

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the school safety technical advisory committee and the school safety accountability program.

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

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. SCHOOL SAFETY ACCOUNTABILITY PROGRAM

Sec. 37.251. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the school safety technical advisory committee established under Section 37.252.

(2) "Chief of school safety and security" means the individual appointed by the governor as chief of school safety and security for the agency.

(3) "Law enforcement leadership officer" means:

(A) the chief of police of a school district police department;

(B) the chief or deputy chief of police of a municipality;

(C) a sheriff;

(D) a constable; or

(E) a highway patrol officer:

(i) designated by the public safety director of the Department of Public Safety; and

(ii) who holds a rank of lieutenant or

1 higher.

2 (4) "Program" means the school safety accountability
3 program established under this subchapter.

4 (5) "School exterior" means the outer walls, doors,
5 and windows of a school district or open-enrollment charter school
6 facility.

7 (6) "School guardian" means a person who, pursuant to
8 the written regulations or written authorization of a school
9 district or open-enrollment charter school under Section
10 46.03(a)(1)(A), Penal Code, is authorized to carry or possess a
11 specified weapon for the purpose of providing safety and security
12 on the physical premises of a school, any grounds or building on
13 which an activity sponsored by a school is being conducted, or a
14 passenger transportation vehicle of a school.

15 (7) "School interior" means the area inside of a
16 school district or open-enrollment charter school facility's outer
17 walls, including the facility's interior doors.

18 (8) "School perimeter" means the boundaries of the
19 real property or site on which a school district or open-enrollment
20 charter school campus is located.

21 (9) "School safety rating" means a school safety
22 accountability rating assigned under Section 37.258 to a school
23 district or open-enrollment charter school campus based on the
24 campus's school safety score.

25 (10) "School safety score" means the numeric school
26 safety score assigned to a school district or open-enrollment
27 charter school campus under Section 37.254.

1 Sec. 37.252. SCHOOL SAFETY TECHNICAL ADVISORY COMMITTEE.

2 (a) The agency shall establish the school safety technical
3 advisory committee to advise the agency regarding the school safety
4 accountability program established under this subchapter. The
5 committee is composed of:

6 (1) the following nine members, with the governor, the
7 lieutenant governor, and the speaker of the house of
8 representatives each appointing one member from each of the
9 following three categories:

10 (A) public school superintendents;

11 (B) law enforcement leadership officers; and

12 (C) persons serving in a school safety leadership
13 capacity other than as a law enforcement leadership officer; and

14 (2) two additional members appointed by the
15 commissioner, one of whom must be a teacher at a school district or
16 open-enrollment charter school.

17 (b) An individual may not be appointed under Subsection (a)
18 to serve on the committee as a law enforcement leadership officer
19 unless the individual has completed the initial training program
20 required by police chiefs under Section 96.641 and any continuing
21 education required for police chiefs under that section.

22 (c) A committee member serves a two-year term and may be
23 reappointed.

24 Sec. 37.253. ESTABLISHMENT OF PROGRAM. (a) The agency
25 shall establish a school safety accountability program to ensure
26 school district and open-enrollment charter school campuses
27 provide safe and secure environments.

1 (b) The chief of school safety and security shall oversee
2 and administer the program.

3 (c) The chief of school safety and security may lower a
4 school safety score assigned under Section 37.254 or school safety
5 rating based on a final audit report prepared by the agency under
6 Section 37.255. A decision by the chief of school safety and
7 security under this subsection is final and not subject to appeal.

8 Sec. 37.254. SCHOOL SAFETY SCORE. (a) Not later than
9 January 30 of each year, the agency shall assign each school
10 district and open-enrollment charter school campus a school safety
11 score. The school safety score must be:

12 (1) a number between zero and 100, with 100
13 representing a perfect score; and

14 (2) determined by an audit of campus school safety
15 based on the metrics of assessment developed under Section 37.256
16 conducted by:

17 (A) the district or school under Subsection (b);
18 or

19 (B) the agency under Section 37.255.

20 (b) Each school district and open-enrollment charter school
21 shall annually conduct an audit of the safety of each campus of the
22 district or school applying the metrics of assessment developed
23 under Section 37.256 to assign a school safety score to each campus.
24 The district or school shall submit the campus school safety score
25 assigned for each campus under this subsection to the agency in the
26 manner and form required by the commissioner.

