

1-1 By: West S.B. No. 1664
 1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Education; April 27, 2023,
 1-4 reported favorably by the following vote: Yeas 12, Nays 0;
 1-5 April 27, 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 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the establishment of the school safety technical
 1-24 advisory committee and the school safety accountability program.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 37, Education Code, is amended by adding
 1-27 Subchapter H to read as follows:

1-28 SUBCHAPTER H. SCHOOL SAFETY ACCOUNTABILITY PROGRAM

1-29 Sec. 37.251. DEFINITIONS. In this subchapter:

1-30 (1) "Advisory committee" means the school safety
 1-31 technical advisory committee established under Section 37.252.

1-32 (2) "Chief of school safety and security" means the
 1-33 individual appointed by the governor as chief of school safety and
 1-34 security for the agency.

1-35 (3) "Law enforcement leadership officer" means:

1-36 (A) the chief of police of a school district
 1-37 police department;

1-38 (B) the chief or deputy chief of police of a
 1-39 municipality;

1-40 (C) a sheriff;

1-41 (D) a constable; or

1-42 (E) a highway patrol officer:

1-43 (i) designated by the public safety
 1-44 director of the Department of Public Safety; and

1-45 (ii) who holds a rank of lieutenant or
 1-46 higher.

1-47 (4) "Program" means the school safety accountability
 1-48 program established under this subchapter.

1-49 (5) "School exterior" means the outer walls, doors,
 1-50 and windows of a school district or open-enrollment charter school
 1-51 facility.

1-52 (6) "School guardian" means a person who, pursuant to
 1-53 the written regulations or written authorization of a school
 1-54 district or open-enrollment charter school under Section
 1-55 46.03(a)(1)(A), Penal Code, is authorized to carry or possess a
 1-56 specified weapon for the purpose of providing safety and security
 1-57 on the physical premises of a school, any grounds or building on
 1-58 which an activity sponsored by a school is being conducted, or a
 1-59 passenger transportation vehicle of a school.

1-60 (7) "School interior" means the area inside of a
 1-61 school district or open-enrollment charter school facility's outer

2-1 walls, including the facility's interior doors.
2-2 (8) "School perimeter" means the boundaries of the
2-3 real property or site on which a school district or open-enrollment
2-4 charter school campus is located.
2-5 (9) "School safety rating" means a school safety
2-6 accountability rating assigned under Section 37.258 to a school
2-7 district or open-enrollment charter school campus based on the
2-8 campus's school safety score.
2-9 (10) "School safety score" means the numeric school
2-10 safety score assigned to a school district or open-enrollment
2-11 charter school campus under Section 37.254.
2-12 Sec. 37.252. SCHOOL SAFETY TECHNICAL ADVISORY COMMITTEE.
2-13 (a) The agency shall establish the school safety technical
2-14 advisory committee to advise the agency regarding the school safety
2-15 accountability program established under this subchapter. The
2-16 committee is composed of:
2-17 (1) the following nine members, with the governor, the
2-18 lieutenant governor, and the speaker of the house of
2-19 representatives each appointing one member from each of the
2-20 following three categories:
2-21 (A) public school superintendents;
2-22 (B) law enforcement leadership officers; and
2-23 (C) persons serving in a school safety leadership
2-24 capacity other than as a law enforcement leadership officer; and
2-25 (2) two additional members appointed by the
2-26 commissioner, one of whom must be a teacher at a school district or
2-27 open-enrollment charter school.
2-28 (b) An individual may not be appointed under Subsection (a)
2-29 to serve on the committee as a law enforcement leadership officer
2-30 unless the individual has completed the initial training program
2-31 required by police chiefs under Section 96.641 and any continuing
2-32 education required for police chiefs under that section.
2-33 (c) A committee member serves a two-year term and may be
2-34 reappointed.
2-35 Sec. 37.253. ESTABLISHMENT OF PROGRAM. (a) The agency
2-36 shall establish a school safety accountability program to ensure
2-37 school district and open-enrollment charter school campuses
2-38 provide safe and secure environments.
2-39 (b) The chief of school safety and security shall oversee
2-40 and administer the program.
2-41 (c) The chief of school safety and security may lower a
2-42 school safety score assigned under Section 37.254 or school safety
2-43 rating based on a final audit report prepared by the agency under
2-44 Section 37.255. A decision by the chief of school safety and
2-45 security under this subsection is final and not subject to appeal.
2-46 Sec. 37.254. SCHOOL SAFETY SCORE. (a) Not later than
2-47 January 30 of each year, the agency shall assign each school
2-48 district and open-enrollment charter school campus a school safety
2-49 score. The school safety score must be:
2-50 (1) a number between zero and 100, with 100
2-51 representing a perfect score; and
2-52 (2) determined by an audit of campus school safety
2-53 based on the metrics of assessment developed under Section 37.256
2-54 conducted by:
2-55 (A) the district or school under Subsection (b);
2-56 or
2-57 (B) the agency under Section 37.255.
2-58 (b) Each school district and open-enrollment charter school
2-59 shall annually conduct an audit of the safety of each campus of the
2-60 district or school applying the metrics of assessment developed
2-61 under Section 37.256 to assign a school safety score to each campus.
2-62 The district or school shall submit the campus school safety score
2-63 assigned for each campus under this subsection to the agency in the
2-64 manner and form required by the commissioner.
2-65 Sec. 37.255. AGENCY AUDIT OF SCHOOL SAFETY. (a) The agency
2-66 shall annually conduct an audit of the school safety of 25 percent
2-67 of school district and open-enrollment charter school campuses in
2-68 this state. The audit must:
2-69 (1) apply the metrics of assessment developed under

