

By: Toth

H.B. No. 4979

A BILL TO BE ENTITLED

AN ACT

1
2 relating to measures for ensuring safety and security in public
3 schools, including measures related to certain student records and
4 conduct.

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

6 SECTION 1. Section 7.028(a), Education Code, is amended to
7 read as follows:

8 (a) Except as provided by Section 21.006(k), 22.093(l),
9 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1083, 38.003,
10 or 39.003, the agency may monitor compliance with requirements
11 applicable to a process or program provided by a school district,
12 campus, program, or school granted charters under Chapter 12,
13 including the process described by Subchapter F, Chapter 11, or a
14 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
15 or Subchapter A, Chapter 37, only as necessary to ensure:

- 16 (1) compliance with federal law and regulations;
- 17 (2) financial accountability, including compliance
18 with grant requirements;
- 19 (3) data integrity for purposes of:
- 20 (A) the Public Education Information Management
21 System (PEIMS); and
- 22 (B) accountability under Chapters 39 and 39A; and
- 23 (4) qualification for funding under Chapter 48.

24 SECTION 2. Subchapter B, Chapter 8, Education Code, is

1 amended by adding Section 8.064 to read as follows:

2 Sec. 8.064. SCHOOL SAFETY SUPPORT. (a) A regional
3 education service center shall act as a school safety resource for
4 school districts and open-enrollment charter schools in the region
5 served by the center. The center may assist a school district or
6 open-enrollment charter school:

7 (1) in developing and implementing a multihazard
8 emergency operations plan under Section 37.108;

9 (2) in establishing a school safety and security
10 committee under Section 37.109;

11 (3) in conducting emergency school drills and
12 exercises;

13 (4) in addressing deficiencies in campus security
14 identified by a school safety review team under Section 37.1084;
15 and

16 (5) by providing guidance on any other matter relating
17 to school safety and security.

18 (b) A regional education service center shall provide
19 assistance as necessary to the region's school safety review team
20 established under Section 37.1084.

21 SECTION 3. Section 12.104(b), Education Code, as amended by
22 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974
23 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature,
24 Regular Session, 2021, is reenacted and amended to read as follows:

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

26 (1) a provision of this title establishing a criminal
27 offense;

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

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

6 (A) the Public Education Information Management
7 System (PEIMS) to the extent necessary to monitor compliance with
8 this subchapter as determined by the commissioner;

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

11 (C) reading instruments and accelerated reading
12 instruction programs under Section 28.006;

13 (D) accelerated instruction under Section
14 28.0211;

15 (E) high school graduation requirements under
16 Section 28.025;

17 (F) special education programs under Subchapter
18 A, Chapter 29;

19 (G) bilingual education under Subchapter B,
20 Chapter 29;

21 (H) prekindergarten programs under Subchapter E
22 or E-1, Chapter 29, except class size limits for prekindergarten
23 classes imposed under Section 25.112, which do not apply;

24 (I) extracurricular activities under Section
25 33.081;

26 (J) discipline management practices or behavior
27 management techniques under Section 37.0021;

- 1 (K) health and safety under Chapter 38;
- 2 (L) the provisions of Subchapter A, Chapter 39;
- 3 (M) public school accountability and special
4 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
5 39, and Chapter 39A;
- 6 (N) the requirement under Section 21.006 to
7 report an educator's misconduct;
- 8 (O) intensive programs of instruction under
9 Section 28.0213;
- 10 (P) the right of a school employee to report a
11 crime, as provided by Section 37.148;
- 12 (Q) bullying prevention policies and procedures
13 under Section 37.0832;
- 14 (R) the right of a school under Section 37.0052
15 to place a student who has engaged in certain bullying behavior in a
16 disciplinary alternative education program or to expel the student;
- 17 (S) the right under Section 37.0151 to report to
18 local law enforcement certain conduct constituting assault or
19 harassment;
- 20 (T) a parent's right to information regarding the
21 provision of assistance for learning difficulties to the parent's
22 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
- 23 (U) establishment of residency under Section
24 25.001;
- 25 (V) school safety requirements under Sections
26 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.109, 37.113,
27 37.114, 37.1141, 37.115, 37.207, and 37.2071;

