

1-1 By: Carona S.B. No. 2323
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Education; April 23, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 6, Nays 0; April 23, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2323 By: Van de Putte

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the functions of the Texas School Safety Center and
1-10 safety and security at public educational institutions.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 37.108, Education Code,
1-13 is amended to read as follows:

1-14 Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY
1-15 AND SECURITY AUDIT.

1-16 SECTION 2. Section 37.108, Education Code, is amended by
1-17 amending Subsections (a), (b), and (c) and adding Subsections (e)
1-18 and (f) to read as follows:

1-19 (a) Each school district or institution of higher education
1-20 shall adopt and implement a multihazard emergency operations plan
1-21 for use in the district's facilities or in the institution of higher
1-22 education [district schools]. The plan must address mitigation,
1-23 preparedness, response, and recovery as defined by the commissioner
1-24 of education or commissioner of higher education in conjunction
1-25 with the governor's office of homeland security. The plan must
1-26 provide for:

1-27 (1) [district] employee training in responding to an
1-28 emergency;

1-29 (2) if the plan applies to a school district,
1-30 mandatory school drills and exercises to prepare district students
1-31 and employees for responding to an emergency;

1-32 (3) measures to ensure coordination with the
1-33 Department of State Health Services and local emergency management
1-34 agencies, law enforcement, health departments, and fire
1-35 departments in the event of an emergency; and

1-36 (4) the implementation of a safety and security audit
1-37 as required by Subsection (b).

1-38 (b) At least once every three years, each [a] school
1-39 district or institution of higher education shall conduct a safety
1-40 and security audit of the district's or institution's facilities.
1-41 To the extent possible, a district or institution of higher
1-42 education shall follow safety and security audit procedures
1-43 developed by the Texas School Safety Center or a comparable public
1-44 or private entity.

1-45 (c) A school district or institution of higher education
1-46 shall report the results of the safety and security audit conducted
1-47 under Subsection (b) to the district's board of trustees or the
1-48 institution's board of regents, as applicable, and, in the manner
1-49 required by the Texas School Safety Center, to the Texas School
1-50 Safety Center.

1-51 (e) Notwithstanding any other provision of this section, an
1-52 institution of higher education is not required to comply with this
1-53 section unless sufficient funds are appropriated to the Texas
1-54 School Safety Center to pay the costs of compliance, as determined
1-55 by the center.

1-56 (f) In this section, "institution of higher education" has
1-57 the meaning assigned by Section 61.003.

1-58 SECTION 3. Subchapter D, Chapter 37, Education Code, is
1-59 amended by adding Section 37.109 to read as follows:

1-60 Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) In
1-61 accordance with guidelines established by the Texas School Safety
1-62 Center, each school district shall establish a school safety and
1-63 security committee.

- 2-1 (b) The committee shall:
- 2-2 (1) participate on behalf of the district in
- 2-3 developing and implementing emergency plans consistent with the
- 2-4 district multihazard emergency operations plan required by Section
- 2-5 37.108(a) to ensure that the plans reflect specific campus,
- 2-6 facility, or support services needs;
- 2-7 (2) provide the district with any campus, facility, or
- 2-8 support services information required in connection with a safety
- 2-9 and security audit required by Section 37.108(b), a safety and
- 2-10 security audit report required by Section 37.108(c), or another
- 2-11 report required to be submitted by the district to the Texas School
- 2-12 Safety Center; and
- 2-13 (3) review each report required to be submitted by the
- 2-14 district to the Texas School Safety Center to ensure that the report
- 2-15 contains accurate and complete information regarding each campus,
- 2-16 facility, or support service in accordance with criteria
- 2-17 established by the center.

2-18 SECTION 4. Section 37.202, Education Code, is amended to
2-19 read as follows:

2-20 Sec. 37.202. PURPOSE. The purpose of the center is to serve
2-21 as:

- 2-22 (1) a central location for school safety and security
- 2-23 information, including research, training, and technical
- 2-24 assistance related to successful school safety and security
- 2-25 programs; ~~and~~
- 2-26 (2) a central registry of persons providing school
- 2-27 safety and security consulting services in the state; and
- 2-28 (3) a resource for the prevention of youth violence
- 2-29 and the promotion of safety in the state.

