

BILL ANALYSIS

C.S.H.B. 3655
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Ensuring the safety of children in Texas schools is a primary concern of Texas citizens. The Texas School Safety Center currently provides information, training, research, and technical assistance to help implement safety and security programs for all independent school districts and junior colleges and aggregates data from those entities. In addition, the Department of Public Safety, through the Texas Division of Emergency Management, provides information and training to local and regional emergency management planners and stakeholders regarding response, mitigation, and recovery in emergencies. Interested parties contend that the state should bring together these and other expert resources and stakeholders to evaluate current school safety practices and develop best practices for use in school multihazard emergency operations planning. C.S.H.B. 3655 seeks to address these issues.

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. 3655 amends the Education Code to establish the School Safety Task Force to study, on an ongoing basis, best practices for school multihazard emergency operations planning and, based on those studies, to make recommendations to the legislature, the Texas School Safety Center, and the governor's office of homeland security. The bill establishes that the task force is composed of the chief of the Texas Division of Emergency Management, or the chief's designee, either of whom serves as the presiding officer of the task force; the training director of the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos, or the training director's designee; the chairperson of the Texas School Safety Center, or the chairperson's designee; and the agency director of the Texas A&M Engineering Extension Service, or the agency director's designee. The bill does not entitle a member of the task force to compensation for service on the task force but does entitle a member to reimbursement for actual and necessary expenses incurred in performing task force duties.

C.S.H.B. 3655 requires the task force, in performing its duties for schools, to consult with and consider recommendations from school district and school personnel, including school safety personnel and educators, and from first responders, emergency managers, local officials, representatives of appropriate nonprofit organizations, and other interested parties with knowledge and experience concerning school emergency operations planning. The bill requires the task force, not later than September 1 of each even-numbered year, to prepare and submit to the legislature a report concerning the results of the task force's most recent study, including any recommendations for statutory changes the task force considers necessary or appropriate to improve school multihazard emergency operations.

C.S.H.B. 3655 requires the Texas School Safety Center, in consultation with the School Safety Task Force, to develop a school safety certification program. The bill requires the Texas School

Safety Center to award a school safety certificate to a school district that has adopted and implemented a multihazard emergency operations plan that includes specified security and communication measures and an outline of safety training for school employees; that demonstrates to the center with current written self-audit processes that the district conducts at least one drill per year for each type of drill prescribed by the bill; that complies with statutory provisions for conducting and reporting the results of safety and security audits; and that meets any other eligibility criteria as recommended by the School Safety Task Force.

C.S.H.B. 3655 repeals a statutory provision requiring the Texas School Safety Center to develop security criteria that school districts may consider in the design of instructional facilities, and requires a school district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using funds allotted to the district to consider, in the design of the instructional facility, appropriate security criteria, rather than criteria developed by the center.

C.S.H.B. 3655 repeals Section 37.2051, Education Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3655 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 418, Government Code, is amended by adding Section 418.0426 to read as follows:

Sec. 418.0426. SCHOOL SAFETY ADVISORY COUNCIL.

(a) The Chief of the Texas Division of Emergency Management, or a designee of the Chief,

the Director of the Advanced Law Enforcement Rapid Response Training Center, or a designee of the Director,

the Director of the Texas School Safety Center, or a designee of the Director,

and

the Agency Director of the Texas A&M Engineering Extension Service, or a designee of the Agency Director, shall establish a School Safety Advisory Council.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

(Sec. 37.1081 compared to SECTION 2 of the introduced bill below)

Sec. 37.1082. SCHOOL SAFETY TASK FORCE.

(b) The task force is composed of:

(1) the chief of the Texas Division of Emergency Management, or the chief's designee;

(2) the training director of the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos, or the training director's designee;

(3) the chairperson of the Texas School Safety Center, or the chairperson's designee;

and

(4) the agency director of the Texas A&M Engineering Extension Service, or the agency director's designee.

(1) The Chief of the Texas Division of Emergency Management, or a designee of the Chief, shall serve as the chair of the School Safety Advisory Council.