1 (W) the early childhood literacy and mathematics
2 proficiency plans under Section 11.185;

3 (X) the college, career, and military readiness
4 plans under Section 11.186; and

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

7 SECTION 4. Section 25.002(a), Education Code, is amended to
8 read as follows:

9 (a) If a parent or other person with legal control of a child
10 under a court order enrolls the child in a public school, the parent
11 or other person or the school district in which the child most
12 recently attended school shall furnish to the school district:

13 (1) the child's birth certificate or another document
14 suitable as proof of the child's identity;

15 (2) a copy of the child's records from the school the
16 child most recently attended if the child has been previously
17 enrolled in a school in this state or another state, including for a
18 child who most recently attended a public school in this state, a
19 copy of the child's disciplinary record and any threat assessment
20 involving the child's behavior conducted under Section 37.115; and

21 (3) a record showing that the child has the
22 immunizations as required under Section 38.001, in the case of a
23 child required under that section to be immunized, proof as
24 required by that section showing that the child is not required to
25 be immunized, or proof that the child is entitled to provisional
26 admission under that section and under rules adopted under that
27 section.

1 SECTION 5. Section 25.036, Education Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) In the case of a transfer under this section, a child's
4 school district of residence shall provide the receiving district
5 with the child's disciplinary record and any threat assessment
6 involving the child's behavior conducted under Section 37.115.

7 SECTION 6. Section 25.095(a), Education Code, is amended to
8 read as follows:

9 (a) A school district or open-enrollment charter school
10 shall notify a student's parent in writing at the beginning of the
11 school year that if the student is absent from school, without
12 excuse under Section 25.087, on six [~~10~~] or more days or parts of
13 days within an eight-week [~~a six-month~~] period in the same school
14 year:

15 (1) the student's parent is subject to prosecution
16 under Section 25.093; and

17 (2) the student is subject to referral to a truancy
18 court for truant conduct under Section 65.003(a), Family Code.

19 SECTION 7. Section 25.0951(a), Education Code, is amended
20 to read as follows:

21 (a) If a student fails to attend school without excuse on
22 six [~~10~~] or more days or parts of days within an eight-week [~~a~~
23 ~~six-month~~] period in the same school year, a school district shall
24 within 10 school days of the student's sixth [~~10th~~] absence refer
25 the student to a truancy court for truant conduct under Section
26 65.003(a), Family Code.

27 SECTION 8. Section 37.108, Education Code, is amended by

1 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
2 and (h) to read as follows:

3 (a) Each school district or public junior college district
4 shall adopt and implement a multihazard emergency operations plan
5 for use in the district's facilities. The plan must address
6 prevention, mitigation, preparedness, response, and recovery in
7 accordance with the definitions established for those terms under
8 Subsection (a-1) [~~as defined by the Texas School Safety Center in~~
9 ~~conjunction with the governor's office of homeland security and the~~
10 ~~commissioner of education or commissioner of higher education, as~~
11 ~~applicable~~]. The plan must provide for:

12 (1) training in responding to an emergency for
13 district employees, including substitute teachers;

14 (2) measures to ensure district employees, including
15 substitute teachers, have classroom access to a telephone,
16 including a cellular telephone, or another electronic
17 communication device allowing for immediate contact with district
18 emergency services or emergency services agencies, law enforcement
19 agencies, health departments, and fire departments;

20 (3) measures to ensure district communications
21 technology and infrastructure are adequate to allow for
22 communication during an emergency;

23 (4) if the plan applies to a school district:

24 (A) [7] mandatory school drills and exercises,
25 including drills required under Section 37.114, to prepare district
26 students and employees for responding to an emergency; and

27 (B) measures that incorporate and address the

1 results of a safety and security audit conducted under Subsection
2 (b) and an on-site vulnerability assessment conducted by a school
3 safety review team under Section 37.1084;

4 (5) measures to ensure coordination with the
5 Department of State Health Services and local emergency management
6 agencies, law enforcement, health departments, and fire
7 departments in the event of an emergency; and

8 (6) the implementation of a safety and security audit
9 as required by Subsection (b).