2-30 SECTION 5. Subsection (a), Section 37.203, Education Code,
2-31 as amended by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the
2-32 80th Legislature, Regular Session, 2007, is reenacted to read as
2-33 follows:

2-34 (a) The center is advised by a board of directors composed
2-35 of:

- 2-36 (1) the attorney general, or the attorney general's
- 2-37 designee;
- 2-38 (2) the commissioner, or the commissioner's designee;
- 2-39 (3) the executive director of the Texas Juvenile
- 2-40 Probation Commission, or the executive director's designee;
- 2-41 (4) the executive commissioner of the Texas Youth
- 2-42 Commission, or the executive commissioner's designee;
- 2-43 (5) the commissioner of the Department of State Health
- 2-44 Services, or the commissioner's designee;
- 2-45 (6) the commissioner of higher education, or the
- 2-46 commissioner's designee; and
- 2-47 (7) the following members appointed by the governor
- 2-48 with the advice and consent of the senate:
 - 2-49 (A) a juvenile court judge;
 - 2-50 (B) a member of a school district's board of
 - 2-51 trustees;
 - 2-52 (C) an administrator of a public primary school;
 - 2-53 (D) an administrator of a public secondary
 - 2-54 school;
 - 2-55 (E) a member of the state parent-teacher
 - 2-56 association;
 - 2-57 (F) a teacher from a public primary or secondary
 - 2-58 school;
 - 2-59 (G) a public school superintendent who is a
 - 2-60 member of the Texas Association of School Administrators;
 - 2-61 (H) a school district police officer or a peace
 - 2-62 officer whose primary duty consists of working in a public school;
 - 2-63 and
 - 2-64 (I) two members of the public.

2-65 SECTION 6. Subsection (b), Section 37.203, Education Code,
2-66 is amended to read as follows:

2-67 (b) Members of the board appointed under Subsection (a)(7)
2-68 ~~[(a)(6)]~~ serve staggered two-year terms, with the terms of the
2-69 members described by Subsections (a)(7)(A)-(E) ~~[(a)(6)(A)-(E)]~~

3-1 expiring on February 1 of each odd-numbered year and the terms of
3-2 the members described by Subsections (a)(7)(F)-(I) [~~(a)(6)(F)-(I)~~]
3-3 expiring on February 1 of each even-numbered year. A member may
3-4 serve more than one term.

3-5 SECTION 7. Subsection (a), Section 37.207, Education Code,
3-6 is amended to read as follows:

3-7 (a) The center shall develop a model safety and security
3-8 audit procedure for use by school districts and institutions of
3-9 higher education that includes:

3-10 (1) providing each district or institution with
3-11 guidelines [~~and a training video~~] showing proper audit procedures;

3-12 (2) reviewing each district or institution audit [~~providing the results of the review to the district,~~]
3-13 and making
3-14 recommendations for improvements in the state based on the audit;
3-15 and

3-16 (3) incorporating the findings of district and
3-17 institution audits in a statewide report on school safety and
3-18 security made available by the center to the public.

3-19 SECTION 8. Section 37.209, Education Code, is amended to
3-20 read as follows:

3-21 Sec. 37.209. CENTER WEBSITE. The center shall develop and
3-22 maintain an interactive Internet website that includes:

3-23 (1) quarterly news updates related to school safety
3-24 and security and violence prevention;

3-25 (2) school crime data;

3-26 (3) a schedule of training and special events; and

3-27 (4) a list of persons who [~~approved by the board to~~]
3-28 provide school safety or security consulting services in this state
3-29 and are registered in accordance with Section 37.2091
3-30 [~~presentations~~].

