

By: Carona

S.B. No. 2323

A BILL TO BE ENTITLED

AN ACT

relating to the functions of the Texas School Safety Center and safety and security at public educational institutions.

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

SECTION 1. The heading to Section 37.108, Education Code, is amended to read as follows:

Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT.

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

(a) Each school district or institution of higher education shall adopt and implement a multihazard emergency operations plan for use in the district's facilities or in the institution of higher education [~~district schools~~]. The plan must address mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. The plan must provide for:

(1) [~~district~~] employee training in responding to an emergency;

(2) if the plan applies to a school district, mandatory school drills and exercises to prepare district students and employees for responding to an emergency;

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

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

7           (b) At least once every three years, each [~~a~~] school  
8 district or institution of higher education shall conduct a safety  
9 and security audit of the district's or institution's facilities.  
10 To the extent possible, a district or institution of higher  
11 education shall follow safety and security audit procedures  
12 developed by the Texas School Safety Center or a comparable public  
13 or private entity.

14           (c) A school district or institution of higher education  
15 shall report the results of the safety and security audit conducted  
16 under Subsection (b) to the district's board of trustees or the  
17 institution's board of regents, as applicable, and, in the manner  
18 required by the Texas School Safety Center, to the Texas School  
19 Safety Center.

20           (c-1) Except as provided by Subsection (c-3), any document  
21 or information collected, developed, or produced during a safety  
22 and security audit conducted under Subsection (b) is not subject to  
23 disclosure under Chapter 552, Government Code.

24           (c-3) A document relating to an institution of higher  
25 education's multihazard emergency operations plan is subject to  
26 disclosure if the document enables a person to:

27           (1) verify that the institution has established a plan

1 and determine the agencies involved in the development of the plan  
2 and the agencies coordinating with the institution to respond to an  
3 emergency, including local emergency services agencies, law  
4 enforcement agencies, and fire departments;

5 (2) verify that the institution's plan was reviewed  
6 within the last 12 months and determine the specific review dates;

7 (3) verify that the plan addresses the four phases of  
8 emergency management under Subsection (a);

9 (4) verify that institution employees have been  
10 trained to respond to an emergency and determine the types of  
11 training, the number of employees trained, and the person  
12 conducting the training;

13 (5) verify that each campus of the institution has  
14 conducted mandatory emergency drills and exercises in accordance  
15 with the plan and determine the frequency of the drills;

16 (6) verify that the institution has completed a safety  
17 and security audit under Subsection (b) and determine the date the  
18 audit was conducted, the person conducting the audit, and the date  
19 the institution presented the results of the audit to the board of  
20 regents;

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

25 (8) verify that the institution has established a  
26 visitor policy and identify the provisions governing access to an  
27 institution building or other institution property.

1       (e) In this section, "institution of higher education" has  
2 the meaning assigned by Section 61.003.

3       SECTION 3. Subchapter D, Chapter 37, Education Code, is  
4 amended by adding Section 37.109 to read as follows:

5       Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) In  
6 accordance with guidelines established by the Texas School Safety  
7 Center, each school district shall establish a school safety and  
8 security committee.

9       (b) The committee shall:

10       (1) participate on behalf of the district in  
11 developing and implementing emergency plans consistent with the  
12 district multihazard emergency operations plan required by Section  
13 37.108(a) to ensure that the plans reflect specific campus,  
14 facility, or support services needs;

15       (2) provide the district with any campus, facility, or  
16 support services information required in connection with a safety  
17 and security audit required by Section 37.108(b), a safety and  
18 security audit report required by Section 37.108(c), or another  
19 report required to be submitted by the district to the Texas School  
20 Safety Center; and

21       (3) review each report required to be submitted by the  
22 district to the Texas School Safety Center to ensure that the report  
23 contains accurate and complete information regarding each campus,  
24 facility, or support service in accordance with criteria  
25 established by the center.

