

By: Manuel

H.B. No. 5102

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to safety and security audits at a school district or  
3 public junior college district and requiring deficiencies  
4 identified in those audits to be corrected.

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

6 SECTION 1. Section 37.108, Education Code, is amended by  
7 amending Subsections (b), (c), (c-1), and (c-2) and adding  
8 Subsections (b-2) and (c-3) to read as follows:

9 (b) At least once every two [~~three~~] years, each school  
10 district or public junior college district shall conduct a safety  
11 and security audit of the district's facilities. The audit must be  
12 conducted by [~~To the extent possible, a district shall follow~~  
13 ~~safety and security audit procedures developed by the Texas School~~  
14 ~~Safety Center or~~] a person included in the registry established by  
15 the Texas School Safety Center under Section 37.2091 who is not an  
16 employee of the district.

17 (b-2) If the results of a school district's or public junior  
18 college district's safety and security audit conducted under  
19 Subsection (b) identify deficiencies in the district's safety or  
20 security, the district shall correct the deficiencies by the date  
21 specified by the auditor. On or as soon as practicable after that  
22 date, the auditor shall conduct a follow-up audit to confirm  
23 whether the district has corrected the deficiencies.

24 (c) A school district or public junior college district

1 shall report the results of the safety and security audit conducted  
2 under Subsection (b) or a follow-up audit conducted under  
3 Subsection (b-2) to the district's board of trustees and, in the  
4 manner required by the Texas School Safety Center, to the Texas  
5 School Safety Center. A ~~The~~ report provided to the Texas School  
6 Safety Center under this subsection must be signed by:

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

9 (2) for a public junior college district, the  
10 president of the junior college district.

11 (c-1) Except as provided by Subsections ~~[Subsection]~~ (c-2)  
12 and (c-3), any document or information collected, developed, or  
13 produced during a safety and security audit conducted under  
14 Subsection (b) or a follow-up audit conducted under Subsection  
15 (b-2) is not subject to disclosure under Chapter 552, Government  
16 Code.

17 (c-2) A document relating to a school district's or public  
18 junior college district's multihazard emergency operations plan is  
19 subject to disclosure if the document enables a person to:

20 (1) verify that the district has established a plan  
21 and determine the agencies involved in the development of the plan  
22 and the agencies coordinating with the district to respond to an  
23 emergency, including the Department of State Health Services, local  
24 emergency services agencies, law enforcement agencies, health  
25 departments, and fire departments;

26 (2) verify that the district's plan was reviewed  
27 within the last 12 months and determine the specific review dates;

1           (3) verify that the plan addresses the five phases of  
2 emergency management under Subsection (a);

3           (4) verify that district employees have been trained  
4 to respond to an emergency and determine the types of training, the  
5 number of employees trained, and the person conducting the  
6 training;

7           (5) verify that each campus in the district has  
8 conducted mandatory emergency drills and exercises in accordance  
9 with the plan and determine the frequency of the drills;

10          (6) if the district is a school district, verify that  
11 the district has established a plan for responding to a train  
12 derailment if required under Subsection (d);

13          (7) verify that the district has completed a safety  
14 and security audit under Subsection (b) and determine the date the  
15 audit was conducted, the person conducting the audit, and the date  
16 the district presented the results of the audit to the district's  
17 board of trustees;

18          (8) verify that the district has corrected any  
19 deficiencies identified by a safety and security audit conducted  
20 under Subsection (b) by the date specified in the audit;

21          (9) verify that the district has addressed any  
22 recommendations by the district's board of trustees for improvement  
23 of the plan and determine the district's progress within the last 12  
24 months; and

25          (10) [~~9~~] if the district is a school district,  
26 verify that the district has established a visitor policy and  
27 identify the provisions governing access to a district building or

1 other district property.

2 (c-3) If the Texas School Safety Center receives a report  
3 under Subsection (c) on the results of a follow-up audit conducted  
4 under Subsection (b-2) indicating that a school district or public  
5 junior college district has failed to correct a deficiency  
6 identified in the preceding safety and security audit conducted  
7 under Subsection (b), the center shall notify the agency of the  
8 district's failure to correct the deficiency. The agency shall  
9 maintain on the agency's Internet website a publicly accessible  
10 list of school districts and public junior college districts for  
11 which the agency receives notice under this section.

12 SECTION 2. Section 37.108(b-2), Education Code, as added by  
13 this Act, applies only to a safety and security audit conducted  
14 under that section on or after the effective date of this Act.

15 SECTION 3. This Act takes effect September 1, 2023.