3-1 Section 37.256; and
 3-2 (2) assess the accuracy of school safety scores
 3-3 submitted for the audited campus by a school district or
 3-4 open-enrollment charter school under Section 37.254 for the
 3-5 preceding three years.
 3-6 (b) After completing an audit of a school district or
 3-7 open-enrollment charter school campus under this section, the
 3-8 agency shall provide a preliminary school safety audit report to
 3-9 the district or school. The audited district or school may respond
 3-10 in writing to the preliminary audit report.
 3-11 (c) After issuing a preliminary audit report and
 3-12 considering any response submitted by the school district or
 3-13 open-enrollment charter school, the agency shall issue to the
 3-14 district or school a final audit report of each audited campus that
 3-15 includes a school safety score. A final audit report issued under
 3-16 this section is not subject to appeal.
 3-17 Sec. 37.256. METRICS OF ASSESSMENT. (a) The agency, in
 3-18 consultation with the advisory committee, the Texas School Safety
 3-19 Center, the Advanced Law Enforcement Rapid Response Training Center
 3-20 at Texas State University--San Marcos, and other appropriate
 3-21 stakeholders designated by the commissioner, shall develop
 3-22 criteria for metrics of assessment to be applied in calculating
 3-23 school safety scores under Sections 37.254 and 37.255 for each
 3-24 school district and open-enrollment charter school campus.
 3-25 (b) The metrics of assessment must, with respect to each
 3-26 school district and open-enrollment charter school campus:
 3-27 (1) evaluate separately each school perimeter,
 3-28 exterior, and interior at the district or school; and
 3-29 (2) include metrics for evaluating:
 3-30 (A) whether all classroom and exterior doors
 3-31 lock;
 3-32 (B) the type of glass used in interior and
 3-33 exterior windows, which may be divided into further categories
 3-34 requiring the application of additional metrics;
 3-35 (C) the type and location of exterior cameras
 3-36 installed at the campus;
 3-37 (D) the type and location of interior cameras
 3-38 installed at the campus;
 3-39 (E) the features of any school safety Internet
 3-40 application used by the school, including if:
 3-41 (i) a school lockdown or threat
 3-42 automatically triggers the application to call or make a digital
 3-43 directive announcement to the local 9-1-1 emergency call center;
 3-44 (ii) the application integrates with
 3-45 information reported through the Public Education Information
 3-46 Management System (PEIMS); or
 3-47 (iii) the application integrates with the
 3-48 health information of school staff and students as necessary for
 3-49 providing effective emergency medical treatment following a
 3-50 disaster or emergency situation, including a staff member's or
 3-51 student's blood type, medication allergies, and significant
 3-52 diseases or health conditions;
 3-53 (F) the frequency and type of active shooter and
 3-54 other disaster drills;
 3-55 (G) the security of exterior gates and fencing;
 3-56 (H) the ease of access to the campus for an
 3-57 intruder;
 3-58 (I) safety procedures for student pick-up and
 3-59 drop-off at the campus;
 3-60 (J) the safety of campus parking lots used by
 3-61 visitors and faculty;
 3-62 (K) severe weather and disaster alerts and
 3-63 preparedness;
 3-64 (L) the availability of devices allowing for
 3-65 two-way communication between campus administrators or campus
 3-66 police, if applicable, and each classroom;
 3-67 (M) the safety and storage of firearms at each
 3-68 campus;
 3-69 (N) the provision of security services at each

