86R988 MEW/GCB/ADM/LHC/YDB-D

By:  Miles S.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

relating to public school safety measures, access to mental health professionals in public schools and during certain emergencies, access to criminal history and mental health records, and access to firearms; requiring a certificate for employment as a school behavioral counselor; creating a criminal offense; increasing a criminal penalty.

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

ARTICLE 1. PUBLIC SCHOOL SAFETY MEASURES

SECTION 1.01.  Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.068 to read as follows:

Sec. 7.068.  STUDY OF SAFETY STANDARDS FOR INSTRUCTIONAL FACILITIES. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b)  The commissioner shall conduct a study on building standards and security for instructional facilities to ensure that instructional facilities provide a safe and secure environment. The commissioner shall consider methods to improve the security of instructional facilities, including:

(1)  potential use of metal detectors, deadbolts, or locks for certain doors;

(2)  methods to ensure greater control of entrances, exits, and external access;

(3)  installation of security or alarm systems in instructional facilities;

(4)  methods for the improvement, renovation, or retrofitting of existing instructional facilities; and

(5)  design and construction standards for new instructional facilities.

(c)  The study shall include specific recommendations for building standards and security improvements for school districts classified by the agency into the following community types:

(1)  major urban;

(2)  major suburban;

(3)  other central city;

(4)  other central city suburban;

(5)  independent town;

(6)  non-metropolitan: fast growing;

(7)  non-metropolitan: stable;

(8)  rural; and

(9)  charter school districts.

(d)  In conducting the study, the commissioner shall consult with the Texas School Safety Center and any other experts in school safety and security or the design of instructional facilities determined by the commissioner to be appropriate.

(e)  Not later than December 1, 2020, the commissioner shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over public education the results of the study and recommendations for legislative or other action.

(f)  This section expires December 1, 2021.

SECTION 1.02.  Section 12.104, Education Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1)  The governing body of an open-enrollment charter school may:

(1)  commission peace officers and employ security personnel in the same manner as a board of trustees of a school district under Sections 37.081 and 37.08101; and

(2)  enter into a memorandum of understanding with a local law enforcement agency to assign a school resource officer, as that term is defined by Section 1701.601, Occupations Code, to the school.

(a-2)  A reference in law to a peace officer commissioned under Section 37.081 includes a peace officer commissioned by the governing body of an open-enrollment charter school in accordance with Subsection (a-1), and a charter school peace officer has the same powers, duties, and immunities as a peace officer commissioned under that section.

SECTION 1.03.  Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and 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 Section 28.025;

(F)  special education programs under Subchapter A, Chapter 29;

(G)  bilingual education under Subchapter B, Chapter 29;

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

(I)  extracurricular activities under Section 33.081;

(J)  discipline management practices or behavior management techniques under Section 37.0021;

(K)  health and safety under Chapter 38;

(L)  public school accountability under Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

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

(N)  intensive programs of instruction under Section 28.0213;

(O)  the right of a school employee to report a crime, as provided by Section 37.148; [~~and~~]

(P)  bullying prevention policies and procedures under Section 37.0832;

(Q)  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; [~~and~~]

(R)  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(S) [~~(P)~~]  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d); and

(T)  school safety requirements under Sections 37.108, 37.1082, 37.109, and 37.207.

SECTION 1.04.  Section 30.052(l), Education Code, is amended to read as follows:

(l)  The governing board of the Texas School for the Deaf may employ security personnel and may commission peace officers in the same manner as a board of trustees of a school district under Sections [~~Section~~] 37.081 and 37.08101.

SECTION 1.05.  Section 37.006, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1)  engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2)  commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A)  engages in conduct punishable as a felony;

(B)  engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, against a person other than a person described in Paragraph (B-1);

(B-1)  except as provided by Subsection (a-1), engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), (2), or (3), Penal Code, against a school district employee or a volunteer as defined by Section 22.053;

(C)  sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i)  marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(ii)  a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(D)  sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E)  engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code; or

(F)  engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.

(a-1)  If a principal or other appropriate administrator, including a campus behavior coordinator, determines that extraordinary circumstances apply, the principal or administrator is not required to place a student in a disciplinary alternative education program for conduct described by Subsection (a)(2)(B-1).

SECTION 1.06.  Section 37.0081(a), Education Code, is amended to read as follows:

(a)  Subject to Subsection (h), but notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and elect to place the student in an alternative setting as provided by Subsection (a-1) if:

(1)  the student:

(A)  has received deferred prosecution under Section 53.03, Family Code, for conduct defined as:

(i)  a felony offense in Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code;

(B)  has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:

(i)  a felony offense in Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code;

(C)  is charged with engaging in conduct defined as:

(i)  a felony offense in Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code;

(D)  has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as:

(i)  a felony offense in Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code;

(E)  has received probation or deferred adjudication for:

(i)  a felony offense under Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code;

(F)  has been convicted of:

(i)  a felony offense under Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code; or

(G)  has been arrested for or charged with:

(i)  a felony offense under Title 5, Penal Code, or Chapter 46, Penal Code; or

(ii)  an [~~the felony~~] offense [~~of aggravated robbery~~] under Section 29.03, 42.072, 42.09, or 42.092, Penal Code, or Chapter 71, Penal Code; and

(2)  the board or the board's designee determines that the student's presence in the regular classroom:

(A)  threatens the safety of other students or teachers;

(B)  will be detrimental to the educational process; or

(C)  is not in the best interests of the district's students.

SECTION 1.07.  Section 37.009, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  If a student is placed in a disciplinary alternative education program, a school district shall conduct a behavioral threat assessment of the student if the campus behavior coordinator or other appropriate administrator or the student's parent or guardian considers an assessment of the student to be necessary.

SECTION 1.08.  The heading to Section 37.081, Education Code, is amended to read as follows:

Sec. 37.081.  SCHOOL DISTRICT PEACE OFFICERS [~~AND SECURITY PERSONNEL~~].

SECTION 1.09.  Section 37.081(a), Education Code, is amended to read as follows:

(a)  The board of trustees of any school district may [~~employ security personnel and may~~] commission peace officers to carry out this subchapter. [~~If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer.~~] The jurisdiction of a peace officer [~~or security personnel~~] under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer [~~or security personnel~~].

SECTION 1.10.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.08101 to read as follows:

Sec. 37.08101.  SCHOOL DISTRICT SECURITY PERSONNEL. (a) In this section:

(1)  "Retired peace officer" has the meaning assigned by Section 1701.3161, Occupations Code.

(2)  "Veteran" has the meaning assigned by Section 434.022, Government Code.

(b)  The board of trustees of a school district may employ security personnel to provide security services in the district and to carry out this subchapter.