10 (a-1) The Texas School Safety Center shall establish
11 definitions of prevention, mitigation, preparedness, response, and
12 recovery for purposes of a multihazard emergency operations plan
13 under Subsection (a):

14 (1) for a plan applicable to a public junior college
15 district, in conjunction with the governor's office of homeland
16 security and the commissioner of higher education; or

17 (2) for a plan applicable to a school district, in
18 conjunction with the governor's office of homeland security and
19 with the approval of the commissioner of education.

20 (b) At least once every three years, each school district or
21 public junior college district shall conduct a safety and security
22 audit of the district's facilities in the following manner:

23 (1) a school [~~To the extent possible, a~~] district
24 shall:

25 (A) follow safety and security audit procedures
26 adopted by the commissioner in consultation with [~~developed by~~] the
27 Texas School Safety Center; and

1 (B) unless a district employee conducts the
2 audit, engage [or] a person approved by the commissioner and
3 included in the registry established by the Texas School Safety
4 Center under Section 37.2091 to conduct the audit; and

5 (2) a public junior college district shall, to the
6 extent possible, follow safety and security audit procedures
7 developed by the Texas School Safety Center or a person included in
8 the registry established by the Texas School Safety Center under
9 Section 37.2091.

10 (c) A school district or public junior college district
11 shall report the results of the safety and security audit conducted
12 under Subsection (b) to the district's board of trustees and, in the
13 manner required by the Texas School Safety Center, to the Texas
14 School Safety Center. Additionally, a school district shall report
15 the results of the audit to the agency. The report provided to the
16 Texas School Safety Center and, if applicable, to the agency under
17 this subsection must be signed by:

18 (1) for a school district, the district's board of
19 trustees and superintendent; or

20 (2) for a public junior college district, the
21 president of the junior college district.

22 (h) The commissioner, in consultation with the Texas School
23 Safety Center, shall adopt rules regarding requirements for school
24 district:

25 (1) multihazard emergency operations plans; and

26 (2) safety and security audits.

27 SECTION 9. Subchapter C, Chapter 37, Education Code, is

1 amended by adding Section 37.088 to read as follows:

2 Sec. 37.088. CLASSROOM SAFETY REVIEW AND REFERRAL PROGRAM.

3 (a) If, after an investigation is completed, the principal of a
4 public primary or secondary school has reasonable grounds to
5 believe that a student engaged in violent criminal conduct,
6 including assaultive conduct, the principal shall:

7 (1) refer the student to the classroom safety review
8 committee established under Subsection (b); or

9 (2) make a report to any school district police
10 department, if applicable, or the police department of the
11 municipality in which the school is located or, if the school is not
12 in a municipality, the sheriff of the county in which the school is
13 located.

14 (b) Before the beginning of each school year, a public
15 primary or secondary school shall establish a classroom safety
16 review committee that consists of five classroom teachers who are
17 selected from all classroom teachers employed by the school through
18 a nomination and election process, as determined by the school.

19 (c) If a student is referred to the classroom safety review
20 committee under Subsection (a)(1), the committee shall review all
21 electronic, written, and verbal evidence or testimony or video
22 provided to the committee and interview any eyewitnesses. After
23 review, the committee shall, by majority vote, refer the student
24 to:

25 (1) a person designated by the school as the juvenile
26 diversion administrator under Subsection (d); or

27 (2) the classroom safety referral board established

1 under Subsection (e).

