

BILL ANALYSIS

C.S.H.B. 3470
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As school safety concerns take on an increasing sense of urgency, school police are becoming a common presence on public school campuses in Texas. However, it has been suggested that an unintended consequence of their increased presence is their involvement with incidents or administrative tasks that may not address a safety or security issue but are instead ordinary student discipline or student monitoring matters. Some parents have expressed concern that this practice unnecessarily places children into contact with the juvenile or criminal justice system for age-appropriate misbehavior. C.S.H.B. 3470 seeks to address this issue by providing for the clarification of the duties of school district peace officers, school resource officers, and security personnel.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 3470 amends the Education Code to authorize the board of trustees of any public school district to enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers. The bill provides for the board's determination of the jurisdiction of a school resource officer in the same manner as for a district peace officer or security personnel. The bill requires the board to determine the law enforcement duties of school resource officers and security personnel, in addition to such duties of district peace officers, and requires those duties to be included in the district improvement plan, the student code of conduct, any memorandum of understanding providing for a school resource officer, and any other campus or district document describing the role of those officers and personnel in the district.

C.S.H.B. 3470 prohibits a district from assigning or requiring routine student discipline or school administrative tasks as duties of a district peace officer, school resource officer, or security personnel. The bill requires the district board, in determining the law enforcement duties, to coordinate with district campus behavior coordinators and other district employees to ensure that the officers and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

C.S.H.B. 3470 authorizes the governing board of the Texas School for the Deaf to enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers in the same manner as a district board of trustees under these provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3470 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a prohibition against a district assigning or requiring as duties of a district peace officer, school resource officer, or security personnel contact with students unrelated to the law enforcement duties of the officer or personnel.