3-31 SECTION 9. Subchapter G, Chapter 37, Education Code, is
3-32 amended by adding Sections 37.2091 and 37.2121 to read as follows:

3-33 Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY
3-34 OR SECURITY CONSULTING SERVICES. (a) In this section, "school
3-35 safety or security consulting services" includes any service
3-36 provided to a school district, institution of higher education,
3-37 district facility, or campus by a person consisting of advice,
3-38 information, recommendations, data collection, or safety and
3-39 security audit services relevant to school safety and security,
3-40 regardless of whether the person is paid for those services.

3-41 (b) The center shall establish a registry of persons
3-42 providing school safety or security consulting services in this
3-43 state.

3-44 (c) Each person providing school safety or security
3-45 consulting services in this state shall register with the center in
3-46 accordance with requirements established by the center. The
3-47 requirements must include provisions requiring a person
3-48 registering with the center to provide information regarding:

3-49 (1) the person's background, education, and experience
3-50 that are relevant to the person's ability to provide knowledgeable
3-51 and effective school safety or security consulting services; and

3-52 (2) any complaints or pending litigation relating to
3-53 the person's provision of school safety or security consulting
3-54 services.

3-55 (d) The registry is intended to serve only as an
3-56 informational resource for school districts and institutions of
3-57 higher education. The inclusion of a person in the registry is not
3-58 an indication of the person's qualifications or ability to provide
3-59 school safety or security consulting services or that the center
3-60 endorses the person's school safety or security consulting
3-61 services.

3-62 (e) The center shall include information regarding the
3-63 registry, including the number of persons registered and the
3-64 general degree of school safety or security experience possessed by
3-65 those persons, in the annual report required by Section 37.216.

3-66 Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID
3-67 AGREEMENTS. (a) The center shall identify and inform school
3-68 districts of the types of entities, including local and regional
3-69 authorities, other school districts, and emergency first

4-1 responders, with whom school districts should customarily make
4-2 efforts to enter into memoranda of understanding or mutual aid
4-3 agreements addressing issues that affect school safety and
4-4 security.

4-5 (b) The center shall develop guidelines regarding memoranda
4-6 of understanding and mutual aid agreements between school districts
4-7 and the entities identified in accordance with Subsection (a). The
4-8 guidelines:

4-9 (1) must include descriptions of the provisions that
4-10 should customarily be included in each memorandum or agreement with
4-11 a particular type of entity;

4-12 (2) may include sample language for those provisions;
4-13 and

4-14 (3) must be consistent with the Texas Statewide Mutual
4-15 Aid System established under Subchapter E-1, Chapter 418,
4-16 Government Code.

4-17 (c) The center shall encourage school districts to enter
4-18 into memoranda of understanding and mutual aid agreements with
4-19 entities identified in accordance with Subsection (a) that comply
4-20 with the guidelines developed under Subsection (b).

4-21 (d) Each school district that enters into a memorandum of
4-22 understanding or mutual aid agreement addressing issues that affect
4-23 school safety and security shall, at the center's request, provide
4-24 the following information to the center:

4-25 (1) the name of each entity with which the school
4-26 district has entered into a memorandum of understanding or mutual
4-27 aid agreement;

4-28 (2) the effective date of each memorandum or
4-29 agreement; and

4-30 (3) a summary of each memorandum or agreement.

4-31 (e) The center shall include information regarding the
4-32 center's efforts under this section in the report required by
4-33 Section 37.216.

4-34 SECTION 10. Section 37.213, Education Code, is amended to
4-35 read as follows:

4-36 Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In
4-37 this section, "institution of higher education" has the meaning
4-38 assigned by Section 61.003.

4-39 (b) The center, in cooperation with institutions of higher
4-40 education and the division of emergency management in the office of
4-41 the governor, shall coordinate the development of standards for
4-42 institutions of higher education in the following areas:

4-43 (1) multihazard emergency operations plans;

4-44 (2) drills and exercises;

4-45 (3) risk assessment and hazard identification on a
4-46 campus-specific and facility-specific basis to determine
4-47 appropriate campus and facility information for inclusion in
4-48 emergency operations plans; and

4-49 (4) required training for emergency management team
4-50 members.

