

1-1 By: Taylor of Galveston S.B. No. 2078
 1-2 (In the Senate - Filed March 10, 2017; March 28, 2017, read
 1-3 first time and referred to Committee on Education; May 3, 2017,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 9, Nays 2; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines		X		
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin		X		
1-16 Uresti	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 2078 By: Taylor of Galveston

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the duties of school districts, open-enrollment charter
 1-23 schools, the Texas Education Agency, and the Texas School Safety
 1-24 Center regarding multihazard emergency operations plans and other
 1-25 school safety measures.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 12.104(b), Education Code, is amended to
 1-28 read as follows:

1-29 (b) An open-enrollment charter school is subject to:

1-30 (1) a provision of this title establishing a criminal
 1-31 offense; and

1-32 (2) a prohibition, restriction, or requirement, as
 1-33 applicable, imposed by this title or a rule adopted under this
 1-34 title, relating to:

1-35 (A) the Public Education Information Management
 1-36 System (PEIMS) to the extent necessary to monitor compliance with
 1-37 this subchapter as determined by the commissioner;

1-38 (B) criminal history records under Subchapter C,
 1-39 Chapter 22;

1-40 (C) reading instruments and accelerated reading
 1-41 instruction programs under Section 28.006;

1-42 (D) accelerated instruction under Section
 1-43 28.0211;

1-44 (E) high school graduation requirements under
 1-45 Section 28.025;

1-46 (F) special education programs under Subchapter
 1-47 A, Chapter 29;

1-48 (G) bilingual education under Subchapter B,
 1-49 Chapter 29;

1-50 (H) prekindergarten programs under Subchapter E
 1-51 or E-1, Chapter 29;

1-52 (I) extracurricular activities under Section
 1-53 33.081;

1-54 (J) discipline management practices or behavior
 1-55 management techniques under Section 37.0021;

1-56 (K) health and safety under Chapter 38;

1-57 (L) public school accountability under
 1-58 Subchapters B, C, D, E, F, G, and J, Chapter 39;

1-59 (M) the requirement under Section 21.006 to
 1-60 report an educator's misconduct;

2-1 (N) intensive programs of instruction under
2-2 Section 28.0213; ~~and~~
2-3 (O) school safety requirements under Sections
2-4 37.108, 37.1083, 37.109, 37.112, and 37.207; and

2-5 (P) the right of a school employee to report a
2-6 crime, as provided by Section 37.148.

2-7 SECTION 2. Section 37.108, Education Code, is amended by
2-8 amending Subsections (b) and (c) and adding Subsections (e) and (f)
2-9 to read as follows:

2-10 (b) At least once every three years, each school district or
2-11 public junior college district shall conduct a safety and security
2-12 audit of the district's facilities. To the extent possible, a
2-13 district shall follow safety and security audit procedures
2-14 developed by the Texas School Safety Center or a person included in
2-15 the registry established by the Texas School Safety Center under
2-16 Section 37.2091 ~~[comparable public or private entity]~~.

2-17 (c) A school district or public junior college district
2-18 shall report the results of the safety and security audit conducted
2-19 under Subsection (b) to the district's board of trustees and, in the
2-20 manner required by the Texas School Safety Center, to the Texas
2-21 School Safety Center. The Texas School Safety Center shall compile
2-22 school district audit results and report them to the agency.

2-23 (e) A school district shall include in its multihazard
2-24 emergency operations plan:

2-25 (1) a chain of command that designates the individual
2-26 responsible for making final decisions during a disaster or
2-27 emergency situation and identifies other individuals responsible
2-28 for making those decisions if the designated person is unavailable;

2-29 (2) provisions for responding to a natural disaster,
2-30 active shooter, and any other dangerous scenario identified for
2-31 purposes of this section by the agency or the Texas School Safety
2-32 Center;

2-33 (3) provisions for ensuring the safety of students in
2-34 portable buildings;

2-35 (4) provisions for providing immediate notification
2-36 to parents, guardians, and other persons standing in parental
2-37 relation in circumstances involving a significant threat to the
2-38 health or safety of students, including identification of the
2-39 individual with responsibility for overseeing the notification;

2-40 (5) a statement of the amount per student expended by
2-41 the district on school safety; and

2-42 (6) the name of each individual on the district's
2-43 school safety and security committee established under Section
2-44 37.109 and the date of each committee meeting during the preceding
2-45 year.

2-46 (f) The Texas School Safety Center, in coordination with the
2-47 agency, shall develop the method to be used by a school district in
2-48 determining the amount per student expended by the district on
2-49 school safety for purposes of the statement required under
2-50 Subsection (e)(5). The method must include variable components
2-51 that reflect a district's size and geographic location.

2-52 SECTION 3. Subchapter D, Chapter 37, Education Code, is
2-53 amended by adding Section 37.1083 to read as follows:

2-54 Sec. 37.1083. AGENCY DUTIES REGARDING SCHOOL SAFETY
2-55 MEASURES. (a) The agency shall adopt a model multihazard
2-56 emergency operations plan that school districts may use in
2-57 developing district-specific multihazard emergency operations
2-58 plans as required by Section 37.108. To the extent possible, the
2-59 agency shall solicit input from the Texas School Safety Center
2-60 before adopting the model plan.

2-61 (b) The agency shall adopt a cycle for the agency's review
2-62 and approval of school district multihazard emergency operations
2-63 plans adopted under Section 37.108.