27 Sec. 37.255. AGENCY AUDIT OF SCHOOL SAFETY. (a) The agency

1 shall annually conduct an audit of the school safety of 25 percent
2 of school district and open-enrollment charter school campuses in
3 this state. The audit must:

4 (1) apply the metrics of assessment developed under
5 Section 37.256; and

6 (2) assess the accuracy of school safety scores
7 submitted for the audited campus by a school district or
8 open-enrollment charter school under Section 37.254 for the
9 preceding three years.

10 (b) After completing an audit of a school district or
11 open-enrollment charter school campus under this section, the
12 agency shall provide a preliminary school safety audit report to
13 the district or school. The audited district or school may respond
14 in writing to the preliminary audit report.

15 (c) After issuing a preliminary audit report and
16 considering any response submitted by the school district or
17 open-enrollment charter school, the agency shall issue to the
18 district or school a final audit report of each audited campus that
19 includes a school safety score. A final audit report issued under
20 this section is not subject to appeal.

21 Sec. 37.256. METRICS OF ASSESSMENT. (a) The agency, in
22 consultation with the advisory committee, the Texas School Safety
23 Center, the Advanced Law Enforcement Rapid Response Training Center
24 at Texas State University--San Marcos, and other appropriate
25 stakeholders designated by the commissioner, shall develop
26 criteria for metrics of assessment to be applied in calculating
27 school safety scores under Sections 37.254 and 37.255 for each

1 school district and open-enrollment charter school campus.

2 (b) The metrics of assessment must, with respect to each
3 school district and open-enrollment charter school campus:

4 (1) evaluate separately each school perimeter,
5 exterior, and interior at the district or school; and

6 (2) include metrics for evaluating:

7 (A) whether all classroom and exterior doors
8 lock;

9 (B) the type of glass used in interior and
10 exterior windows, which may be divided into further categories
11 requiring the application of additional metrics;

12 (C) the type and location of exterior cameras
13 installed at the campus;

14 (D) the type and location of interior cameras
15 installed at the campus;

16 (E) the features of any school safety Internet
17 application used by the school, including if:

18 (i) a school lockdown or threat
19 automatically triggers the application to call or make a digital
20 directive announcement to the local 9-1-1 emergency call center;

21 (ii) the application integrates with
22 information reported through the Public Education Information
23 Management System (PEIMS); or

24 (iii) the application integrates with the
25 health information of school staff and students as necessary for
26 providing effective emergency medical treatment following a
27 disaster or emergency situation, including a staff member's or

- 1 student's blood type, medication allergies, and significant
2 diseases or health conditions;
- 3 (F) the frequency and type of active shooter and
4 other disaster drills;
- 5 (G) the security of exterior gates and fencing;
6 (H) the ease of access to the campus for an
7 intruder;
- 8 (I) safety procedures for student pick-up and
9 drop-off at the campus;
- 10 (J) the safety of campus parking lots used by
11 visitors and faculty;
- 12 (K) severe weather and disaster alerts and
13 preparedness;
- 14 (L) the availability of devices allowing for
15 two-way communication between campus administrators or campus
16 police, if applicable, and each classroom;
- 17 (M) the safety and storage of firearms at each
18 campus;
- 19 (N) the provision of security services at each
20 campus for which a school marshal is appointed or at which a school
21 guardian is authorized;
- 22 (O) for a campus at which a school resource
23 officer is assigned, coverage of school resource officers;
- 24 (P) for a campus at which peace officers
25 commissioned and employed by the district or school provide
26 services, data related to commissioned district or school peace
27 officers, including demographic information and information

1 concerning training and experience;

2 (Q) wireless Internet access, speed, and
3 availability on campus;

4 (R) information regarding the campus reported to
5 the agency under Section 38.0141; and

6 (S) any other safety criteria required by the
7 agency.

8 (c) In developing criteria for the metrics of assessment
9 under Subsection (a), the agency shall account for differences
10 among school district and open-enrollment charter school campuses
11 located in rural, urban, and suburban areas, including by
12 differentiating how metrics evaluated under Subsection (b)(2) are
13 applied in determining those differences.

14 Sec. 37.257. SCHOOL SAFETY MOBILE INTERNET APPLICATION
15 REQUIREMENTS. If a school district or open-enrollment charter
16 school provides a school safety mobile Internet application, the
17 application:

18 (1) must comply with the Health Insurance Portability
19 and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and
20 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
21 Section 1232g); and

22 (2) may only contain health information voluntarily
23 provided for integration in the application:

24 (A) for a student, by the student's parent or
25 guardian; or

26 (B) by an educator or other campus staff.