(c)  In employing security personnel under this section, the board of trustees of a school district shall give preference to a person who is:

(1)  a commissioned peace officer;

(2)  a retired peace officer; or

(3)  a veteran.

(d)  The board of trustees of a school district may not authorize a person employed as security personnel to carry a weapon unless that person is:

(1)  a commissioned peace officer;

(2)  a retired peace officer; or

(3)  a veteran who has been issued a certificate of completion for the school security personnel training under Section 1701.269, Occupations Code.

(e)  The board of trustees of a school district shall determine the jurisdiction of security personnel employed under this section, which may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board of trustees that employ the security personnel.

SECTION 1.11.  Sections 37.0811(a), (d), and (e), Education Code, are amended to read as follows:

(a)  The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than the greater of:

(1)  one school marshal per 100 [~~200~~] students in average daily attendance per campus; or

(2)  for each campus, one school marshal per building of the campus at which students regularly receive classroom instruction.

(d)  Any written regulations adopted for purposes of Subsection (c) must provide that a [~~school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.  The written regulations must also require that a~~] handgun carried or possessed by [~~or within access of~~] a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

(e)  A school marshal may use [~~access~~] a handgun the school marshal is authorized to carry or possess under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 1.12.  Sections 37.0813(a), (d), and (e), Education Code, are amended to read as follows:

(a)  The governing body of a private school may appoint not more than the greater of:

(1)  one school marshal per 100 [~~200~~] students enrolled in the school; or

(2)  one school marshal per building of the school at which students regularly receive classroom instruction.

(d)  Any written regulations adopted for purposes of Subsection (c) must provide that a [~~school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students in a classroom setting, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.  The written regulations must also require that a~~] handgun carried or possessed by [~~or within access of~~] a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

(e)  A school marshal may use [~~access~~] a handgun the school marshal is authorized to carry or possess under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 1.13.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.086 to read as follows:

Sec. 37.086.  LAW ENFORCEMENT AND CAMPUS AGREEMENT. (a) A school district or open-enrollment charter school may adopt a law enforcement and campus agreement to encourage the on-campus presence of peace officers by:

(1)  requesting local law enforcement agencies to include campus school grounds in regular patrols conducted by peace officers; and

(2)  allowing peace officers to use campus facilities to:

(A)  complete clerical law enforcement activities, including the filing of police reports; and

(B)  take meal and rest breaks.

(b)  A school district or open-enrollment charter school that adopts an agreement under this section may provide office space for the regular use of a state or local law enforcement agency official.

(c)  The commissioner may, from funds appropriated to the agency for that purpose, provide a matching grant not to exceed $10,000 to a school district or open-enrollment charter school for the purpose of acquiring federal funding with a matching funds requirement to defray costs incurred in the implementation of an agreement described by this section.

SECTION 1.14.  Section 37.108, Education Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c)  A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center. A school district shall also report the results to the agency in accordance with Section 37.1082.

(f)  A school district shall include in its multihazard emergency operations plan a policy regarding:

(1)  required training for persons who provide security services at the district, including a person employed as security personnel by the district and a person appointed as a school marshal by the district; and

(2)  the role of a person described by Subdivision (1) in responding to an emergency in a district facility.

SECTION 1.15.  Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1082 to read as follows:

Sec. 37.1082.  AGENCY DUTIES REGARDING SCHOOL SAFETY MEASURES. (a) The agency shall adopt a three-year cycle for the agency's review of school district safety and security audits conducted under Section 37.108(b).

(b)  A school district shall:

(1)  submit the results of the district's safety and security audit to the agency in accordance with the cycle adopted under Subsection (a); and

(2)  provide any information required by the agency in connection with the agency's review of the audit, including:

(A)  the name of each individual on the district's school safety and security committee established under Section 37.109; and

(B)  the date of each committee meeting during the preceding year.

(c)  The Texas School Safety Center shall participate in the agency's review of school district safety and security audits and may provide a recommendation to the agency based on the results of an audit.

(d)  Regardless of whether the Texas School Safety Center provides a recommendation under Subsection (c) and regardless of the content of any recommendation provided, the agency shall make an independent final determination of whether the results of a school district's safety and security audit comply with applicable standards.

(e)  If the agency makes a determination under Subsection (d) that the results of a school district's safety and security audit do not comply with applicable standards, the agency and the Texas School Safety Center shall assist the district in improving the district's safety and security measures in a manner that will result in an improvement in the district's safety and security audit.

(f)  A school district, after receiving assistance from the agency and the Texas School Safety Center under Subsection (e), shall conduct a new safety and security audit and resubmit the results of the audit to the agency for review.

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

SECTION 1.16.  Section 37.109, Education Code, is amended by adding Subsections (a-1), (c), (d), and (e) and amending Subsection (b) to read as follows:

(a-1)  The committee must include:

(1)  one or more representatives of an office of emergency management of a county or municipality in which the district is located;

(2)  one or more representatives of the local police department or sheriff's office;

(3)  one or more representatives of the district's police department, if applicable;

(4)  one or more representatives of a municipality with territory included within the boundaries of the district;

(5)  the president of the district's board of trustees;

(6)  a member of the district's board of trustees other than the president;

(7)  the district's superintendent;

(8)  one or more designees of the district's superintendent, one of whom must be a classroom teacher in the district;

(9)  if the district partners with an open-enrollment charter school to provide instruction to students, a member of the open-enrollment charter school's governing body or a designee of the governing body; and

(10)  two parents or guardians of students enrolled in the district.

(b)  The committee shall:

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

(2)  before the beginning of the school year and once during the spring semester, meet with the district's board of trustees to provide updates and recommendations regarding the district's multihazard emergency operations plan required by Section 37.108(a);

(3)  report to the district's board of trustees the best methods to provide immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(4)  provide the district with any campus, facility, or support services information required in connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the Texas School Safety Center; [~~and~~]

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

(6)  consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses.

(c)  A meeting required under Subsection (b)(2) must:

(1)  include discussions on recommended facility improvements and emergency operations planning developments; and

(2)  be open to parents, students, teachers, and community members and allow those individuals to comment on discussions and statements made during the meeting regarding the district's multihazard emergency operations plan.

(d)  Subsection (c)(2) does not require a district to make publicly available the district's multihazard emergency operations plan required by Section 37.108.

(e)  Except as otherwise provided by this subsection, the committee shall meet at least once during each academic semester and at least once during the summer. A committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule shall meet at least once every four months.

SECTION 1.17.  Subchapter G, Chapter 37, Education Code, is amended by adding Sections 37.2051 and 37.2052 to read as follows:

Sec. 37.2051.  BEHAVIORAL THREAT ASSESSMENT TRAINING. (a) The center shall conduct for school districts behavioral threat assessment training to provide school personnel with the skills to appropriately assess threats and identify proper interventions for students.