2-64 (c) A school district shall:

2-65 (1) submit its multihazard emergency operations plan
2-66 to the agency in accordance with the cycle adopted under Subsection
2-67 (b); and

2-68 (2) provide any additional information required by the
2-69 agency in connection with the agency's review of the plan.

3-1 (d) The Texas School Safety Center shall participate in the
3-2 agency's review and approval of school district multihazard
3-3 emergency operations plans and may provide a recommendation to the
3-4 agency regarding whether a plan complies with applicable standards.

3-5 (e) Regardless of whether the Texas School Safety Center
3-6 provides a recommendation under Subsection (d) and regardless of
3-7 the content of any recommendation provided, the agency shall make
3-8 an independent final determination of whether a school district's
3-9 multihazard emergency operations plan complies with applicable
3-10 standards.

3-11 (f) The agency shall post information on the agency's
3-12 Internet website that identifies each school district that:

3-13 (1) failed to submit the district's multihazard
3-14 emergency operations plan for agency review and approval in
3-15 accordance with the cycle adopted under Subsection (b);

3-16 (2) submitted a multihazard emergency operations plan
3-17 that did not comply with an applicable standard; or

3-18 (3) failed the school safety and security audit
3-19 required to be conducted under Section 37.108(b).

3-20 (g) The commissioner may adopt rules necessary to implement
3-21 this section.

3-22 SECTION 4. Section 37.109, Education Code, is amended by
3-23 adding Subsections (a-1), (c), and (d) and amending Subsection (b)
3-24 to read as follows:

3-25 (a-1) The committee must include:

3-26 (1) a representative of a local fire department,
3-27 emergency services agency, or other emergency services provider;

3-28 (2) a representative of a local police department;

3-29 (3) a representative of a municipality with territory
3-30 included within the boundaries of the district;

3-31 (4) the president of the district's board of trustees;

3-32 (5) a member of the district's board of trustees other
3-33 than the president;

3-34 (6) the district's superintendent; and

3-35 (7) two additional members designated by the
3-36 district's superintendent.

3-37 (b) The committee shall:

3-38 (1) participate on behalf of the district in
3-39 developing and implementing emergency plans consistent with the
3-40 district multihazard emergency operations plan required by Section
3-41 37.108(a) to ensure that the plans reflect specific campus,
3-42 facility, or support services needs;

3-43 (2) periodically provide recommendations regarding
3-44 updating the district multihazard emergency operations plan
3-45 required by Section 37.108(a) in accordance with best practices
3-46 identified by the agency, the Texas School Safety Center, or a
3-47 person included in the registry established by the Texas School
3-48 Safety Center under Section 37.2091;

3-49 (3) provide the district with any campus, facility, or
3-50 support services information required in connection with a safety
3-51 and security audit required by Section 37.108(b), a safety and
3-52 security audit report required by Section 37.108(c), or another
3-53 report required to be submitted by the district to the Texas School
3-54 Safety Center; and

3-55 (4) ~~(3)~~ review each report required to be submitted
3-56 by the district to the Texas School Safety Center to ensure that the
3-57 report contains accurate and complete information regarding each
3-58 campus, facility, or support service in accordance with criteria
3-59 established by the center.

3-60 (c) Except as otherwise provided by this subsection, the
3-61 committee shall meet at least once during each academic semester
3-62 and at least once during the summer. A committee established by a
3-63 school district that operates schools on a year-round system or in
3-64 accordance with another alternative schedule shall meet at least
3-65 three times during each calendar year, with an interval of at least
3-66 two months between each meeting.

3-67 (d) The committee is subject to Chapter 551, Government
3-68 Code. Notice of a committee meeting must be posted in the same
3-69 manner as notice of a meeting of the district's board of trustees.

4-1 SECTION 5. Subchapter D, Chapter 37, Education Code, is
4-2 amended by adding Section 37.112 to read as follows:

4-3 Sec. 37.112. NOTIFICATION REGARDING BOMB THREAT OR
4-4 TERRORISTIC THREAT. A school district that receives a bomb threat
4-5 or terroristic threat relating to a campus or other district
4-6 facility at which students are present shall provide notification
4-7 of the threat as soon as possible to the parent or guardian of or
4-8 other person standing in parental relation to each student who is
4-9 assigned to the campus or who regularly uses the facility, as
4-10 applicable.

4-11 SECTION 6. Section 37.207, Education Code, is amended by
4-12 amending Subsection (b) and adding Subsection (c) to read as
4-13 follows:

4-14 (b) Each school district shall report the results of its
4-15 audits to:

4-16 (1) the center in the manner required by the center;
4-17 and

4-18 (2) the agency, in accordance with commissioner rule.

4-19 (c) The agency shall provide assistance to the center in
4-20 developing the model safety and security audit procedure.

4-21 SECTION 7. Not later than January 1, 2018, the Texas School
4-22 Safety Center shall:

4-23 (1) develop a list of best practices for ensuring the
4-24 safety of public school students receiving instruction in portable
4-25 buildings; and

4-26 (2) provide information regarding the list of best
4-27 practices to school districts using portable buildings for student
4-28 instruction.

4-29 SECTION 8. The commissioner of education is required to
4-30 implement this Act only if the legislature appropriates money
4-31 specifically for that purpose. If the legislature does not
4-32 appropriate money specifically for that purpose, the commissioner
4-33 of education may, but is not required to, implement this Act using
4-34 other appropriations available for the purpose.

4-35 SECTION 9. This Act takes effect September 1, 2017.

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