

By: Taylor of Galveston

S.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of school districts, open-enrollment charter
3 schools, and the Texas Education Agency regarding multihazard
4 emergency operations plans and other school safety measures.

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

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

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

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

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

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

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

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

21 (D) accelerated instruction under Section
22 28.0211;

23 (E) high school graduation requirements under
24 Section 28.025;

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

22 SECTION 2. Section 37.108, Education Code, is amended by
23 amending Subsections (b) and (c) and adding Subsection (e) to read
24 as follows:

25 (b) At least once every three years, each school district or
26 public junior college district shall conduct a safety and security
27 audit of the district's facilities. To the extent possible, a

1 district shall follow safety and security audit procedures
2 developed by the Texas School Safety Center or a school safety
3 services provider on the list maintained by the agency under
4 Section 37.1083(e) [~~comparable public or private entity~~].

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

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

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

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

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

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

1 and

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

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

6 Sec. 37.1083. AGENCY DUTIES REGARDING SCHOOL SAFETY
7 MEASURES. (a) The agency, with assistance from the Texas School
8 Safety Center, shall adopt a model multihazard emergency operations
9 plan that school districts may use in developing district-specific
10 multihazard emergency operations plans as required by Section
11 37.108.

12 (b) The agency shall adopt a cycle for the agency's review
13 and approval of school district multihazard emergency operations
14 plans adopted under Section 37.108. The cycle must be organized so
15 that every six months the agency reviews the plans of approximately
16 one-fourth of the school districts in this state.

17 (c) A school district shall:

18 (1) submit its multihazard emergency operations plan
19 to the agency in accordance with the cycle adopted under Subsection
20 (b); and

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

23 (d) The agency shall post information on the agency's
24 Internet website that identifies each school district that:

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

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

3 (3) failed the school safety and security audit
4 required to be conducted under Section 37.108(b).

5 (e) The agency shall maintain a list of school safety
6 service providers approved by the agency.

7 (f) The commissioner may adopt rules necessary to implement
8 this section.

9 SECTION 4. Section 37.109, Education Code, is amended by
10 adding Subsections (a-1), (c), and (d) and amending Subsection (b)
11 to read as follows:

12 (a-1) The committee must include:

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

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

16 (3) a representative of a municipality with territory
17 included within the boundaries of the district;

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

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

21 (6) the district's superintendent; and

22 (7) two additional members designated by the
23 district's superintendent.

24 (b) The committee shall:

25 (1) participate on behalf of the district in
26 developing and implementing emergency plans consistent with the
27 district multihazard emergency operations plan required by Section

1 37.108(a) to ensure that the plans reflect specific campus,
2 facility, or support services needs;

3 (2) periodically provide recommendations regarding
4 updating the district multihazard emergency operations plan
5 required by Section 37.108(a) in accordance with best practices
6 identified by the agency, the Texas School Safety Center, or a
7 school safety service provider on the list maintained by the agency
8 under Section 37.1083(e);

9 (3) provide the district with any campus, facility, or
10 support services information required in connection with a safety
11 and security audit required by Section 37.108(b), a safety and
12 security audit report required by Section 37.108(c), or another
13 report required to be submitted by the district to the Texas School
14 Safety Center; and

15 (4) [~~3~~] review each report required to be submitted
16 by the district to the Texas School Safety Center to ensure that the
17 report contains accurate and complete information regarding each
18 campus, facility, or support service in accordance with criteria
19 established by the center.

20 (c) Except as otherwise provided by this subsection, the
21 committee shall meet at least once during each academic semester
22 and at least once during the summer. A committee established by a
23 school district that operates schools on a year-round system or in
24 accordance with another alternative schedule shall meet at least
25 three times during each calendar year, with an interval of at least
26 two months between each meeting.

27 (d) The committee is subject to Chapter 551, Government

1 Code. Notice of a committee meeting must be posted in the same
2 manner as notice of a meeting of the district's board of trustees.

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

5 Sec. 37.112. NOTIFICATION REGARDING BOMB THREAT OR
6 TERRORISTIC THREAT. A school district that receives a bomb threat
7 or terroristic threat relating to a campus or other district
8 facility at which students are present shall provide notification
9 of the threat as soon as possible to the parent or guardian of or
10 other person standing in parental relation to each student who is
11 assigned to the campus or who regularly uses the facility, as
12 applicable.

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

16 (b) Each school district shall report the results of its
17 audits to:

18 (1) the center in the manner required by the center;

19 and

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

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

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

25 (1) develop a list of best practices for ensuring the
26 safety of public school students receiving instruction in portable
27 buildings; and

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

4 SECTION 8. This Act takes effect September 1, 2017.