(b)  The training provided under this section must incorporate a threat assessment model that provides information regarding the operation of school threat assessment teams composed of school personnel, law enforcement professionals, mental health professionals, and community members.

(c)  The center may partner with an organization to provide the training under this section to school districts at no cost to the districts.

Sec. 37.2052.  TRAINING FOR SCHOOL MARSHALS AND SECURITY PERSONNEL. (a) The center shall provide a course of instruction regarding:

(1)  methods to improve school safety; and

(2)  the use of law enforcement tactics to provide security services at a school, including:

(A)  the standard response protocol; and

(B)  the standard reunification method.

(b)  A person employed as security personnel or appointed as a school marshal by the board of trustees of a school district or the governing body of an open-enrollment charter school must complete the course of instruction provided under this section at least once every five years.

SECTION 1.18.  Sections 51.220(e) and (f), Education Code, are amended to read as follows:

(e)  Any written regulations adopted for purposes of Subsection (d) must provide that a [~~school marshal may carry a concealed handgun as described by Subsection (d), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a~~] handgun carried or possessed by [~~or within access of~~] a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

(f)  A school marshal may use [~~access~~] a handgun the school marshal is authorized to carry or possess under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

SECTION 1.19.  Article 15.27(h), Code of Criminal Procedure, is amended to read as follows:

(h)  This article applies to any felony offense and the following misdemeanors:

(1)  an offense under Section 20.02, 21.08, 22.01, 22.05, 22.07, 42.09, 42.092, [~~or~~] 71.02, or 71.021, Penal Code;

(2)  the unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana, as defined by Chapter 481, Health and Safety Code; or

(3)  the unlawful possession of any of the weapons or devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a weapon listed as a prohibited weapon under Section 46.05, Penal Code.

SECTION 1.20.  Section 1701.260(c), Occupations Code, is amended to read as follows:

(c)  The training program shall include at least 50 hours and not more than 80 hours of instruction designed to:

(1)  emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2)  educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3)  introduce the trainee to effective law enforcement strategies and techniques;

(4)  improve the trainee's proficiency with a handgun; and

(5)  enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

SECTION 1.21.  Subchapter F, Chapter 1701, Occupations Code, is amended by adding Sections 1701.2601 and 1701.269 to read as follows:

Sec. 1701.2601.  SCHOOL MARSHAL TRAINING STUDY. (a) The commission shall conduct a study regarding changes to be made to the training provided under Section 1701.260 to make that training a streamlined course of instruction for school marshals that includes training in the use of firearms. In conducting the study, the commission shall solicit input from stakeholders.

(b)  Not later than August 31, 2020, the commission shall:

(1)  amend the training provided under Section 1701.260 to incorporate any commission-approved changes developed in the study; and

(2)  submit a report detailing the results of the study to the governor and to the standing committees of the legislature with jurisdiction over issues involving law enforcement and school safety.

(c)  This section expires September 1, 2020.

Sec. 1701.269.  TRAINING PROGRAM FOR VETERANS TO SERVE AS SCHOOL SECURITY PERSONNEL. (a) The commission shall provide a course of instruction regarding school security to a person who is:

(1)  a veteran, as defined by Section 434.022, Government Code; and

(2)  employed by a school district as security personnel and authorized by the board of trustees of the district to carry a weapon.

(b)  The course of instruction provided under this section must be tailored to each individual who takes the course according to that individual's background.

(c)  The commission shall issue a certificate to each veteran who completes the training program under this section.

SECTION 1.22.  Not later than January 1, 2020, the Texas Commission on Law Enforcement shall develop a training program for veterans who serve as school security personnel, as provided by Section 1701.269, Occupations Code, as added by this Act. A school district may not authorize a veteran to carry a weapon until the veteran has completed the training program.

SECTION 1.23.  Not later than January 1, 2020, the Texas School Safety Center shall make available the course of instruction for school marshals and school security personnel required by Section 37.2052, Education Code, as added by this article.

ARTICLE 2. SCHOOL COUNSELORS AND BEHAVIORAL HEALTH PROFESSIONALS

SECTION 2.01.  Section 7.040(b), Education Code, is amended to read as follows:

(b)  The agency shall collaborate with the Texas Higher Education Coordinating Board and the Texas Workforce Commission to obtain the information required under Subsection (a). The agency shall incorporate the use of existing materials and develop new materials to be provided to school academic counselors, students, and parents regarding institutions of higher education.

SECTION 2.02.  Section 7.055(b)(18), Education Code, is amended to read as follows:

(18)  The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and [~~a~~] job descriptions [~~description~~] and evaluation forms [~~form~~] for use in evaluating school academic counselors and school behavioral counselors, as provided by Subchapter H, Chapter 21.

SECTION 2.03.  Section 11.252(a), Education Code, is amended to read as follows:

(a)  Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c). The district improvement plan must include provisions for:

(1)  a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2)  measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3)  strategies for improvement of student performance that include:

(A)  instructional methods for addressing the needs of student groups not achieving their full potential;

(B)  methods for addressing the needs of students for special programs, including:

(i)  suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii)  conflict resolution programs;

(iii)  violence prevention programs; and

(iv)  dyslexia treatment programs;

(C)  dropout reduction;

(D)  integration of technology in instructional and administrative programs;

(E)  discipline management;

(F)  staff development for professional staff of the district;

(G)  career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H)  accelerated education;

(4)  strategies for providing to middle school, junior high school, and high school students, those students' teachers and school academic counselors, and those students' parents information about:

(A)  higher education admissions and financial aid opportunities;

(B)  the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C)  the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D)  sources of information on higher education admissions and financial aid;

(5)  resources needed to implement identified strategies;

(6)  staff responsible for ensuring the accomplishment of each strategy;

(7)  timelines for ongoing monitoring of the implementation of each improvement strategy;

(8)  formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and

(9)  the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

SECTION 2.04.  Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0411 to read as follows:

Sec. 21.0411.  CLASSES OF EDUCATOR CERTIFICATE FOR PUBLIC SCHOOL COUNSELORS: SCHOOL ACADEMIC COUNSELOR AND SCHOOL BEHAVIORAL COUNSELOR. (a) In proposing rules under Section 21.041(b), the board shall specify a class of educator certificate for public school counselors that qualifies the educator for employment at a public school in accordance with Section 33.001 as:

(1)  a school academic counselor; and

(2)  a school behavioral counselor.