2 (d) A public primary or secondary school shall designate a
3 person as the juvenile diversion administrator for the school. If
4 the classroom safety review committee refers a student to the
5 juvenile diversion administrator under Subsection (c)(1), the
6 juvenile diversion administrator shall:

7 (1) require the student to perform a certain number of
8 hours of community service;

9 (2) require the student to participate in tutoring; or

10 (3) make a determination that the student is not
11 required to take any additional actions.

12 (e) A public primary or secondary school shall establish a
13 classroom safety referral board that consists of:

14 (1) two teachers who serve on the classroom safety
15 review committee;

16 (2) an assistant district attorney of the county in
17 which the school is located;

18 (3) an investigator from the sheriff's office in the
19 county in which the school is located; and

20 (4) a parent of a student enrolled at the school
21 selected by the board of trustees of the school district.

22 (f) If the classroom safety review committee refers a
23 student to the classroom safety referral board, the board shall
24 review all electronic, written, and verbal evidence or testimony or
25 video provided to the board and may hear new testimony from the
26 student or an eyewitness of the conduct. After review, the board, by
27 majority vote, shall:

1 (1) report the student's conduct to the local law
2 enforcement agency; or

3 (2) refer the student to the juvenile diversion
4 administrator under Subsection (d).

5 (g) Materials and information provided to or produced by the
6 classroom safety review committee or the classroom safety referral
7 board during a student review under this section must be maintained
8 in the student's school record until the student's 24th birthday.

9 (h) A person commits an offense if the person destroys
10 material or information described by Subsection (g) before the
11 period of maintenance required under that subsection has expired.
12 An offense under this subsection is a Class A misdemeanor.

13 (i) If an educator commits an offense under Subsection (h),
14 the educator may be subject to termination or suspension of the
15 educator's contract.

16 (j) Any testimony provided by an educator to the classroom
17 safety review committee or the classroom safety referral board
18 under this section is confidential and may not be disclosed to any
19 other person.

20 SECTION 10. Subchapter D, Chapter 37, Education Code, is
21 amended by adding Sections 37.1083 and 37.1084 to read as follows:

22 Sec. 37.1083. AGENCY MONITORING OF SCHOOL DISTRICT SAFETY
23 AND SECURITY REQUIREMENTS. (a) The agency shall monitor the
24 implementation and operation of requirements related to school
25 district safety and security, including school district:

26 (1) multihazard emergency operations plans; and

27 (2) safety and security audits.

1 (b) The agency shall establish an office of school safety
2 and security within the agency to coordinate the agency's
3 monitoring of school district safety and security requirements
4 under this section. The director of the office is appointed by the
5 governor and must report directly to the commissioner.

6 (c) The agency shall provide technical assistance to school
7 districts to support the implementation and operation of safety and
8 security requirements, including the preparation of multihazard
9 emergency operations plans and performance of safety and security
10 audits.

11 (d) The agency may engage or require a school district to
12 engage a third party as necessary to enable the agency to monitor
13 the implementation and operation of school district safety and
14 security requirements under this section.

15 (e) The commissioner may take appropriate action under
16 Chapter 39A, including the assignment of a conservator or the
17 appointment of a board of managers, if a school district fails to:

18 (1) submit to the required monitoring under this
19 section;

20 (2) comply with applicable safety and security
21 requirements; or

22 (3) address in a reasonable time period, as determined
23 by commissioner rule, issues raised by the monitoring of the
24 district under this section.

25 (f) The agency, or if approved by the agency, the Texas
26 School Safety Center, may identify, develop, and make available to
27 school districts information to assist districts in the

1 implementation and operation of safety and security requirements,
2 including relevant:

- 3 (1) guidelines;
- 4 (2) techniques;
- 5 (3) blueprints;
- 6 (4) best practices; and
- 7 (5) procedures.

