

By: Bonnen of Galveston

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to public school safety measures and procedures.

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

SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061 to read as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) The commissioner shall adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

(1) the design and construction of new facilities; and
(2) the improvement, renovation, and retrofitting of existing facilities.

(c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment.

SECTION 2. Section 12.104(b), Education Code, as amended by

1 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
2 of the 85th Legislature, Regular Session, 2017, is reenacted and
3 amended to read as follows:

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

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

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

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

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

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

17 (D) accelerated instruction under Section
18 28.0211;

19 (E) high school graduation requirements under
20 Section 28.025;

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

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

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

27 (I) extracurricular activities under Section

1 33.081;

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

4 (K) health and safety under Chapter 38;

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

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

9 (N) intensive programs of instruction under
10 Section 28.0213;

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

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

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

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

22 (S) ~~(P)~~ a parent's right to information
23 regarding the provision of assistance for learning difficulties to
24 the parent's child as provided by Sections 26.004(b)(11) and
25 26.0081(c) and (d); and

26 (T) school safety requirements under Sections
27 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.207, and

1 37.2071.

2 SECTION 3. Section 37.108, Education Code, is amended by
3 amending Subsections (a), (b), and (c) and adding Subsection (f) to
4 read as follows:

5 (a) Each school district or public junior college district
6 shall adopt and implement a multihazard emergency operations plan
7 for use in the district's facilities. The plan must address
8 mitigation, preparedness, response, and recovery as defined by the
9 Texas School Safety Center in conjunction with the governor's
10 office of homeland security and the commissioner of education or
11 commissioner of higher education, as applicable [~~in conjunction~~
12 ~~with the governor's office of homeland security~~]. The plan must
13 provide for:

14 (1) [~~district employee~~] training in responding to an
15 emergency for district employees, including substitute teachers;

16 (2) measures to ensure district employees, including
17 substitute teachers, have classroom access to a telephone or
18 another electronic communication device allowing for immediate
19 contact with district emergency services or emergency services
20 agencies, law enforcement agencies, health departments, and fire
21 departments;

22 (3) if the plan applies to a school district,
23 mandatory school drills and exercises, including drills required
24 under Section 37.114, to prepare district students and employees
25 for responding to an emergency;

26 (4) [~~(3)~~] measures to ensure coordination with the
27 Department of State Health Services and local emergency management

1 agencies, law enforcement, health departments, and fire
2 departments in the event of an emergency; and

3 (5) [~~(4)~~] the implementation of a safety and security
4 audit as required by Subsection (b).

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

12 (c) A school district or public junior college district
13 shall report the results of the safety and security audit conducted
14 under Subsection (b) to the district's board of trustees and, in the
15 manner required by the Texas School Safety Center, to the Texas
16 School Safety Center. The report provided to the Texas School
17 Safety Center under this subsection must be signed by the
18 district's board of trustees and superintendent. The Texas School
19 Safety Center shall compile school district audit results and
20 report them to the agency.

21 (f) A school district shall include in its multihazard
22 emergency operations plan:

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

27 (2) provisions for responding to a natural disaster,

1 active shooter, and any other dangerous scenario identified for
2 purposes of this section by the agency or the Texas School Safety
3 Center;

4 (3) provisions for ensuring the safety of students in
5 portable buildings;

6 (4) provisions for providing immediate notification
7 to parents, guardians, and other persons standing in parental
8 relation in circumstances involving a significant threat to the
9 health or safety of students, including identification of the
10 individual with responsibility for overseeing the notification;

11 (5) a policy for providing a substitute teacher access
12 to school campus buildings and materials necessary for the
13 substitute teacher to carry out the duties of a district employee
14 during an emergency or a mandatory emergency drill; and

15 (6) the name of each individual on the district's
16 school safety and security committee established under Section
17 37.109 and the date of each committee meeting during the preceding
18 year.

19 SECTION 4. Subchapter D, Chapter 37, Education Code, is
20 amended by adding Sections 37.1081 and 37.1082 to read as follows:

21 Sec. 37.1081. PUBLIC HEARING ON MULTHAZARD EMERGENCY
22 OPERATIONS PLAN NONCOMPLIANCE. (a) If the board of trustees of a
23 school district receives notice of noncompliance under Section
24 37.207(e) or 37.2071(g), the board shall hold a public hearing to
25 notify the public of:

26 (1) the district's failure to:

27 (A) submit or correct deficiencies in a

1 multihazard emergency operations plan; or

2 (B) report the results of a safety and security
3 audit to the Texas School Safety Center as required by law;

4 (2) the dates during which the district has not been in
5 compliance; and

6 (3) the names of each member of the board of trustees
7 and the superintendent serving in that capacity during the dates
8 the district was not in compliance.

9 (b) The school district shall provide the information
10 required under Subsection (a)(3) in writing to each person in
11 attendance at the hearing.

