

1-1 By: Middleton, Hughes, Perry S.B. No. 763  
 1-2 (In the Senate - Filed February 7, 2023; March 1, 2023, read  
 1-3 first time and referred to Committee on Education; April 17, 2023,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 8, Nays 3; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14		X		
1-15		X		
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20		X		

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 763 By: Birdwell

1-22 A BILL TO BE ENTITLED  
 1-23 AN ACT

1-24 relating to allowing public schools to employ or accept as  
 1-25 volunteers chaplains to perform the duties of school counselors.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 33.002, Education Code, is amended by  
 1-28 adding Subsection (d) to read as follows:

1-29 (d) Notwithstanding Subsections (b) and (c) or any other  
 1-30 law, a school district or an open-enrollment charter school may  
 1-31 employ or accept as a volunteer a chaplain to perform the duties  
 1-32 required of a school counselor under this title. A chaplain  
 1-33 employed or volunteering under this subsection is not required to  
 1-34 be certified by the State Board for Educator Certification.

1-35 SECTION 2. Section 48.115(b), Education Code, is amended to  
 1-36 read as follows:

1-37 (b) Funds allocated under this section must be used to  
 1-38 improve school safety and security, including costs associated  
 1-39 with:

- 1-40 (1) securing school facilities, including:
  - 1-41 (A) improvements to school infrastructure;
  - 1-42 (B) the use or installation of physical barriers;
- 1-43 and
  - 1-44 (C) the purchase and maintenance of:
    - 1-45 (i) security cameras or other security
    - 1-46 equipment; and
    - 1-47 (ii) technology, including communications
    - 1-48 systems or devices, that facilitates communication and information
    - 1-49 sharing between students, school personnel, and first responders in
    - 1-50 an emergency;

- 1-51 (2) providing security for the district, including:
  - 1-52 (A) employing school district peace officers,
  - 1-53 private security officers, and school marshals; and
  - 1-54 (B) collaborating with local law enforcement
  - 1-55 agencies, such as entering into a memorandum of understanding for
  - 1-56 the assignment of school resource officers to schools in the
  - 1-57 district;

- 1-58 (3) school safety and security training and planning,
- 1-59 including:
  - 1-60 (A) active shooter and emergency response

2-1 training;

2-2 (B) prevention and treatment programs relating

2-3 to addressing adverse childhood experiences; and

2-4 (C) the prevention, identification, and

2-5 management of emergencies and threats, using evidence-based,

2-6 effective prevention practices and including:

2-7 (i) providing licensed counselors, social

2-8 workers, chaplains, and individuals trained in restorative

2-9 discipline and restorative justice practices;

2-10 (ii) providing mental health personnel and

2-11 support, including chaplains;

2-12 (iii) providing behavioral health

2-13 services, including services provided by chaplains;

2-14 (iv) establishing threat reporting

2-15 systems; and

2-16 (v) developing and implementing programs

2-17 focused on restorative justice practices, culturally relevant

2-18 instruction, and providing mental health support, including

2-19 support provided by chaplains; and

2-20 (4) providing programs related to suicide prevention,

2-21 intervention, and postvention, including programs provided by

2-22 chaplains.

2-23 SECTION 3. Each board of trustees of a school district and

2-24 each governing body of an open-enrollment charter school shall take

2-25 a record vote not later than six months after the effective date of

2-26 this Act on whether to adopt a policy authorizing a campus of the

2-27 district or school to hire or accept as a volunteer a chaplain under

2-28 Section 33.002(d), Education Code, as added by this Act.

2-29 SECTION 4. This Act applies beginning with the 2023-2024

2-30 school year.

2-31 SECTION 5. This Act takes effect immediately if it receives

2-32 a vote of two-thirds of all the members elected to each house, as

2-33 provided by Section 39, Article III, Texas Constitution. If this

2-34 Act does not receive the vote necessary for immediate effect, this

2-35 Act takes effect September 1, 2023.

2-36 \* \* \* \* \*