(b)  In proposing rules under Section 21.044, the board shall specify that a candidate to obtain an educator certificate as a school behavioral counselor must be:

(1)  a licensed specialist in school psychology licensed under Chapter 501, Occupations Code;

(2)  a licensed professional counselor licensed under Chapter 503, Occupations Code; or

(3)  a licensed clinical social worker licensed under Chapter 505, Occupations Code.

(c)  Not later than January 1, 2020, the board shall propose all necessary rules to implement this section, including rules providing for certifying as a school behavioral counselor an educator who:

(1)  is certified as a school counselor before the effective date of rules providing for certifying a school behavioral counselor; and

(2)  meets the requirements for certification as a school behavioral counselor.

(d)  Subsection (c) and this subsection expire September 1, 2021.

SECTION 2.05.  Section 21.054(f), Education Code, is amended to read as follows:

(f)  Continuing education requirements for a school academic counselor must provide that not more than 25 percent of training required every five years include instruction regarding:

(1)  assisting students in developing high school graduation plans;

(2)  implementing dropout prevention strategies; and

(3)  informing students concerning:

(A)  college admissions, including college financial aid resources and application procedures; and

(B)  career opportunities.

SECTION 2.06.  Section 21.356, Education Code, is amended to read as follows:

Sec. 21.356.  EVALUATION OF SCHOOL COUNSELORS. (a) The commissioner shall develop and periodically update a job description and an evaluation form for use by school districts in evaluating school academic counselors. The commissioner shall consult with state guidance counselor associations in the development and modification of the job description and the evaluation form for school academic counselors.

(b)  The commissioner shall develop and periodically update a job description and evaluation form for use by school districts in evaluating school behavioral counselors. The commissioner shall consult with state guidance counselor associations and appropriate licensing agencies or bodies under Chapters 501, 503, and 505, Occupations Code, in the development and modification of the job description and the evaluation form for school behavioral counselors.

SECTION 2.07.  Section 28.0212(a), Education Code, is amended to read as follows:

(a)  A principal of a junior high or middle school shall designate a school academic counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the junior high or middle school who:

(1)  does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2)  is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

SECTION 2.08.  Section 28.02121(c), Education Code, is amended to read as follows:

(c)  A principal of a high school shall designate a school academic counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement described by Section 28.025(b-15) and the endorsements described by Section 28.025(c-1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student.

SECTION 2.09.  Section 28.025(b), Education Code, is amended to read as follows:

(b)  A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

(1)  the student and the student's parent or person standing in parental relation to the student are advised by a school academic counselor of the specific benefits of graduating from high school with one or more endorsements; and

(2)  the student's parent or person standing in parental relation to the student files with a school academic counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.

SECTION 2.10.  Section 28.0253(b), Education Code, is amended to read as follows:

(b)  A research university that chooses to participate in the pilot program shall:

(1)  not later than September 1 of each year, make available on the university's Internet website detailed standards for use in the program regarding:

(A)  the specific competencies that demonstrate a student's mastery of each subject area for which the Texas Higher Education Coordinating Board and the commissioner have adopted college readiness standards;

(B)  the specific competencies that demonstrate a student's mastery of a language other than English; and

(C)  acceptable assessments or other means by which a student may demonstrate the student's early readiness for college with respect to each subject area and the language described by this subdivision, subject to Subsection (c);

(2)  partner with at least 10 school districts that reflect the geographic diversity of this state and the student compositions of which reflect the socioeconomic diversity of this state; and

(3)  assist school administrators, school academic counselors, and other educators in each of those school districts in designing the specific requirements of and implementing the program in the district.

SECTION 2.11.  Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026.  NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school district and the governing body of each open-enrollment charter school that provides a high school shall require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in each school academic counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission and stating the curriculum requirements for financial aid authorized under Title 3. To assist in the dissemination of that information, the district or charter school shall:

(1)  require that each school academic counselor and class advisor at a high school be provided a detailed explanation of the substance of Section 51.803 and the curriculum requirements for financial aid authorized under Title 3;

(2)  provide each district or school student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, including a detailed explanation in plain language, of the substance of Section 51.803, the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid;

(3)  require that each school academic counselor and senior class advisor at a high school explain to eligible students the substance of Section 51.803; and

(4)  not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each senior student eligible under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b)  The commissioner shall adopt forms, including specific language, to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district or open-enrollment charter school shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsections (a)(2) and (4) must be on a single form that contains signature lines to indicate receipt of notice by the student and the student's parent or guardian. The notice under Subsection (a)(2) must be signed by the student's school academic counselor in addition to being signed by the student and the student's parent or guardian.

SECTION 2.12.  Section 28.054(b), Education Code, is amended to read as follows:

(b)  To obtain a subsidy under this section, a student must:

(1)  pay the fee for each test or examination for which the student seeks a subsidy; and

(2)  submit to the board through the student's school academic counselor a written application on a form prescribed by the commissioner demonstrating financial need and the amount of the fee paid by the student for each test or examination.

SECTION 2.13.  Section 29.082(e), Education Code, is amended to read as follows:

(e)  A student who attends at least 90 percent of the program days of a program under this section and who satisfies the requirements for promotion prescribed by Section 28.021 shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, [~~and~~] school academic counselor, and school behavioral counselor if a school behavioral counselor is employed by the district. During the meeting, the principal, the teacher, or a school counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student shall be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years.

SECTION 2.14.  Section 29.911(b), Education Code, is amended to read as follows:

(b)  During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

(1)  higher education options available to students;

(2)  standard admission requirements for institutions of higher education, including:

(A)  overall high school grade point average;

(B)  required curriculum;

(C)  college readiness standards and expectations as determined under Section 28.008; and

(D)  scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;

(3)  automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and

(4)  financial aid availability and requirements, including the financial aid information provided by school academic counselors under Section 33.007(b).

SECTION 2.15.  Subchapter A, Chapter 33, Education Code, is amended by adding Section 33.001 to read as follows:

Sec. 33.001.  EMPLOYMENT OF PUBLIC SCHOOL COUNSELORS: SCHOOL ACADEMIC COUNSELORS AND SCHOOL BEHAVIORAL COUNSELORS. (a) A school district may employ as a school academic counselor an educator who is certified under Subchapter B, Chapter 21, as a school academic counselor or a school behavioral counselor. A school academic counselor shall:

(1)  provide guidance and counseling services to students regarding academic development and achievement; and

(2)  administer developmental guidance and counseling programs in the district.

(b)  A school district may only employ as a school behavioral counselor an educator certified under Subchapter B, Chapter 21, as a school behavioral counselor. A school behavioral counselor shall:

(1)  provide behavioral health counseling services to students; and

(2)  administer behavioral health counseling programs in the district.

