

By: Taylor of Galveston
(Bonnen of Brazoria)

S.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.

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

SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under

- 1 Section 28.025;
- 2 (F) special education programs under Subchapter
- 3 A, Chapter 29;
- 4 (G) bilingual education under Subchapter B,
- 5 Chapter 29;
- 6 (H) prekindergarten programs under Subchapter E
- 7 or E-1, Chapter 29;
- 8 (I) extracurricular activities under Section
- 9 33.081;
- 10 (J) discipline management practices or behavior
- 11 management techniques under Section 37.0021;
- 12 (K) health and safety under Chapter 38;
- 13 (L) public school accountability under
- 14 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 15 (M) the requirement under Section 21.006 to
- 16 report an educator's misconduct;
- 17 (N) intensive programs of instruction under
- 18 Section 28.0213; ~~and~~
- 19 (O) school safety requirements under Sections
- 20 37.108, 37.1083, 37.109, 37.112, and 37.207; and
- 21 (P) the right of a school employee to report a
- 22 crime, as provided by Section 37.148.

23 SECTION 2. Section 37.108, Education Code, is amended by

24 amending Subsections (b) and (c) and adding Subsections (e) and (f)

25 to read as follows:

26 (b) At least once every three years, each school district or

27 public junior college district shall conduct a safety and security

1 audit of the district's facilities. To the extent possible, a
2 district shall follow safety and security audit procedures
3 developed by the Texas School Safety Center or a person included in
4 the registry established by the Texas School Safety Center under
5 Section 37.2091 [~~comparable public or private entity~~].

6 (c) A school district or public junior college district
7 shall report the results of the safety and security audit conducted
8 under Subsection (b) to the district's board of trustees and, in the
9 manner required by the Texas School Safety Center, to the Texas
10 School Safety Center. The Texas School Safety Center shall compile
11 school district audit results and report them to the agency.

12 (e) A school district shall include in its multihazard
13 emergency operations plan:

14 (1) a chain of command that designates the individual
15 responsible for making final decisions during a disaster or
16 emergency situation and identifies other individuals responsible
17 for making those decisions if the designated person is unavailable;

18 (2) provisions for responding to a natural disaster,
19 active shooter, and any other dangerous scenario identified for
20 purposes of this section by the agency or the Texas School Safety
21 Center;

22 (3) provisions for ensuring the safety of students in
23 portable buildings;

24 (4) provisions for providing immediate notification
25 to parents, guardians, and other persons standing in parental
26 relation in circumstances involving a significant threat to the
27 health or safety of students, including identification of the

1 individual with responsibility for overseeing the notification;

2 (5) a statement of the amount per student expended by
3 the district on school safety; and

4 (6) the name of each individual on the district's
5 school safety and security committee established under Section
6 37.109 and the date of each committee meeting during the preceding
7 year.

8 (f) The Texas School Safety Center, in coordination with the
9 agency, shall develop the method to be used by a school district in
10 determining the amount per student expended by the district on
11 school safety for purposes of the statement required under
12 Subsection (e)(5). The method must include variable components
13 that reflect a district's size and geographic location.

14 SECTION 3. Subchapter D, Chapter 37, Education Code, is
15 amended by adding Section 37.1083 to read as follows:

16 Sec. 37.1083. AGENCY DUTIES REGARDING SCHOOL SAFETY
17 MEASURES. (a) The agency shall adopt a model multihazard
18 emergency operations plan that school districts may use in
19 developing district-specific multihazard emergency operations
20 plans as required by Section 37.108. To the extent possible, the
21 agency shall solicit input from the Texas School Safety Center
22 before adopting the model plan.

23 (b) The agency shall adopt a cycle for the agency's review
24 and approval of school district multihazard emergency operations
25 plans adopted under Section 37.108.

26 (c) A school district shall:

27 (1) submit its multihazard emergency operations plan

1 to the agency in accordance with the cycle adopted under Subsection
2 (b); and

3 (2) provide any additional information required by the
4 agency in connection with the agency's review of the plan.

5 (d) The Texas School Safety Center shall participate in the
6 agency's review and approval of school district multihazard
7 emergency operations plans and may provide a recommendation to the
8 agency regarding whether a plan complies with applicable standards.