8 (g) The agency, the Texas School Safety Center, and school
9 districts may share information described by Subsection (f) with
10 one another.

11 (h) The agency may require a school district to submit
12 information necessary for the agency to monitor the implementation
13 and operation of school district safety and security requirements
14 under this section, including:

15 (1) notice of an event requiring a district's
16 emergency response; and

17 (2) information regarding the district's response and
18 use of emergency operations procedures during an event described by
19 Subdivision (1).

20 (i) The agency may review school district records as
21 necessary to ensure compliance with this subchapter and Subchapter
22 G.

23 (j) Any document or information collected, identified,
24 developed, or produced relating to the monitoring of school
25 district safety and security requirements under this section is
26 confidential under Sections 418.177 and 418.181, Government Code,
27 and not subject to disclosure under Chapter 552, Government Code.

1 (k) The commissioner may adopt rules as necessary to
2 administer this section.

3 Sec. 37.1084. REGIONAL SCHOOL SAFETY REVIEW TEAMS. (a) In
4 this section:

5 (1) "Office" means the office of school safety and
6 security established under Section 37.1083.

7 (2) "Team" means a school safety review team
8 established under this section.

9 (b) The office shall establish a school safety review team
10 in each region served by a regional education service center. A
11 team shall twice annually conduct on-site vulnerability
12 assessments of each school district campus in the team's region. In
13 conducting a vulnerability assessment, a team must:

14 (1) use a rubric developed by the office in
15 consultation with the Texas School Safety Center;

16 (2) not later than the seventh day before the date of a
17 scheduled assessment, notify the superintendent of the school
18 district in which the campus being assessed is located; and

19 (3) on completion of the assessment, provide to the
20 superintendent and school safety and security committee
21 established under Section 37.109 for the school district in which
22 the campus is located a report on the results of the assessment that
23 includes recommendations to address any deficiencies in campus
24 security identified by the team.

25 (c) A regional education service center shall provide
26 support as necessary to assist the region's team in conducting
27 on-site vulnerability assessments under this section.

1 (d) A report produced by a team under this section is
2 confidential and not subject to disclosure under Chapter 552,
3 Government Code.

4 SECTION 11. Section 37.2071, Education Code, is amended by
5 amending Subsections (a), (c), and (e) and adding Subsections (b-1)
6 and (e-1) to read as follows:

7 (a) The center shall establish a random or need-based cycle
8 for the center's review and verification of school district and
9 public junior college district multihazard emergency operations
10 plans adopted under Section 37.108. The cycle must:

11 (1) provide for each district's plan to be reviewed at
12 regular intervals as determined by the center; and

13 (2) if applicable to a school district's plan, be
14 approved by the agency.

15 (b-1) The center shall share with the agency a copy of each
16 school district multihazard emergency operations plan submitted
17 under Subsection (b) and any other information requested by the
18 agency regarding the review of a school district's multihazard
19 emergency operations plan.

20 (c) The center, or for a school district, the center and the
21 agency, shall review each district's multihazard emergency
22 operations plan submitted under Subsection (b) and:

23 (1) verify the plan meets the requirements of Section
24 37.108; or

25 (2) provide the district with written notice:

26 (A) describing the plan's deficiencies;

27 (B) including specific recommendations to

1 correct the deficiencies; and

2 (C) [(B)] stating that the district must correct
3 the deficiencies in its plan and resubmit the revised plan to the
4 center.

5 (e) The center, or for a school district, the center and the
6 agency, may approve a district multihazard emergency operations
7 plan that has deficiencies if the district submits a revised plan
8 that the center or the center and the agency, if applicable,
9 determines will correct the deficiencies.

10 (e-1) A school district multihazard emergency operations
11 plan may not be verified or approved under this section without the
12 agency's approval.

13 SECTION 12. Section 37.2091, Education Code, is amended by
14 adding Subsection (b-1) to read as follows:

15 (b-1) The center must receive approval from the agency
16 before adding to the registry a person providing school safety or
17 security consulting services to school districts.