26       SECTION 4. Section 37.202, Education Code, is amended to  
27 read as follows:

1           Sec. 37.202.   PURPOSE.   The purpose of the center is to serve  
2 as:

3           (1)   a central location for school safety and security  
4 information, including research, training, and technical  
5 assistance related to successful school safety and security  
6 programs; [~~and~~]

7           (2)   a central registry of persons providing school  
8 safety and security consulting services in the state; and

9           (3)   a resource for the prevention of youth violence  
10 and the promotion of safety in the state.

11           SECTION 5.   Subsection (a), Section 37.203, Education Code,  
12 as amended by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the  
13 80th Legislature, Regular Session, 2007, is reenacted to read as  
14 follows:

15           (a)   The center is advised by a board of directors composed  
16 of:

17           (1)   the attorney general, or the attorney general's  
18 designee;

19           (2)   the commissioner, or the commissioner's designee;

20           (3)   the executive director of the Texas Juvenile  
21 Probation Commission, or the executive director's designee;

22           (4)   the executive commissioner of the Texas Youth  
23 Commission, or the executive commissioner's designee;

24           (5)   the commissioner of the Department of State Health  
25 Services, or the commissioner's designee;

26           (6)   the commissioner of higher education, or the  
27 commissioner's designee; and

1           (7) the following members appointed by the governor  
2 with the advice and consent of the senate:

3           (A) a juvenile court judge;

4           (B) a member of a school district's board of  
5 trustees;

6           (C) an administrator of a public primary school;

7           (D) an administrator of a public secondary  
8 school;

9           (E) a member of the state parent-teacher  
10 association;

11          (F) a teacher from a public primary or secondary  
12 school;

13          (G) a public school superintendent who is a  
14 member of the Texas Association of School Administrators;

15          (H) a school district police officer or a peace  
16 officer whose primary duty consists of working in a public school;  
17 and

18          (I) two members of the public.

19           SECTION 6. Subsection (b), Section 37.203, Education Code,  
20 is amended to read as follows:

21           (b) Members of the board appointed under Subsection (a)(7)  
22 [~~(a)(6)~~] serve staggered two-year terms, with the terms of the  
23 members described by Subsections (a)(7)(A)-(E) [~~(a)(6)(A)-(E)~~]  
24 expiring on February 1 of each odd-numbered year and the terms of  
25 the members described by Subsections (a)(7)(F)-(I) [~~(a)(6)(F)-(I)~~]  
26 expiring on February 1 of each even-numbered year. A member may  
27 serve more than one term.

1 SECTION 7. Subsection (a), Section 37.207, Education Code,  
2 is amended to read as follows:

3 (a) The center shall develop a model safety and security  
4 audit procedure for use by school districts and institutions of  
5 higher education that includes:

6 (1) providing each district or institution with  
7 guidelines [~~and a training video~~] showing proper audit procedures;

8 (2) reviewing elements of each district or institution  
9 audit [~~, providing the results of the review to the district,~~] and  
10 making recommendations for improvements in the state based on that  
11 review [~~the audit~~]; and

12 (3) incorporating the findings of district and  
13 institution audits in a statewide report on school safety and  
14 security made available by the center to the public.

15 SECTION 8. Section 37.209, Education Code, is amended to  
16 read as follows:

17 Sec. 37.209. CENTER WEBSITE. The center shall develop and  
18 maintain an interactive Internet website that includes:

19 (1) quarterly news updates related to school safety  
20 and security and violence prevention;

21 (2) school crime data;

22 (3) a schedule of training and special events; and

23 (4) a list of persons who [~~approved by the board to~~]  
24 provide school safety or security consulting services in this state  
25 and are registered in accordance with Section 37.2091  
26 [~~presentations~~].