9 (e) Regardless of whether the Texas School Safety Center
10 provides a recommendation under Subsection (d) and regardless of
11 the content of any recommendation provided, the agency shall make
12 an independent final determination of whether a school district's
13 multihazard emergency operations plan complies with applicable
14 standards.

15 (f) The agency shall post information on the agency's
16 Internet website that identifies each school district that:

17 (1) failed to submit the district's multihazard
18 emergency operations plan for agency review and approval in
19 accordance with the cycle adopted under Subsection (b);

20 (2) submitted a multihazard emergency operations plan
21 that did not comply with an applicable standard; or

22 (3) failed the school safety and security audit
23 required to be conducted under Section [37.108\(b\)](#).

24 (g) The commissioner may adopt rules necessary to implement
25 this section.

26 SECTION 4. Section [37.109](#), Education Code, is amended by
27 adding Subsections (a-1), (c), and (d) and amending Subsection (b)

1 to read as follows:

2 (a-1) The committee must include:

3 (1) a representative of a local fire department,
4 emergency services agency, or other emergency services provider;

5 (2) a representative of a local police department;

6 (3) a representative of a municipality with territory
7 included within the boundaries of the district;

8 (4) the president of the district's board of trustees;

9 (5) a member of the district's board of trustees other
10 than the president;

11 (6) the district's superintendent; and

12 (7) two additional members designated by the
13 district's superintendent.

14 (b) The committee shall:

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

20 (2) periodically provide recommendations regarding
21 updating the district multihazard emergency operations plan
22 required by Section [37.108\(a\)](#) in accordance with best practices
23 identified by the agency, the Texas School Safety Center, or a
24 person included in the registry established by the Texas School
25 Safety Center under Section [37.2091](#);

26 (3) provide the district with any campus, facility, or
27 support services information required in connection with a safety

1 and security audit required by Section 37.108(b), a safety and
2 security audit report required by Section 37.108(c), or another
3 report required to be submitted by the district to the Texas School
4 Safety Center; and

5 (4) [~~(3)~~] review each report required to be submitted
6 by the district to the Texas School Safety Center to ensure that the
7 report contains accurate and complete information regarding each
8 campus, facility, or support service in accordance with criteria
9 established by the center.

10 (c) Except as otherwise provided by this subsection, the
11 committee shall meet at least once during each academic semester
12 and at least once during the summer. A committee established by a
13 school district that operates schools on a year-round system or in
14 accordance with another alternative schedule shall meet at least
15 three times during each calendar year, with an interval of at least
16 two months between each meeting.

17 (d) The committee is subject to Chapter 551, Government
18 Code. Notice of a committee meeting must be posted in the same
19 manner as notice of a meeting of the district's board of trustees.

20 SECTION 5. Subchapter D, Chapter 37, Education Code, is
21 amended by adding Section 37.112 to read as follows:

22 Sec. 37.112. NOTIFICATION REGARDING BOMB THREAT OR
23 TERRORISTIC THREAT. A school district that receives a bomb threat
24 or terroristic threat relating to a campus or other district
25 facility at which students are present shall provide notification
26 of the threat as soon as possible to the parent or guardian of or
27 other person standing in parental relation to each student who is

1 assigned to the campus or who regularly uses the facility, as
2 applicable.

3 SECTION 6. Section 37.207, Education Code, is amended by
4 amending Subsection (b) and adding Subsection (c) to read as
5 follows:

6 (b) Each school district shall report the results of its
7 audits to:

8 (1) the center in the manner required by the center;
9 and

10 (2) the agency, in accordance with commissioner rule.

11 (c) The agency shall provide assistance to the center in
12 developing the model safety and security audit procedure.

13 SECTION 7. Not later than January 1, 2018, the Texas School
14 Safety Center shall:

15 (1) develop a list of best practices for ensuring the
16 safety of public school students receiving instruction in portable
17 buildings; and

18 (2) provide information regarding the list of best
19 practices to school districts using portable buildings for student
20 instruction.

21 SECTION 8. The commissioner of education is required to
22 implement this Act only if the legislature appropriates money
23 specifically for that purpose. If the legislature does not
24 appropriate money specifically for that purpose, the commissioner
25 of education may, but is not required to, implement this Act using
26 other appropriations available for the purpose.

27 SECTION 9. This Act takes effect September 1, 2017.