(c)  If a school district employs an educator as a school behavioral counselor, the district must also employ at least one educator as a school academic counselor. An educator employed by a district as a school behavioral counselor may not be required by the district to also fulfill the role of a school academic counselor or, except as provided by Section 33.006(c), otherwise be assigned a duty imposed under this title on a school academic counselor.

(d)  A reference in this title to:

(1)  a "counselor," "school counselor," or "public school counselor" refers to an appropriately certified educator employed as:

(A)  a school academic counselor; or

(B)  a school behavioral counselor;

(2)  a "school academic counselor" refers to an appropriately certified educator employed as a school academic counselor; and

(3)  a "school behavioral counselor" refers to an appropriately certified educator employed as a school behavioral counselor.

SECTION 2.16.  Section 33.002, Education Code, is amended to read as follows:

Sec. 33.002.  [~~CERTIFIED~~] SCHOOL ACADEMIC COUNSELOR REQUIREMENT. (a) From funds appropriated for the purpose or other funds that may be used for the purpose, the commissioner shall distribute funds for programs under this subchapter. In distributing those funds, the commissioner shall give preference to a school district that received funds under this subsection for the preceding school year and then to the districts that have the highest concentration of students at risk of dropping out of school, as described by Section 29.081. To receive funds for the program, a school district must apply to the commissioner. For each school year that a school district receives funds under this subsection, the district shall allocate an amount of local funds for school guidance and counseling programs that is equal to or greater than the amount of local funds that the school district allocated for that purpose during the preceding school year. This section applies only to a school district that receives funds as provided by this subsection.

(b)  A school district with 500 or more students enrolled in elementary school grades shall employ a school academic counselor certified under the rules of the State Board for Educator Certification for each elementary school in the district. A school district shall employ at least one school academic counselor for every 500 elementary school students in the district.

(c)  A school district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by:

(1)  employing a part-time school academic counselor certified under the rules of the State Board for Educator Certification;

(2)  employing a part-time teacher certified as a school academic counselor under the rules of the State Board for Educator Certification; or

(3)  entering into a shared services arrangement agreement with one or more school districts to share a school academic counselor certified under the rules of the State Board for Educator Certification.

SECTION 2.17.  Section 33.005, Education Code, is amended to read as follows:

Sec. 33.005.  DEVELOPMENTAL GUIDANCE AND COUNSELING PROGRAMS. A school academic counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a developmental guidance and counseling program. The school academic counselor shall design the program to include:

(1)  a guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;

(2)  a responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;

(3)  an individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and

(4)  system support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

SECTION 2.18.  Section 33.006, Education Code, is amended to read as follows:

Sec. 33.006.  SCHOOL ACADEMIC COUNSELORS; GENERAL DUTIES. (a) The primary responsibility of a school academic counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities.

(b)  In addition to a school academic counselor's responsibility under Subsection (a), the school academic counselor shall:

(1)  participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students:

(A)  who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;

(B)  who are in need of modified instructional strategies; or

(C)  who are gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;

(2)  consult with a student's parent or guardian and make referrals as appropriate in consultation with the student's parent or guardian;

(3)  consult with school staff, parents, and other community members to help them increase the effectiveness of student education and promote student success;

(4)  coordinate people and resources in the school, home, and community;

(5)  with the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;

(6)  deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and

(7)  except as provided by Subsection (c), serve as an impartial, nonreporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Section 37.0832.

(c)  If a school district employs a school behavioral counselor, a duty imposed on a school academic counselor relating to a student's social development or abilities, including a duty imposed under Subsection (b)(7), may be assigned to the school behavioral counselor.

(d)  Nothing in Subsection (b)(7) exempts a school academic counselor or school behavioral counselor from any mandatory reporting requirements imposed by other provisions of law.

SECTION 2.19.  Section 33.007, Education Code, is amended to read as follows:

Sec. 33.007.  COUNSELING REGARDING POSTSECONDARY EDUCATION. (a) Each school academic counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

(b)  During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during each year of a student's enrollment in high school or at the high school level, a school academic counselor shall provide information about postsecondary education to the student and the student's parent or guardian. The information must include information regarding:

(1)  the importance of postsecondary education;

(2)  the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Section 28.025;

(3)  the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;

(4)  financial aid eligibility;

(5)  instruction on how to apply for federal financial aid;

(6)  the center for financial aid information established under Section 61.0776;

(7)  the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;

(8)  the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56;

(9)  the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs; and

(10)  the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Section 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services.

(b-1)  When providing information under Subsection (b)(10), the school academic counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

(c)  At the beginning of grades 10 and 11, a school academic counselor certified under the rules of the State Board for Educator Certification shall explain the requirements of automatic admission to a general academic teaching institution under Section 51.803 to each student enrolled in a high school or at the high school level in an open-enrollment charter school who has a grade point average in the top 25 percent of the student's high school class.

SECTION 2.20.  Sections 33.009(b), (c), (d), (h), and (i), Education Code, are amended to read as follows:

(b)  The center shall develop and make available postsecondary education and career counseling academies for school academic counselors and other postsecondary advisors employed by a school district at a middle school, junior high school, or high school.

(c)  In developing academies under this section, the center shall solicit input from the agency, school academic counselors, the Texas Workforce Commission, institutions of higher education, and business, community, and school leaders.

(d)  An academy developed under this section must provide school academic counselors and other postsecondary advisors with knowledge and skills to provide counseling to students regarding postsecondary success and productive career planning and must include information relating to:

(1)  each endorsement described by Section 28.025(c-1), including:

(A)  the course requirements for each endorsement; and

(B)  the postsecondary educational and career opportunities associated with each endorsement;

(2)  available methods for a student to earn credit for a course not offered at the school in which the student is enrolled, including enrollment in an electronic course provided through the state virtual school network under Chapter 30A;

(3)  general academic performance requirements for admission to an institution of higher education, including the requirements for automatic admission to a general academic teaching institution under Section 51.803;

(4)  regional workforce needs, including information about the required education and the average wage or salary for careers that meet those workforce needs; and

(5)  effective strategies for engaging students and parents in planning for postsecondary education and potential careers, including participation in mentorships and business partnerships.

(h)  From funds appropriated for that purpose, a school academic counselor who attends the academy under this section is entitled to receive a stipend in the amount determined by the center. If funds are available after all eligible school academic counselors have received a stipend under this subsection, the center shall pay a stipend in the amount determined by the center to a teacher who attends the academy under this section. A stipend received under this subsection is not considered in determining whether a district is paying the school academic counselor or teacher the minimum monthly salary under Section 21.402.

(i)  From available funds appropriated for purposes of this section, the center may provide to school academic counselors and other educators curricula, instructional materials, and technological tools relating to postsecondary education and career counseling.