4-1 campus for which a school marshal is appointed or at which a school
4-2 guardian is authorized;
4-3 (O) for a campus at which a school resource
4-4 officer is assigned, coverage of school resource officers;
4-5 (P) for a campus at which peace officers
4-6 commissioned and employed by the district or school provide
4-7 services, data related to commissioned district or school peace
4-8 officers, including demographic information and information
4-9 concerning training and experience;
4-10 (Q) wireless Internet access, speed, and
4-11 availability on campus;
4-12 (R) information regarding the campus reported to
4-13 the agency under Section 38.0141; and
4-14 (S) any other safety criteria required by the
4-15 agency.
4-16 (c) In developing criteria for the metrics of assessment
4-17 under Subsection (a), the agency shall account for differences
4-18 among school district and open-enrollment charter school campuses
4-19 located in rural, urban, and suburban areas, including by
4-20 differentiating how metrics evaluated under Subsection (b)(2) are
4-21 applied in determining those differences.
4-22 Sec. 37.257. SCHOOL SAFETY MOBILE INTERNET APPLICATION
4-23 REQUIREMENTS. If a school district or open-enrollment charter
4-24 school provides a school safety mobile Internet application, the
4-25 application:
4-26 (1) must comply with the Health Insurance Portability
4-27 and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and
4-28 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
4-29 Section 1232g); and
4-30 (2) may only contain health information voluntarily
4-31 provided for integration in the application:
4-32 (A) for a student, by the student's parent or
4-33 guardian; or
4-34 (B) by an educator or other campus staff.
4-35 Sec. 37.258. SCHOOL SAFETY RATING. (a) The agency, with
4-36 input from the advisory committee, shall adopt a method for
4-37 converting a school safety score assigned under Section 37.254 to a
4-38 school safety rating for purposes of this section.
4-39 (b) Not later than January 30 of each year, the agency shall
4-40 assign each school district and open-enrollment charter school
4-41 campus, based on that campus's school safety score, a preliminary
4-42 school safety rating of:
4-43 (1) exceeds standards;
4-44 (2) meets standards; or
4-45 (3) does not meet standards.
4-46 (c) Not later than March 1, the agency shall assign a final
4-47 school safety rating of "exceeds standards," "meets standards," or
4-48 "does not meet standards" to each school district and
4-49 open-enrollment charter school campus, except a campus
4-50 implementing a remediation plan under a deadline established by
4-51 Section 37.259(e).
4-52 Sec. 37.259. CAMPUS REMEDIATION PLAN. (a) The principal of
4-53 a school district or open-enrollment charter school campus assigned
4-54 a preliminary school safety rating under Section 37.258 of "does
4-55 not meet standards" shall prepare a campus remediation plan.
4-56 (b) A campus remediation plan must:
4-57 (1) specifically address improvements to school
4-58 safety to be made at the campus prior to the beginning of the
4-59 following school year;
4-60 (2) for a school district campus, be prepared in
4-61 coordination with the board of trustees of the district;
4-62 (3) be approved by the board of trustees of the school
4-63 district or the governing body of the open-enrollment charter
4-64 school in which the campus is located, as applicable; and
4-65 (4) be submitted to the agency not later than the 45th
4-66 day after the date on which the preliminary school safety rating was
4-67 assigned.
4-68 (c) The chief of school safety and security shall evaluate
4-69 each campus remediation plan submitted under Subsection (b). If

