

BILL ANALYSIS

C.S.H.B. 348
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have observed that peace officers assigned to work in schools are not provided the training they need to help them develop specialized skills for working with children in an academic environment. C.S.H.B. 348 seeks to provide for specific education and training to help school peace officers respond appropriately to incidents in a school environment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 348 amends the Occupations Code to prohibit a peace officer from serving as a school district peace officer for more than 30 days unless the peace officer has completed a 16-hour or longer education and training program approved by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and has received a certificate issued by TCLEOSE for such completion. The bill prohibits a peace officer from serving as a school resource officer for more than 90 days unless the officer has completed such a program and has received such a certificate. The bill specifies that a peace officer who has received comparable education and training through the Bexar County children's crisis intervention training program or the Texas School Safety Center at Texas State University is not required to complete the education and training program approved by TCLEOSE to serve as a school district peace officer or school resource officer. The bill requires TCLEOSE to issue a professional achievement or proficiency certificate to a peace officer on successful completion of a commission-approved education and training program or one of the described comparable education and training programs described by the bill's provisions.

C.S.H.B. 348 requires TCLEOSE to appoint 12 members to a school resource curriculum committee to develop the curriculum for the education and training program under the bill's provisions. The bill sets out the required membership and composition of the committee and specifies that members serve two-year terms. The bill requires the committee to develop the curriculum based on the model curriculum used for the Bexar County children's crisis intervention training program and requires TCLEOSE, not later than March 31, 2012, to approve the curriculum. The bill requires the curriculum to incorporate learning objectives regarding the following: child and adolescent development and psychology; positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques; force usage limitations, including physical restraint, and de-escalation techniques; children with disabilities or special needs, including mental or behavioral health needs; and cultural competency. The bill authorizes the committee, after developing the program, to review and revise the curriculum for the program annually or as the committee determines necessary and requires any revision to be approved by TCLEOSE. The bill authorizes the committee, in carrying out its duties, to use technology, including teleconferencing or videoconferencing, to eliminate travel expenses.

C.S.H.B. 348 authorizes the education and training program to be provided as follows: as a collaborative model within a community that involves local stakeholders and incorporates didactic and experiential training using the best practice model of the Bexar County children's crisis intervention training program; by a school determined appropriate for operation under provisions of law relating to training programs for law enforcement officers and county jailers; or as an online training program sponsored by an online training provider if the training provider also provides training under those provisions of law. The bill authorizes a school district to offer additional, commission-approved preparatory education or training to its school district peace officers and school resource officers. The bill requires the superintendent of a school district that employs a peace officer or to which a school resource officer is assigned to maintain on file the certification issued to the officer by TCLEOSE under the bill's provisions. The bill prohibits TCLEOSE from suspending the license of a peace officer solely because the peace officer fails to meet the requirements of the bill's provisions.

C.S.H.B. 348 makes its provisions apply only to a school district peace officer commissioned by a board of trustees of a school district or a school resource officer assigned by the officer's employing subdivision to provide certain services and exempts from its provisions a peace officer while the peace officer is assigned to a school-sponsored event at which formal classroom instruction is not offered. The bill makes its provisions apply only to a school district peace officer or school resource officer who is serving or has been assigned, appointed, commissioned, or employed by a school district to serve in that capacity on or after March 31, 2012.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 348 contains provisions not included in the original making the bill's provisions apply to a commissioned school district peace officer or a school resource officer and exempting from the bill's provisions a peace officer while assigned to a certain school-sponsored event. The substitute differs from the original by prohibiting a peace officer from serving as a school resource officer for more than 90 days unless the officer has completed a 16-hour or longer education and training program approved by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and received a completion certificate, whereas the original prohibits a peace officer from serving as a school resource officer unless the officer has completed a 20-hour education and training program administered by TCLEOSE. The substitute contains a provision not included in the original prohibiting a peace officer from serving as a school district peace officer for more than 30 days unless the officer has completed a 16-hour or longer education and training program approved by TCLEOSE and received a completion certificate.

C.S.H.B. 348 contains a provision not included in the original providing for comparable education and training for a peace officer as an alternative to the required education and training program. The substitute contains a provision not included in the original requiring TCLEOSE to issue a professional achievement or proficiency certificate to a peace officer on successful completion of a program or training.

C.S.H.B. 348 differs from the original by requiring TCLEOSE to appoint a school resource curriculum committee to develop the curriculum for the education and training program, whereas the original requires the Texas Education Agency (TEA), in consultation with TCLEOSE, to develop the curriculum. The substitute contains provisions not included in the original setting out the committee's membership, composition, and terms and the criteria and procedures the committee must use in developing, reviewing, and revising the curriculum and in carrying out its duties. The substitute differs from the original, in the provision requiring the curriculum to incorporate learning objectives regarding children with disabilities or special needs, by

specifying that the required learning objective includes children with mental or behavioral health needs, whereas the original does not contain that specification.

C.S.H.B. 348 contains a provision not included in the original authorizing the education and training program to be provided as a collaborative model within a community that meets certain requirements. The substitute differs from the original by authorizing the program to be provided by an appropriate law enforcement officer training school or as an online training program sponsored by an online training provider that also provides law enforcement officer training, whereas the original authorizes the program to be provided as part of the training program maintained under law for law enforcement officers or as an online course. The substitute omits a provision included in the original requiring the TEA's periodic review of the program and curriculum every 24 months in consultation with TCLEOSE. The substitute contains a provision not included in the original requiring the superintendent of a school district that employs a peace officer or to which a school resource officer is assigned to maintain on file the relevant officer certification.

C.S.H.B. 348 omits provisions included in the original requiring each school resource officer and school district peace officer to complete at least eight hours of continuing education to continue to serve as security personnel for a school district and making conforming changes to reflect that requirement. The substitute omits a provision included in the original prohibiting a person from being employed as security personnel for a school district unless the person has successfully completed the education and training program.

C.S.H.B. 348 differs from the original by requiring TCLEOSE to approve the curriculum for the program not later than March 31, 2012, whereas the original requires TCLEOSE to adopt rules for the administration of the program and for continuing education not later than that date.

C.S.H.B. 348 differs from the original by making the bill's provisions apply only to a school district peace officer or school resource officer who is serving or has been assigned, appointed, commissioned, or employed by a school district to serve in that capacity on or after March 31, 2012, whereas the original makes the bill's provisions apply only to a school district peace officer, school resource officer, or security personnel member who is initially appointed, commissioned, or employed in that manner on or after that date.