SECTION 2.21.  Section 38.0041(c), Education Code, is amended to read as follows:

(c)  The methods under Subsection (b)(1) for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children must include training, as provided by this subsection, concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children. The training:

(1)  must be provided, as part of a new employee orientation, to all new school district and open-enrollment charter school employees and to existing district and open-enrollment charter school employees on a schedule adopted by the agency by rule until all district and open-enrollment charter school employees have taken the training; and

(2)  must include training concerning:

(A)  factors indicating a child is at risk for sexual abuse, sex trafficking, or other maltreatment;

(B)  likely warning signs indicating a child may be a victim of sexual abuse, sex trafficking, or other maltreatment;

(C)  internal procedures for seeking assistance for a child who is at risk for sexual abuse, sex trafficking, or other maltreatment, including referral to a school behavioral counselor or school academic counselor, a social worker, or another mental health professional;

(D)  techniques for reducing a child's risk of sexual abuse, sex trafficking, or other maltreatment; and

(E)  community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

SECTION 2.22.  Section 56.308(b), Education Code, is amended to read as follows:

(b)  Each school district shall:

(1)  notify its middle school students, junior high school students, and high school students, those students' teachers and school academic counselors, and those students' parents of the TEXAS grant and Teach for Texas grant programs, the eligibility requirements of each program, the need for students to make informed curriculum choices to be prepared for success beyond high school, and sources of information on higher education admissions and financial aid in a manner that assists the district in implementing a strategy adopted by the district under Section 11.252(a)(4); and

(2)  ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

(A)  the recommended or advanced high school curriculum required for grant eligibility under Section 28.002 or 28.025; or

(B)  for a school district covered by Section 56.304(f)(1), the required portion of the recommended or advanced high school curriculum in the manner described by Section 56.304(f)(2).

SECTION 2.23.  Chapter 784, Health and Safety Code, is amended to read as follows:

CHAPTER 784. CRITICAL INCIDENT STRESS MANAGEMENT AND CRISIS RESPONSE SERVICES; LOCAL EMERGENCY RESPONSE NETWORKS

Sec. 784.001.  DEFINITIONS.  In this chapter:

(1)  "Behavioral health professional" means:

(A)  a licensed professional counselor as defined by Section 503.002, Occupations Code;

(B)  a person who holds a clinical social worker license or master social worker license issued under Chapter 505, Occupations Code; or

(C)  a psychologist who holds a license to engage in the practice of psychology issued under Section 501.252, Occupations Code.

(2)  "Commission" means the Health and Human Services Commission.

(3)  "Crisis response service" means consultation, risk assessment, referral, and on-site crisis intervention services provided by an emergency response team member to a person affected by a crisis, disaster, or emergency, including a victim, a family member of a victim, and an emergency service provider affected by a crisis, [~~or~~] disaster, or emergency.

(4) [~~(2)~~]  "Critical incident stress" means the acute or cumulative psychological stress or trauma that an emergency service provider may experience in providing emergency services in response to a critical incident, including a crisis, disaster, or emergency. The stress or trauma is an unusually strong emotional, cognitive, or physical reaction that has the potential to interfere with normal functioning, including:

(A)  physical and emotional illness;

(B)  failure of usual coping mechanisms;

(C)  loss of interest in the job;

(D)  personality changes; and

(E)  loss of ability to function.

(5) [~~(3)~~]  "Critical incident stress management service" means a service providing a process of crisis intervention designed to assist an emergency service provider in coping with critical incident stress. The term includes consultation, counseling, debriefing, defusing, intervention services, case management services, prevention, and referral.

(6) [~~(4)~~]  "Emergency response team member" means an individual providing critical incident stress management services or crisis response services, or both, who is designated by the commission or a local mental health authority [~~an appropriate state or local governmental unit~~] to provide those services as a member of a local emergency response network [~~an organized team~~] or in association with the commission or local mental health authority [~~governmental unit~~].

(7) [~~(5)~~]  "Emergency service provider" means an individual who provides emergency response services, including a law enforcement officer, firefighter, emergency medical services provider, dispatcher, or rescue service provider.

(8)  "Executive commissioner" means the executive commissioner of the commission.

(9)  "Local emergency response network" means an association or team of behavioral health professionals and other qualified persons that is organized by the commission or a local mental health authority, or the commission in cooperation with a local mental health authority, to provide critical incident stress management services or crisis response services in response to a critical incident, including a crisis, disaster, or emergency.

Sec. 784.002.  COMMISSION STAFF. The executive commissioner shall employ sufficient personnel in the appropriate division of the commission to implement and administer this chapter.

Sec. 784.003.  LOCAL EMERGENCY RESPONSE NETWORKS. (a) The commission, in cooperation with local mental health authorities, shall identify behavioral health professionals to serve as volunteer emergency response team members of a local emergency response network to:

(1)  expand local emergency response networks that provide critical incident stress management services and crisis response services to emergency service providers; and

(2)  establish local emergency response networks to provide crisis response services to victims of a crisis, disaster, or emergency and family members of those victims.

(b)  In expanding or establishing local emergency response networks under Subsection (a), commission staff may execute interagency agreements or memoranda of understanding with appropriate entities that employ behavioral health professionals, including school districts, public junior colleges, public or private institutions of higher education, and other state agencies.

Sec. 784.004.  TRAINING. The commission shall ensure that each emergency response team member of a local emergency response network receives appropriate and current training regarding:

(1)  the provision of critical incident stress management services or crisis response services; and

(2)  commission rules adopted to ensure consistency in the statewide delivery of those services.

Sec. 784.005 [~~784.002~~].  CLOSED MEETINGS. (a) Except as provided by Subsection (b) and notwithstanding Chapter 551, Government Code, or any other law, a meeting in which critical incident stress management services or crisis response services are provided by an emergency response team member [~~to an emergency service provider~~]:

(1)  is closed to the general public; and

(2)  may be closed to any individual who was not directly involved in the critical incident or crisis.

(b)  Subsection (a) does not apply if a person receiving the services[~~:~~

[~~(1)  the emergency service provider~~] or the legal representative of that person [~~the provider~~] expressly agrees that the meeting may be open to the general public or to certain individuals[~~; or~~

[~~(2)  the emergency service provider is deceased~~].

Sec. 784.006 [~~784.003~~].  CONFIDENTIALITY. (a) Except as otherwise provided by this section:

(1)  a communication made by a victim, a family member of a victim, or an emergency service provider to an emergency response team member while receiving [~~the provider receives~~] critical incident stress management services or crisis response services is confidential and may not be disclosed in a civil, criminal, or administrative proceeding; and

(2)  a record kept by a person who receives critical incident stress management services or crisis response services from an emergency response team member relating to the provision of those services [~~critical incident stress management services or crisis response services to an emergency service provider by the team~~] is confidential and is not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding.