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

1 amended by adding Sections 37.2091 and 37.2121 to read as follows:

2 Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY  
3 OR SECURITY CONSULTING SERVICES. (a) In this section, "school  
4 safety or security consulting services" includes any service  
5 provided to a school district, institution of higher education,  
6 district facility, or campus by a person consisting of advice,  
7 information, recommendations, data collection, or safety and  
8 security audit services relevant to school safety and security,  
9 regardless of whether the person is paid for those services.

10 (b) The center shall establish a registry of persons  
11 providing school safety or security consulting services in this  
12 state.

13 (c) Each person providing school safety or security  
14 consulting services in this state shall register with the center in  
15 accordance with requirements established by the center. The  
16 requirements must include provisions requiring a person  
17 registering with the center to provide information regarding:

18 (1) the person's background, education, and experience  
19 that are relevant to the person's ability to provide knowledgeable  
20 and effective school safety or security consulting services; and

21 (2) any complaints or pending litigation relating to  
22 the person's provision of school safety or security consulting  
23 services.

24 (d) The registry is intended to serve only as an  
25 informational resource for school districts and institutions of  
26 higher education. The inclusion of a person in the registry is not  
27 an indication of the person's qualifications or ability to provide



1 school safety or security consulting services or that the center  
2 endorses the person's school safety or security consulting  
3 services.

4 (e) The center shall include information regarding the  
5 registry, including the number of persons registered and the  
6 general degree of school safety or security experience possessed by  
7 those persons, in the biennial report required by Section 37.216.

8 Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID  
9 AGREEMENTS. (a) The center shall identify and inform school  
10 districts of the types of entities, including local and regional  
11 authorities, other school districts, and emergency first  
12 responders, with whom school districts should customarily make  
13 efforts to enter into memoranda of understanding or mutual aid  
14 agreements addressing issues that affect school safety and  
15 security.

16 (b) The center shall develop guidelines regarding memoranda  
17 of understanding and mutual aid agreements between school districts  
18 and the entities identified in accordance with Subsection (a). The  
19 guidelines:

20 (1) must include descriptions of the provisions that  
21 should customarily be included in each memorandum or agreement with  
22 a particular type of entity;

23 (2) may include sample language for those provisions;  
24 and

25 (3) must be consistent with the Texas Statewide Mutual  
26 Aid System established under Subchapter E-1, Chapter 418,  
27 Government Code.

1       (c) The center shall encourage school districts to enter  
2 into memoranda of understanding and mutual aid agreements with  
3 entities identified in accordance with Subsection (a) that comply  
4 with the guidelines developed under Subsection (b).

5       (d) Each school district that enters into a memorandum of  
6 understanding or mutual aid agreement addressing issues that affect  
7 school safety and security shall, at the center's request, provide  
8 the following information to the center:

9           (1) the name of each entity with which the school  
10 district has entered into a memorandum of understanding or mutual  
11 aid agreement;

12           (2) the effective date of each memorandum or  
13 agreement; and

14           (3) a summary of each memorandum or agreement.

15       (e) The center shall include information regarding the  
16 center's efforts under this section in the report required by  
17 Section 37.216.

18       SECTION 10. Section 37.213, Education Code, is amended to  
19 read as follows:

20       Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In  
21 this section, "institution of higher education" has the meaning  
22 assigned by Section 61.003.

23       (b) The center, in cooperation with institutions of higher  
24 education and the division of emergency management in the office of  
25 the governor, shall coordinate the development of standards for  
26 institutions of higher education in the following areas:

27           (1) multihazard emergency operations plans;

1           (2) drills and exercises;

2           (3) risk assessment and hazard identification on a  
3 campus-specific and facility-specific basis to determine  
4 appropriate campus and facility information for inclusion in  
5 emergency operations plans; and

6           (4) required training for emergency management team  
7 members.

8           (c) The center shall make standards developed under  
9 Subsection (b) available to institutions of higher education  
10 through a variety of readily accessible methods.

11           (d) The center shall provide institutions of higher  
12 education with directed training, technical assistance, and  
13 published guidelines to ensure understanding and implementation of  
14 the standards developed under Subsection (b).