18 SECTION 13. Section 48.115, Education Code, is amended by
19 amending Subsections (a) and (b) and adding Subsection (b-1) to
20 read as follows:

21 (a) A [~~From funds appropriated for that purpose, the~~
22 ~~commissioner shall provide to a~~] school district is entitled to an
23 annual allotment equal to the sum of the following amounts or a
24 greater [in the] amount provided by appropriation:

25 (1) \$10 for each student in average daily attendance,
26 plus \$1 for each student in average daily attendance per every \$50
27 by which the district's maximum basic allotment under Section

1 48.051 exceeds \$6,160, prorated as necessary; and

2 (2) \$15,000 per campus.

3 (b) Funds allocated under this section must be used to
4 improve school safety and security, including costs associated
5 with:

6 (1) securing school facilities, including:

7 (A) improvements to school infrastructure;

8 (B) the use or installation of physical barriers;

9 and

10 (C) the purchase and maintenance of:

11 (i) security cameras or other security
12 equipment; and

13 (ii) technology, including communications
14 systems or devices, that facilitates communication and information
15 sharing between students, school personnel, and first responders in
16 an emergency;

17 (2) providing security for the district, including:

18 (A) employing school district peace officers,
19 private security officers, and school marshals; and

20 (B) collaborating with local law enforcement
21 agencies, such as entering into a memorandum of understanding for
22 the assignment of school resource officers to schools in the
23 district;

24 (3) school safety and security measures [~~training and~~
25 ~~planning~~], including:

26 (A) active shooter and emergency response
27 training;

1 (B) prevention and treatment programs relating
2 to addressing adverse childhood experiences; and

3 (C) the prevention, identification, and
4 management of emergencies and threats, using evidence-based,
5 effective prevention practices and including:

6 (i) providing licensed counselors, social
7 workers, and individuals trained in restorative discipline and
8 restorative justice practices;

9 (ii) providing mental health personnel and
10 support;

11 (iii) providing behavioral health
12 services;

13 (iv) establishing threat reporting
14 systems; and

15 (v) developing and implementing programs
16 focused on restorative justice practices, culturally relevant
17 instruction, and providing mental health support; and

18 (4) providing programs related to suicide prevention,
19 intervention, and postvention.

20 (b-1) The agency may designate certain technologies that a
21 school district, in using funds allocated under this section, may
22 purchase only from a vendor approved by the agency.

23 SECTION 14. Section 65.003(a), Family Code, is amended to
24 read as follows:

25 (a) A child engages in truant conduct if the child is
26 required to attend school under Section 25.085, Education Code, and
27 fails to attend school on six [~~10~~] or more days or parts of days

1 within an eight-week [~~a six-month~~] period in the same school year.

2 SECTION 15. (a) As soon as practicable after the effective
3 date of this Act, the Texas Education Agency shall establish the
4 office of school safety and security and the governor shall appoint
5 the director of that office as required by Section 37.1083,
6 Education Code, as added by this Act.

7 (b) As soon as practicable after the office of school safety
8 and security has been established, the office shall establish
9 school safety review teams in each region served by a regional
10 education service center as required by Section 37.1084, Education
11 Code, as added by this Act.

12 SECTION 16. To the extent of any conflict, this Act prevails
13 over another Act of the 88th Legislature, Regular Session, 2023,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 17. Sections 7.028, 25.095, and 25.0951, Education
17 Code, as amended by this Act, Chapter 37, Education Code, as amended
18 by this Act, and Section 65.003, Family Code, as amended by this
19 Act, apply beginning with the 2023-2024 school year.

20 SECTION 18. (a) Except as provided by Subsection (b) of
21 this section, this Act takes effect immediately if it receives a
22 vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.

26 (b) Section 48.115, Education Code, as amended by this Act,
27 takes effect September 1, 2023.