

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 at public educational institutions.

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

SECTION 1. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (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 [district] schools or in the institution of higher education. 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 to prepare district students and employees for responding to an emergency;

(3) measures to ensure coordination with local emergency management agencies, law enforcement, and fire departments in the event of an emergency; and

(4) the implementation of a security audit as required

1 by Subsection (b).

2 (b) At least once every two [~~three~~] years, a school district
3 or institution of higher education shall conduct a security audit
4 of the district's or institution's facilities. To the extent
5 possible, a district or institution of higher education shall
6 follow security audit procedures developed by the Texas School
7 Safety Center or a comparable public or private entity.

8 (c) A school district or institution of higher education
9 shall report the results of the security audit conducted under
10 Subsection (b) to the district's board of trustees or the
11 institution's board of regents, as applicable, and, in the manner
12 required by the Texas School Safety Center, to the Texas School
13 Safety Center.

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

16 SECTION 2. Subchapter D, Chapter 37, Education Code, is
17 amended by adding Section 37.109 to read as follows:

18 Sec. 37.109. SCHOOL SAFETY PLANNING COMMITTEE. (a) In
19 accordance with guidelines established by the Texas School Safety
20 Center, each campus in a school district shall establish a school
21 safety planning committee.

22 (b) The committee shall:

23 (1) participate on behalf of the campus in developing
24 and periodically updating the district multihazard emergency
25 operations plan required by Section 37.108(a) to ensure that the
26 plan reflects specific campus needs that are consistent with the
27 plan;

1 (2) provide the district with any campus-level
2 information required in connection with a security audit required
3 by Section 37.108(b), a security audit report required by Section
4 37.108(c), or another report required to be submitted by the
5 district to the Texas School Safety Center; and

6 (3) review each report required to be submitted by the
7 district to the Texas School Safety Center to ensure that the report
8 contains accurate and complete information regarding the campus, in
9 accordance with criteria established by the center.

10 SECTION 3. Section 37.202, Education Code, is amended to
11 read as follows:

12 Sec. 37.202. PURPOSE. The purpose of the center is to serve
13 as:

14 (1) a central location for school safety information,
15 including research, training, and technical assistance related to
16 successful school safety programs;

17 (2) a central registry of persons providing school
18 safety consulting services in the state; and

19 (3) [~~(2)~~] a resource for the prevention of youth
20 violence and the promotion of safety in the state.

21 SECTION 4. Section 37.207(a), Education Code, is amended to
22 read as follows:

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

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

1 (2) reviewing each district or institution audit,
2 providing the results of the review to the district or institution,
3 and making recommendations for improvements based on the audit; and

4 (3) incorporating the findings of district and
5 institution audits in a statewide report on school safety made
6 available by the center to the public.

7 SECTION 5. Section 37.209, Education Code, is amended to
8 read as follows:

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

11 (1) quarterly news updates related to school safety
12 and violence prevention;

13 (2) school crime data;

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

15 (4) a list of persons who ~~[approved by the board to]~~
16 provide school safety consulting services in this state and are
17 registered in accordance with Section 37.2091 [presentations].

18 SECTION 6. Subchapter G, Chapter 37, Education Code, is
19 amended by adding Sections 37.2091 and 37.2121 to read as follows:

20 Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY
21 CONSULTING SERVICES. (a) The center shall establish a registry of
22 persons providing school safety consulting services in this state.

23 (b) Each person providing school safety consulting services
24 in this state shall register with the center in accordance with
25 requirements established by the center. The requirements must
26 include provisions requiring a person registering with the center
27 to provide information regarding the person's background,

1 education, and experience that are relevant to the person's ability
2 to provide knowledgeable and effective school safety consulting
3 services.

4 (c) The registry is intended to serve only as an
5 informational resource for school districts. The inclusion of a
6 person in the registry is not an indication that the center endorses
7 the person's qualifications or ability to provide school safety
8 consulting services.

9 (d) The center shall include information regarding the
10 registry, including the number of persons registered and the
11 general degree of school safety experience possessed by those
12 persons, in the annual report required by Section 37.216.

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

20 (b) The center shall develop guidelines regarding memoranda
21 of understanding and mutual aid agreements between school districts
22 and the entities identified in accordance with Subsection (a). The
23 guidelines:

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

27 (2) may include sample language for those provisions;

1 and

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

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

9 (d) Each school district that enters into a memorandum of
10 understanding or mutual aid agreement addressing issues that affect
11 school safety shall provide a copy of the memorandum or agreement to
12 the center.

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

16 SECTION 7. Section 37.213, Education Code, is amended to
17 read as follows:

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

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

- 25 (1) emergency management plans;
26 (2) drills and exercises;
27 (3) risk assessment and hazard identification on a

1 campus-specific basis to determine appropriate campus information
2 for inclusion in emergency management plans; and

3 (4) required training for emergency management team
4 members.

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

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

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

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

18 (1) emergency management plan development;

19 (2) drill and exercise development and
20 implementation;

21 (3) mutual aid agreements;

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

24 (5) reporting in accordance with 20 U.S.C. Section
25 1092(f) [~~An institution of higher education may use any appropriate~~
26 model plan developed by the center under Section 37.205(4)].

27 ~~[(c) The center may provide an institution of higher~~

1 ~~education with on-site technical assistance and safety training.~~

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

5 SECTION 8. Subchapter G, Chapter 37, Education Code, is
6 amended by adding Section 37.2161 to read as follows:

7 Sec. 37.2161. SCHOOL SAFETY PROGRESS REPORT. (a) The
8 center shall periodically provide a school safety progress report
9 to the governor, the legislature, the State Board of Education, and
10 the agency that contains current information regarding school
11 safety in this state based on:

12 (1) each school district's multihazard emergency
13 operations plan required by Section 37.108(a);

14 (2) each school district's security audit required by
15 Section 37.108(b); and

16 (3) any other report required to be submitted to the
17 center.

18 (b) The center shall establish guidelines regarding the
19 specific information to be included in the report required by this
20 section.

21 (c) The center may provide the report required by this
22 section in conjunction with an annual report required by Section
23 37.216.

24 SECTION 9. Section 418.004(10), Government Code, is amended
25 to read as follows:

26 (10) "Local government entity" means a county,
27 incorporated city, independent school district, institution of

1 higher education, as defined by Section 61.003, Education Code,
2 emergency services district, other special district, joint board,
3 or other entity defined as a political subdivision under the laws of
4 this state that maintains the capability to provide mutual aid.

5 SECTION 10. Section 37.210, Education Code, is repealed.

6 SECTION 11. A person providing school safety consulting
7 services in this state shall comply with Section 37.2091, Education
8 Code, as added by this Act, not later than January 1, 2010.

9 SECTION 12. This Act takes effect September 1, 2009.