15           (e) The center shall research best practices regarding  
16 emergency preparedness of institutions of higher education and  
17 serve as a clearinghouse for that information.

18           (f) The center shall provide institutions of higher  
19 education with training, technical assistance, and published  
20 guidelines or templates, as appropriate, in the following areas:

21           (1) multihazard emergency operations plan  
22 development;

23           (2) drill and exercise development and  
24 implementation;

25           (3) mutual aid agreements;

26           (4) identification of equipment and funds that may be  
27 used by institutions of higher education in an emergency; and

1           (5) reporting in accordance with 20 U.S.C. Section  
2 1092(f) [~~An institution of higher education may use any appropriate~~  
3 ~~model plan developed by the center under Section 37.205(4).~~

4           ~~[(c) The center may provide an institution of higher~~  
5 ~~education with on-site technical assistance and safety training.~~

6           ~~[(d) The center may charge a fee to an institution of higher~~  
7 ~~education for assistance and training provided under Subsection~~  
8 ~~(c)].~~

9           SECTION 11. Section 37.216, Education Code, is amended to  
10 read as follows:

11           Sec. 37.216. BIENNIAL [~~ANNUAL~~] REPORT. (a) Not later than  
12 January [~~September~~] 1 of each odd-numbered year, the board shall  
13 provide a report to the governor, the legislature, the State Board  
14 of Education, and the agency.

15           (b) The biennial [~~annual~~] report must include any findings  
16 made by the center regarding school safety and security and the  
17 center's functions, budget information, and strategic planning  
18 initiatives of the center.

19           SECTION 12. Subchapter G, Chapter 37, Education Code, is  
20 amended by adding Section 37.2161 to read as follows:

21           Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT.  
22 (a) The center shall periodically provide a school safety and  
23 security progress report to the governor, the legislature, the  
24 State Board of Education, and the agency that contains current  
25 information regarding school safety and security in the school  
26 districts and institutions of higher education of this state based  
27 on:

1           (1) elements of each district's or institution's  
2 multihazard emergency operations plan required by Section  
3 37.108(a);

4           (2) elements of each district's or institution's  
5 safety and security audit required by Section 37.108(b); and

6           (3) any other report required to be submitted to the  
7 center.

8           (b) The center shall establish guidelines regarding the  
9 specific information to be included in the report required by this  
10 section.

11           (c) The center may provide the report required by this  
12 section in conjunction with the report required by Section 37.216.

13           SECTION 13. Subdivision (10), Section 418.004, Government  
14 Code, is amended to read as follows:

15           (10) "Local government entity" means a county,  
16 incorporated city, independent school district, institution of  
17 higher education, as defined by Section 61.003, Education Code,  
18 emergency services district, other special district, joint board,  
19 or other entity defined as a political subdivision under the laws of  
20 this state that maintains the capability to provide mutual aid.

21           SECTION 14. Section 37.210, Education Code, is repealed.

22           SECTION 15. Subsections (c-1) and (c-3), Section 37.108,  
23 Education Code, as added by this Act, apply only to a request for  
24 documents or information that is received by an institution of  
25 higher education on or after the effective date of this Act. A  
26 request for documents or information that was received before the  
27 effective date of this Act is governed by the law in effect on the

1 date the request was received, and the former law is continued in  
2 effect for that purpose.

3 SECTION 16. A person providing school safety or security  
4 consulting services in this state shall comply with Section  
5 37.2091, Education Code, as added by this Act, not later than  
6 January 1, 2010.

7 SECTION 17. This Act does not make an appropriation. A  
8 provision in this Act that creates a new governmental program,  
9 creates a new entitlement, or imposes a new duty on a governmental  
10 entity is not mandatory during a fiscal period for which the  
11 legislature has not made a specific appropriation to implement the  
12 provision.

13 SECTION 18. This Act takes effect September 1, 2009.