5-1 the chief of school safety and security determines that a plan is
5-2 sufficient, the chief of school safety and security shall revise
5-3 the school safety rating assigned to the campus to the rating of
5-4 "meets standards."

5-5 (d) The agency shall notify the principal of the campus
5-6 whether the remediation plan is sufficient for the campus to be
5-7 assigned a revised school safety rating of "meets standards."

5-8 (e) After a remediation plan is determined to be sufficient
5-9 under this section, the advisory committee shall establish a
5-10 deadline by which the principal of a school district or
5-11 open-enrollment charter school must submit to the board of trustees
5-12 of the district or governing board of the school, as applicable,
5-13 documentation showing that the campus has implemented the
5-14 remediation plan.

5-15 (f) The chief of school safety and security has the sole
5-16 authority to revise a school safety rating under this section.

5-17 Sec. 37.260. CONFIDENTIALITY. The following information
5-18 produced under this subchapter is confidential and not subject to
5-19 disclosure under Chapter 552, Government Code:

5-20 (1) a school safety score, including data collected or
5-21 an audit report prepared by or in connection with determining or
5-22 assigning the school safety score;

5-23 (2) a preliminary school safety rating assigned under
5-24 Section 37.258; and

5-25 (3) a campus remediation plan prepared by a school
5-26 district or open-enrollment charter school under Section 37.259.

5-27 Sec. 37.261. RULES; DEADLINES. (a) The commissioner shall
5-28 adopt rules necessary to implement this subchapter, including rules
5-29 regarding requirements for further remediation by a school district
5-30 or open-enrollment charter school campus that submits a remediation
5-31 plan that is determined to be insufficient for purposes of Section
5-32 37.259.

5-33 (b) The commissioner may extend or modify a timeline or
5-34 deadline established by this subchapter.

5-35 Sec. 37.262. TEXAS SCHOOL SAFETY REPORT CARD. (a) Not
5-36 later than August 15 of each year, the agency shall publish on the
5-37 agency's Internet website the school safety report card, which
5-38 consists of a list of the most recently assigned final school safety
5-39 ratings under Section 37.258 for each school district and
5-40 open-enrollment charter school campus in the state.

5-41 (b) Each school district and open-enrollment charter school
5-42 shall annually provide either a copy of the school safety report
5-43 card or a link to the report card on the agency's Internet website
5-44 to each parent, guardian, or person standing in parental relation
5-45 to a student in the district or school.

5-46 SECTION 2. (a) Not later than October 1, 2023, the
5-47 commissioner of education shall establish the school safety
5-48 technical advisory committee required under Section 37.252,
5-49 Education Code, as added by this Act.

5-50 (b) Not later than January 30, 2026, the Texas Education
5-51 Agency shall assign each school district and open-enrollment
5-52 charter school campus:

5-53 (1) a school safety score under Section 37.254,
5-54 Education Code, as added by this Act; and

5-55 (2) a school safety rating under Section 37.258,
5-56 Education Code, as added by this Act.

5-57 SECTION 3. This Act takes effect immediately if it receives
5-58 a vote of two-thirds of all the members elected to each house, as
5-59 provided by Section 39, Article III, Texas Constitution. If this
5-60 Act does not receive the vote necessary for immediate effect, this
5-61 Act takes effect September 1, 2023.

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