(2) The council shall study best practices for use in school multi-hazard emergency operations planning in order to make recommendations to the Texas School Safety Center and the Office of Homeland Security.

(3) The council shall consider input from school safety personnel, first responders, emergency managers, local officials, school districts, educators, nonprofit organizations, and other stakeholders in order to make its recommendations.

(4) The council shall report its findings, including recommendations for any necessary statutory changes, to the legislature before September 1, 2014, and every subsequent even-numbered year.

No equivalent provision.

(c) The chief of the Texas Division of Emergency Management, or the chief's designee, shall serve as the presiding officer of the task force.

(a) The School Safety Task Force is established to:

(1) study, on an ongoing basis, best practices for school multihazard emergency operations planning; and

(2) based on those studies, make recommendations to the legislature, the Texas School Safety Center, and the governor's office of homeland security.

(d) A member of the task force is not entitled to compensation for service on the task force but is entitled to reimbursement for actual and necessary expenses incurred in performing task force duties.

(e) In performing the task force's duties under this section for schools, the task force shall consult with and consider recommendations from school district and school personnel, including school safety personnel and educators, and from first responders, emergency managers, local officials, representatives of appropriate nonprofit organizations, and other interested parties with knowledge and experience concerning school emergency operations planning.

(f) Not later than September 1 of each even-numbered year, the task force shall prepare and submit to the legislature a report concerning the results of the task force's most recent study, including any recommendations for statutory changes the task force considers necessary or appropriate to improve school multihazard emergency operations.

SECTION 2. Section 46.0081, Education Code, is amended to read as follows:

Sec. 46.0081. SECURITY CRITERIA IN DESIGN OF INSTRUCTIONAL FACILITIES. A school district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using funds allotted to the district under this subchapter shall consider, in the design of the instructional

facility, appropriate security criteria [developed by the Texas School Safety Center under Section 37.2051].

SECTION 2. Article 37.2051, Education Code, is amended to read as follows:

~~Sec. 37.2051. SECURITY CRITERIA FOR INSTRUCTIONAL FACILITIES. SCHOOL SAFETY CERTIFICATION PROGRAM.~~(a) The center, ~~shall develop security criteria that school districts may consider in the design of instructional facilities~~in consultation with the School Safety Advisory Council, shall create a School Safety Certification Program for school districts that meet the following eligibility criteria:

(1) in the district's multihazard emergency operations plan, the district includes physical security measures, a plan to communicate with parents and the media in the event of an emergency, and an outline of safety training for school personnel;
(Stricken language above is repealed in SECTION 3 of the substitute below.)

(2) the district demonstrates to the center that the district conducts a minimum of one emergency drill for lockdown, evacuation, reverse evacuation, weather, and shelter-in-place each year;

(3) the district has updated its school safety and security audit and reported the results to the Texas School Safety Center as required by Sec 37.108(c), Education Code; and

(4) other eligibility criteria as recommended by the School Safety Advisory Council under Sec. 418.0426, Government Code.

(SECTION 2 above strikes all of the current language of the section.)

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

Sec. 37.1081. SCHOOL SAFETY CERTIFICATION PROGRAM. (a) The Texas School Safety Center, in consultation with the School Safety Task Force established under Section 37.1082, shall develop a school safety certification program.

(b) The Texas School Safety Center shall award a school safety certificate to a school district that:

(1) has adopted and implemented a multihazard emergency operations plan as required under Section 37.108 and that includes in that plan:

(A) measures for security of facilities and grounds;

(B) measures for communication with parents and the media in the event of an emergency; and

(C) an outline of safety training for school employees;

(2) demonstrates to the center with current written self-audit processes that the district conducts at least one drill per year for each of the following types of drills:

(A) a school lockdown drill;

(B) an evacuation drill;

(C) a weather-related emergency drill;

(D) a reverse evacuation drill; and

(E) a shelter-in-place drill;

(3) is in compliance with Sections 37.108(b) and (c); and

(4) meets any other eligibility criteria as recommended by the School Safety Task Force.

SECTION 3. Section 37.2051, Education Code, is repealed.

SECTION 4. Same as introduced version.

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.