(b)  A court in a civil or criminal case or the decision-making entity in an administrative proceeding may allow disclosure of a communication or record described by Subsection (a) if the court or entity finds that the benefit of allowing disclosure of the communication or record is more important than protecting the privacy of the individual.

(c)  A communication or record described by Subsection (a) is not confidential if:

(1)  the emergency response team member reasonably needs to make an appropriate referral of the person receiving critical incident stress management services or crisis response services [~~emergency service provider~~] to or consult about that person [~~the provider~~] with another member of the team or an appropriate professional associated with the team;

(2)  the communication conveys information that the person receiving critical incident stress management services or crisis response services [~~emergency service provider~~] is or appears to be an imminent threat to the provider or anyone else;

(3)  the communication conveys information relating to a past, present, or future criminal act that does not directly relate to the critical incident or crisis;

(4)  the person receiving critical incident stress management services or crisis response services [~~emergency service provider~~] or the legal representative of that person [~~the provider~~] expressly agrees that the communication or record is not confidential; or

(5)  the person receiving critical incident stress management services or crisis response services [~~emergency service provider~~] is deceased.

(d)  A communication or record described by Subsection (a) is not confidential to the extent that it conveys information concerning the services and care provided to or withheld by an [~~the~~] emergency service provider to an individual injured in the critical incident or during the crisis.

Sec. 784.007 [~~784.004~~].  LIMITATION ON LIABILITY. (a) Except as provided by Subsection (b), an emergency response team or an emergency response team member providing critical incident stress management services or crisis response services is not liable for damages, including personal injury, wrongful death, property damage, or other loss related to the team's or member's act, error, or omission in the performance of the services, unless the act, error, or omission constitutes wanton, wilful, or intentional misconduct.

(b)  Subsection (a) limits liability for damages in any civil action, other than an action under Chapter 74, Civil Practice and Remedies Code.

Sec. 784.008.  RULES. The executive commissioner shall adopt rules necessary to administer this chapter.

SECTION 2.24.  Section 772.0074(e), Government Code, is amended to read as follows:

(e)  Critical incident stress debriefing provided using money distributed under the grant program is subject to the confidentiality protections provided under Section 784.006 [~~784.003~~], Health and Safety Code.

SECTION 2.25.  (a) A joint interim committee is created to study, review, and report on statutes involving protective orders that provide for a court to temporarily prohibit a person from possessing a firearm, and to propose necessary statutory reforms as provided by Subsection (g) of this section.

(b)  The joint interim committee is composed of three senators appointed by the lieutenant governor and three members of the house of representatives appointed by the speaker of the house of representatives.

(c)  The lieutenant governor and speaker of the house of representatives each shall designate a co-chair from among the joint interim committee members.

(d)  The joint interim committee shall convene at the joint call of the co-chairs.

(e)  The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f)  The joint interim committee shall study any relevant information, including protective order laws of this and other states that provide for a court to temporarily remove a person's ability to possess a firearm if that person's possession of a firearm poses a risk of harm to self or others.

(g)  The joint interim committee shall propose statutory reforms based on the study required under Subsection (f) of this section as necessary to ensure that courts are able to quickly identify a person whose possession of a firearm poses a risk of harm to self or others and temporarily remove that person's ability to possess a firearm, while maintaining the highest standards of due process to prevent infringement on a person's right to lawfully own a firearm.

(h)  Not later than December 1, 2020, the joint interim committee shall submit to the lieutenant governor, the speaker of the house of representatives, and the governor a report containing the committee's recommendations of specific statutory changes that appear necessary from the committee's study made under Subsection (g) of this section.

(i)  Not later than the 60th day after the effective date of this Act, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee in accordance with Subsection (b) of this section.

(j)  The joint interim committee is abolished and this section expires January 1, 2021.

ARTICLE 3. CRIMINAL HISTORY, MENTAL HEALTH RECORDS, AND ACCESS TO FIREARMS

SECTION 3.01.  Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.0305 to read as follows:

Sec. 72.0305.  STATEWIDE CASE MANAGEMENT SYSTEM. (a) The office shall implement a statewide case management system:

(1)  to provide to counties, the Department of Public Safety, and other state agencies, as determined by the office, immediate access to judicial case information; and

(2)  for timely reporting of criminal history and mental health records and domestic violence protective orders for background checks.

(b)  The statewide case management system must:

(1)  include each document or pleading filed for a felony criminal matter, mental health adjudication, or domestic violence protective order in a state court unless electronic filing for the document or pleading is prohibited under any other law;

(2)  allow state court judges access to the system for criminal offense sentencing determinations or to perform other duties assigned by law;

(3)  allow counties, the Department of Public Safety, and other state agencies, as determined by the office, access to information in the system necessary to perform duties assigned by law;

(4)  automatically deliver arrest and conviction information, mental health adjudication records, and domestic violence protective order information to counties, the Department of Public Safety, and other state agencies, as determined by the office, as necessary to perform duties assigned by law;

(5)  maximize the automation and transmission of criminal history and mental health records to the National Instant Criminal Background Check System operated by the Federal Bureau of Investigation and any other state or national criminal and mental health record repositories determined by the office to be appropriate;

(6)  to the extent feasible, integrate with the electronic filing system established under Section 72.031;

(7)  provide a method for archiving expired domestic violence protection orders;

(8)  provide privacy protections for sealed records and other records protected by law;

(9)  limit system access to persons who have undergone training in the proper use of information provided by the system;

(10)  capture case statistics and other necessary judicial information as determined by the office, including information on the use of reentry and diversion programs, bail amounts and conditions, and recidivism; and

(11)  share the statistics and information captured under Subdivision (10) with appropriate state agencies as determined by the office.

(c)  The office may contract with a person to establish and maintain the statewide case management system. The office shall initially focus on establishing the system in counties with a population of less than 20,000 and expand the system to larger counties as time and money allow.

(d)  The office shall seek to obtain all available federal money to implement the statewide case management system.

(e)  Information in the statewide case management system is exempt from disclosure under Chapter 552.

(f)  The Department of Public Safety shall assist the office in implementing the statewide case management system and ensuring the system interacts with existing state and national criminal and mental health record repositories. The office and department may enter into a memorandum of understanding stating the duties of each agency in implementing the system.

(g)  Not later than December 1 of each even-numbered year, the office shall submit to the legislature and Legislative Budget Board a report on the statewide case management system, including a financial report detailing any additional state money needed.