4-51 (c) The center shall make standards developed under
4-52 Subsection (b) available to institutions of higher education
4-53 through a variety of readily accessible methods.

4-54 (d) The center shall provide institutions of higher
4-55 education with directed training, technical assistance, and
4-56 published guidelines to ensure understanding and implementation of
4-57 the standards developed under Subsection (b).

4-58 (e) The center shall research best practices regarding
4-59 emergency preparedness of institutions of higher education and
4-60 serve as a clearinghouse for that information.

4-61 (f) The center shall provide institutions of higher
4-62 education with training, technical assistance, and published
4-63 guidelines or templates, as appropriate, in the following areas:

4-64 (1) multihazard emergency operations plan
4-65 development;

4-66 (2) drill and exercise development and
4-67 implementation;

4-68 (3) mutual aid agreements;

4-69 (4) identification of equipment and funds that may be

5-1 used by institutions of higher education in an emergency; and
5-2 (5) reporting in accordance with 20 U.S.C. Section
5-3 1092(f).

5-4 (g) This section does not require an institution of higher
5-5 education to take action regarding implementation of a safety or
5-6 security measure unless the center determines that sufficient funds
5-7 are appropriated to the center to pay the costs of implementation
5-8 [An institution of higher education may use any appropriate model
5-9 plan developed by the center under Section 37.205(4)].

5-10 ~~[(c) The center may provide an institution of higher~~
5-11 ~~education with on-site technical assistance and safety training.~~

5-12 ~~[(d) The center may charge a fee to an institution of higher~~
5-13 ~~education for assistance and training provided under Subsection~~
5-14 ~~(e)].~~

5-15 SECTION 11. Section 37.216, Education Code, is amended to
5-16 read as follows:

5-17 Sec. 37.216. BIENNIAL [ANNUAL] REPORT. (a) Not later than
5-18 January [September] 1 of each odd-numbered year, the board shall
5-19 provide a report to the governor, the legislature, the State Board
5-20 of Education, and the agency.

5-21 (b) The biennial [annual] report must include any findings
5-22 made by the center regarding school safety and security and the
5-23 center's functions, budget information, and strategic planning
5-24 initiatives of the center.

5-25 SECTION 12. Subchapter G, Chapter 37, Education Code, is
5-26 amended by adding Section 37.2161 to read as follows:

5-27 Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT.

5-28 (a) The center shall periodically provide a school safety and
5-29 security progress report to the governor, the legislature, the
5-30 State Board of Education, and the agency that contains current
5-31 information regarding school safety and security in the school
5-32 districts and institutions of higher education of this state based
5-33 on:

5-34 (1) each district's or institution's multihazard
5-35 emergency operations plan required by Section 37.108(a);

5-36 (2) each district's or institution's safety and
5-37 security audit required by Section 37.108(b); and

5-38 (3) any other report required to be submitted to the
5-39 center.

5-40 (b) The center shall establish guidelines regarding the
5-41 specific information to be included in the report required by this
5-42 section.

5-43 (c) The center may provide the report required by this
5-44 section in conjunction with the report required by Section 37.216.

5-45 SECTION 13. Subdivision (10), Section 418.004, Government
5-46 Code, is amended to read as follows:

5-47 (10) "Local government entity" means a county,
5-48 incorporated city, independent school district, institution of
5-49 higher education, as defined by Section 61.003, Education Code,
5-50 emergency services district, other special district, joint board,
5-51 or other entity defined as a political subdivision under the laws of
5-52 this state that maintains the capability to provide mutual aid.

5-53 SECTION 14. Section 37.210, Education Code, is repealed.

5-54 SECTION 15. A person providing school safety or security
5-55 consulting services in this state shall comply with Section
5-56 37.2091, Education Code, as added by this Act, not later than
5-57 January 1, 2010.

5-58 SECTION 16. This Act takes effect September 1, 2009.

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