OPERATIONS PLAN PROVISIONS FOR INDIVIDUALS WITH DISABILITIES. (a)  
20 The agency, in consultation with advocacy groups representing  
21 individuals with disabilities, shall establish guidelines for the  
22 required provisions in a school district's multihazard emergency  
23 operations plan under Section 37.108(f)(4) to ensure the safety of  
24 students and district personnel with disabilities during a disaster  
25 or emergency situation.

26 (b) A school district must follow the guidelines  
27 established by the agency under Subsection (a) in adopting and

1 implementing the district's multihazard emergency operations plan  
2 under Section 37.108.

3 SECTION 5. As soon as practicable after the effective date  
4 of this Act but not later than December 1, 2023, the Texas Education  
5 Agency shall establish guidelines for multihazard emergency  
6 operations plan provisions for individuals with disabilities as  
7 required by Section 37.1083, Education Code, as added by this Act.

8 SECTION 6. This Act applies beginning with the 2023-2024  
9 school year.

10 SECTION 7. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2023.