27 Sec. 37.258. SCHOOL SAFETY RATING. (a) The agency, with

1 input from the advisory committee, shall adopt a method for
2 converting a school safety score assigned under Section 37.254 to a
3 school safety rating for purposes of this section.

4 (b) Not later than January 30 of each year, the agency shall
5 assign each school district and open-enrollment charter school
6 campus, based on that campus's school safety score, a preliminary
7 school safety rating of:

8 (1) exceeds standards;

9 (2) meets standards; or

10 (3) does not meet standards.

11 (c) Not later than March 1, the agency shall assign a final
12 school safety rating of "exceeds standards," "meets standards," or
13 "does not meet standards" to each school district and
14 open-enrollment charter school campus, except a campus
15 implementing a remediation plan under a deadline established by
16 Section 37.259(e).

17 Sec. 37.259. CAMPUS REMEDIATION PLAN. (a) The principal of
18 a school district or open-enrollment charter school campus assigned
19 a preliminary school safety rating under Section 37.258 of "does
20 not meet standards" shall prepare a campus remediation plan.

21 (b) A campus remediation plan must:

22 (1) specifically address improvements to school
23 safety to be made at the campus prior to the beginning of the
24 following school year;

25 (2) for a school district campus, be prepared in
26 coordination with the board of trustees of the district;

27 (3) be approved by the board of trustees of the school

1 district or the governing body of the open-enrollment charter
2 school in which the campus is located, as applicable; and

3 (4) be submitted to the agency not later than the 45th
4 day after the date on which the preliminary school safety rating was
5 assigned.

6 (c) The chief of school safety and security shall evaluate
7 each campus remediation plan submitted under Subsection (b). If
8 the chief of school safety and security determines that a plan is
9 sufficient, the chief of school safety and security shall revise
10 the school safety rating assigned to the campus to the rating of
11 "meets standards."

12 (d) The agency shall notify the principal of the campus
13 whether the remediation plan is sufficient for the campus to be
14 assigned a revised school safety rating of "meets standards."

15 (e) After a remediation plan is determined to be sufficient
16 under this section, the advisory committee shall establish a
17 deadline by which the principal of a school district or
18 open-enrollment charter school must submit to the board of trustees
19 of the district or governing board of the school, as applicable,
20 documentation showing that the campus has implemented the
21 remediation plan.

22 (f) The chief of school safety and security has the sole
23 authority to revise a school safety rating under this section.

24 Sec. 37.260. CONFIDENTIALITY. The following information
25 produced under this subchapter is confidential and not subject to
26 disclosure under Chapter 552, Government Code:

27 (1) a school safety score, including data collected or

1 an audit report prepared by or in connection with determining or
2 assigning the school safety score;

3 (2) a preliminary school safety rating assigned under
4 Section 37.258; and

5 (3) a campus remediation plan prepared by a school
6 district or open-enrollment charter school under Section 37.259.

7 Sec. 37.261. RULES; DEADLINES. (a) The commissioner shall
8 adopt rules necessary to implement this subchapter, including rules
9 regarding requirements for further remediation by a school district
10 or open-enrollment charter school campus that submits a remediation
11 plan that is determined to be insufficient for purposes of Section
12 37.259.

13 (b) The commissioner may extend or modify a timeline or
14 deadline established by this subchapter.

15 Sec. 37.262. TEXAS SCHOOL SAFETY REPORT CARD. (a) Not
16 later than August 15 of each year, the agency shall publish on the
17 agency's Internet website the school safety report card, which
18 consists of a list of the most recently assigned final school safety
19 ratings under Section 37.258 for each school district and
20 open-enrollment charter school campus in the state.

21 (b) Each school district and open-enrollment charter school
22 shall annually provide either a copy of the school safety report
23 card or a link to the report card on the agency's Internet website
24 to each parent, guardian, or person standing in parental relation
25 to a student in the district or school.

26 SECTION 2. (a) Not later than October 1, 2023, the
27 commissioner of education shall establish the school safety

1 technical advisory committee required under Section 37.252,
2 Education Code, as added by this Act.

3 (b) Not later than January 30, 2026, the Texas Education
4 Agency shall assign each school district and open-enrollment
5 charter school campus:

6 (1) a school safety score under Section 37.254,
7 Education Code, as added by this Act; and

8 (2) a school safety rating under Section 37.258,
9 Education Code, as added by this Act.

10 SECTION 3. 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.