

By: Bonnen

H.B. No. 2797

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to elimination of the requirement that school districts  
3 and public junior college districts conduct periodic safety and  
4 security audits of district facilities.

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

6 SECTION 1. Sections 37.108(a) and (c-2), Education Code,  
7 are amended to read as follows:

8 (a) Each school district or public junior college district  
9 shall adopt and implement a multihazard emergency operations plan  
10 for use in the district's facilities. The plan must address  
11 mitigation, preparedness, response, and recovery as defined by the  
12 commissioner of education or commissioner of higher education in  
13 conjunction with the governor's office of homeland security. The  
14 plan must provide for:

15 (1) district employee training in responding to an  
16 emergency;

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

20 (3) measures to ensure coordination with the  
21 Department of State Health Services and local emergency management  
22 agencies, law enforcement, health departments, and fire  
23 departments in the event of an emergency[~~, and~~

24 [~~(4) the implementation of a safety and security audit~~

1 ~~as required by Subsection (b)].~~

2 (c-2) A document relating to a school district's or public  
3 junior college district's multihazard emergency operations plan is  
4 subject to disclosure if the document enables a person to:

5 (1) verify that the district has established a plan  
6 and determine the agencies involved in the development of the plan  
7 and the agencies coordinating with the district to respond to an  
8 emergency, including the Department of State Health Services, local  
9 emergency services agencies, law enforcement agencies, health  
10 departments, and fire departments;

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

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

15 (4) verify that district employees have been trained  
16 to respond to an emergency and determine the types of training, the  
17 number of employees trained, and the person conducting the  
18 training;

19 (5) verify that each campus in the district has  
20 conducted mandatory emergency drills and exercises in accordance  
21 with the plan and determine the frequency of the drills;

22 (6) if the district is a school district, verify that  
23 the district has established a plan for responding to a train  
24 derailment if required under Subsection (d);

25 ~~(7) [verify that the district has completed a safety~~  
26 ~~and security audit under Subsection (b) and determine the date the~~  
27 ~~audit was conducted, the person conducting the audit, and the date~~

1 ~~the district presented the results of the audit to the district's~~  
2 ~~board of trustees,~~

3           ~~(8)~~ verify that the district has addressed any  
4 recommendations by the district's board of trustees for improvement  
5 of the plan and determine the district's progress within the last 12  
6 months; and

7           (8) ~~(9)~~ if the district is a school district, verify  
8 that the district has established a visitor policy and identify the  
9 provisions governing access to a district building or other  
10 district property.

11           SECTION 2. Section 37.109(b), Education Code, is amended to  
12 read as follows:

13           (b) The committee shall:

14           (1) participate on behalf of the district in  
15 developing and implementing emergency plans consistent with the  
16 district multihazard emergency operations plan required by Section  
17 37.108(a) to ensure that the plans reflect specific campus,  
18 facility, or support services needs;

19           (2) provide the district with any campus, facility, or  
20 support services information required in connection with a ~~[safety~~  
21 ~~and security audit required by Section 37.108(b), a safety and~~  
22 ~~security audit report required by Section 37.108(c), or another]~~  
23 report required to be submitted by the district to the Texas School  
24 Safety Center; and

25           (3) review each report required to be submitted by the  
26 district to the Texas School Safety Center to ensure that the report  
27 contains accurate and complete information regarding each campus,

1 facility, or support service in accordance with criteria  
2 established by the center.

3 SECTION 3. Section 37.2161(a), Education Code, is amended  
4 to read as follows:

5 (a) The center shall periodically provide a school safety  
6 and security progress report to the governor, the legislature, the  
7 State Board of Education, and the agency that contains current  
8 information regarding school safety and security in the school  
9 districts and public junior college districts of this state based  
10 on:

11 (1) elements of each district's multihazard emergency  
12 operations plan required by Section 37.108(a); and

13 (2) ~~[elements of each district's safety and security~~  
14 ~~audit required by Section 37.108(b); and~~

15 ~~[(3)]~~ any ~~[other]~~ report required to be submitted to  
16 the center.

17 SECTION 4. Sections 37.108(b), (c), and (c-1), Education  
18 Code, are repealed.

19 SECTION 5. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.