SECTION 3.02.  Sections 411.052(a), (b), and (e), Government Code, are amended to read as follows:

(a)  In this section:

(1)  "Family violence misdemeanor" means a misdemeanor crime of domestic violence under 18 U.S.C. Section 921.

(2)  "Federal[~~, "federal~~] prohibited person information" means information that identifies an individual as:

(A) [~~(1)~~]  a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(B) [~~(2)~~]  a person acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(C) [~~(3)~~]  a person determined to have an intellectual disability [~~mental retardation~~] and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(D) [~~(4)~~]  an incapacitated adult individual for whom a court has appointed a guardian of the individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs; [~~or~~]

(E) [~~(5)~~]  a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure;

(F)  a person convicted of or placed on deferred adjudication community supervision for a felony;

(G)  a person convicted of or placed on deferred adjudication community supervision for a family violence misdemeanor;

(H)  a person subject to a protective order under Chapter 85, Family Code; or

(I)  a person subject to a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, based on an arrest for an offense involving family violence.

(b)  The department by rule shall establish a procedure to promptly provide federal prohibited person information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System. Except as otherwise provided by state law, the department may disseminate federal prohibited person information under this subsection only to the extent necessary to allow the Federal Bureau of Investigation to collect and maintain a list of persons who are prohibited under federal law from engaging in certain activities with respect to a firearm.

(e)  The department by rule shall establish a procedure to correct department records and transmit those corrected records to the Federal Bureau of Investigation when a person provides:

(1)  a copy of a judicial order or finding that a person is no longer an incapacitated adult or is entitled to relief from disabilities under Section 574.088, Health and Safety Code; [~~or~~]

(2)  proof that the person has obtained notice of relief from disabilities under 18 U.S.C. Section 925;

(3)  proof that the person is no longer ineligible to possess a firearm based on the commission of a felony or a family violence misdemeanor; or

(4)  proof that the person is no longer subject to a protective order under Chapter 85, Family Code, or a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure.

SECTION 3.03.  Section 411.0521, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (a-1) to read as follows:

(a)  The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than 48 hours [~~the 30th day~~] after the time [~~date~~] the court:

(1)  orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2)  acquits a person in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3)  commits a person determined to have an intellectual disability [~~mental retardation~~] for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(4)  appoints a guardian of the incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs;

(5)  determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; [~~or~~]

(6)  finds a person is entitled to relief from disabilities under Section 574.088, Health and Safety Code;

(7)  issues a protective order under Chapter 85, Family Code; or

(8)  issues a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, based on an arrest for an offense involving family violence.

(a-1)  The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than the 15th day after the date the court:

(1)  enters a judgment of conviction or an order of deferred adjudication community supervision with respect to a felony; or

(2)  enters a judgment of conviction or an order of deferred adjudication community supervision with respect to a family violence misdemeanor as defined by Section 411.052.

(b)  The clerk of the court shall prepare and forward the following information under Subsection (a) or (a-1):

(1)  the complete name, race, and sex of the person;

(2)  any known identifying number of the person, including social security number, driver's license number, or state identification number;

(3)  the person's date of birth; and

(4)  the federal prohibited person information that is the basis of the report required by this section.

(d)  If an order previously reported to the department under Subsection (a) or (a-1) is reversed by order of any court, the clerk shall notify the department of the reversal not later than 30 days after the clerk receives the mandate from the appellate court.

SECTION 3.04.  Section 46.13(a), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (2-a) to read as follows:

(1)  "Child" means a person younger than 18 [~~17~~] years of age.

(2-a)  "School" means a private or public primary or secondary school.

SECTION 3.05.  Sections 46.13(b), (c), (d), and (g), Penal Code, are amended to read as follows:

(b)  A person commits an offense if:

(1)  [~~a child gains access to a readily dischargeable firearm and~~] the person, with criminal negligence:

(A)  fails [~~(1)  failed~~] to secure a readily dischargeable [~~the~~] firearm; or

(B)  leaves a readily dischargeable [~~(2)  left the~~] firearm in a place to which the person knew or should have known a [~~the~~] child would gain access; and

(2)  a child gains access to the firearm and:

(A)  brings the firearm:

(i)  in or on any real property owned by or rented or leased to a school, school board, or other governing body of a school; or

(ii)  on a school bus; or

(B)  discharges the firearm causing death or serious bodily injury to the child or another person.

(c)  It is an affirmative defense to prosecution under this section that the child's access to the firearm:

(1)  was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes;

(2)  consisted of lawful defense by the child of people or real or personal property;

(3)  was gained by entering real or personal property, including a vehicle, in violation of this code; or

(4)  occurred during a time when the actor was engaged in an agricultural enterprise.

(d)  An [~~Except as provided by Subsection (e), an~~] offense under this section is a Class A [~~C~~] misdemeanor except that an offense described by Subsection (b)(2)(B) is a felony of the third degree.

(g)  A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height:

"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM. VIOLATION MAY RESULT IN CRIMINAL AND CIVIL LIABILITY."

SECTION 3.06.  Chapter 46, Penal Code, is amended by adding Section 46.16 to read as follows:

Sec. 46.16.  FAILURE TO REPORT STOLEN FIREARM. (a) A person commits an offense if the person:

(1)  owns a firearm that is subsequently stolen from the person; and

(2)  fails to report the theft to a peace officer or law enforcement agency on or before the 10th day after the date the person became aware the firearm was stolen.

(b)  An offense under this section is a Class C misdemeanor.

(c)  If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 3.07.  Section 46.13(e), Penal Code, is repealed.

SECTION 3.08.  As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall:

(1)  develop a plan for implementing the statewide case management system required by Section 72.0305, Government Code, as added by this article;

(2)  estimate the cost of implementing and operating the system; and

(3)  apply for all federal money available for implementing and operating the system, including money available under the Fix NICS Act of 2018 (Pub. L. No. 115-141).

SECTION 3.09.  The changes in law made by this article to Sections 411.052 and 411.0521, Government Code, apply only to a judgment or order entered or issued on or after the effective date of this Act. A judgment or order entered or issued before the effective date of this Act is governed by the law in effect on the date the judgment or order was entered or issued, and the former law is continued in effect for that purpose.

SECTION 3.10.  Section 46.16(a), Penal Code, as added by this article, applies only to a firearm that is stolen on or after the effective date of this Act. A firearm that was stolen before the effective date of this Act is governed by the law in effect on the date the firearm was stolen, and the former law is continued in effect for that purpose.

SECTION 3.11.  The changes in law made by this article to Section 46.13, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 4. CONFLICT OF LAW; EFFECTIVE DATE

SECTION 4.01.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.02.  This Act takes effect September 1, 2019.