12 (c) The board shall give members of the public a reasonable
13 opportunity to appear before the board and to speak on the issue of
14 the district's failure to submit or correct deficiencies in a
15 multihazard emergency operations plan or report the results of a
16 safety and security audit during a hearing held under this section.

17 (d) A school district required to hold a public hearing
18 under Subsection (a) shall provide written confirmation to the
19 Texas School Safety Center that the district held the hearing.

20 Sec. 37.1082. MULTHAZARD EMERGENCY OPERATIONS PLAN
21 NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS.

22 (a) If the agency receives notice from the Texas School Safety
23 Center of a school district's failure to submit a multihazard
24 emergency operations plan, the commissioner may appoint a
25 conservator for the district under Chapter 39A. The conservator
26 may order the district to adopt, implement, and submit a
27 multihazard emergency operations plan.

1 (b) If a district fails to comply with a conservator's order
2 to adopt, implement, and submit a multihazard emergency operations
3 plan within the time frame imposed by the commissioner, the
4 commissioner may appoint a board of managers under Chapter 39A to
5 oversee the operations of the district.

6 (c) The commissioner may adopt rules as necessary to
7 administer this section.

8 SECTION 5. Section 37.109, Education Code, is amended by
9 adding Subsections (a-1), (c), and (d) and amending Subsection (b)
10 to read as follows:

11 (a-1) The committee must include:

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

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

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

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

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

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

24 (7) the district's superintendent;

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

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

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

7 (b) The committee shall:

8 (1) participate on behalf of the district in
9 developing and implementing emergency plans consistent with the
10 district multihazard emergency operations plan required by Section
11 37.108(a) to ensure that the plans reflect specific campus,
12 facility, or support services needs;

13 (2) periodically provide recommendations to the
14 district's board of trustees and district administrators regarding
15 updating the district multihazard emergency operations plan
16 required by Section 37.108(a) in accordance with best practices
17 identified by the agency, the Texas School Safety Center, or a
18 person included in the registry established by the Texas School
19 Safety Center under Section 37.2091;

20 (3) provide the district with any campus, facility, or
21 support services information required in connection with a safety
22 and security audit required by Section 37.108(b), a safety and
23 security audit report required by Section 37.108(c), or another
24 report required to be submitted by the district to the Texas School
25 Safety Center; ~~and~~

26 (4) ~~(3)~~ review each report required to be submitted
27 by the district to the Texas School Safety Center to ensure that the

1 report contains accurate and complete information regarding each
2 campus, facility, or support service in accordance with criteria
3 established by the center; and

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

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

14 (d) The committee is subject to Chapter 551, Government
15 Code, and may meet in executive session as provided by that chapter.
16 Notice of a committee meeting must be posted in the same manner as
17 notice of a meeting of the district's board of trustees.

18 SECTION 6. Subchapter D, Chapter 37, Education Code, is
19 amended by adding Sections 37.113 and 37.114 to read as follows:

20 Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT OR
21 TERRORISTIC THREAT. A school district that receives a bomb threat
22 or terroristic threat relating to a campus or other district
23 facility at which students are present shall provide notification
24 of the threat as soon as possible to the parent or guardian of or
25 other person standing in parental relation to each student who is
26 assigned to the campus or who regularly uses the facility, as
27 applicable.

1 Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL
2 DRILLS. The commissioner, in consultation with the Texas School
3 Safety Center and the state fire marshal, shall adopt rules:

4 (1) providing procedures for evacuating and securing
5 school property during an emergency; and

6 (2) designating the number of mandatory school drills
7 to be conducted each semester of the school year, not to exceed 10
8 drills, including designating the number of:

9 (A) evacuation fire exit drills; and

10 (B) lockdown, lockout, shelter-in-place, and
11 evacuation drills.

12 SECTION 7. Section 37.207, Education Code, is amended by
13 adding Subsections (c), (d), and (e) to read as follows:

14 (c) In addition to a review of a district's multihazard
15 emergency operations plan under Section 37.2071, the center may
16 require a district to submit its plan for immediate review if the
17 district's audit results indicate that the district is not
18 complying with applicable standards.

19 (d) If a district fails to report the results of its audit as
20 required under Subsection (b), the center shall provide the
21 district with written notice that the district has failed to report
22 its audit results and must immediately report the results to the
23 center.

24 (e) If six months after the date of the initial notification
25 required by Subsection (d) the district has still not reported the
26 results of its audit to the center, the center shall notify the
27 agency and the district of the district's requirement to conduct a

1 public hearing under Section 37.1081. This subsection applies only
2 to a school district.

3 SECTION 8. Subchapter G, Chapter 37, Education Code, is
4 amended by adding Section 37.2071 to read as follows:

5 Sec. 37.2071. DISTRICT MULTIHAZARD EMERGENCY OPERATIONS
6 PLAN REVIEW AND APPROVAL. (a) The center shall establish a random
7 or need-based cycle for the center's review and approval of school
8 district and public junior college district multihazard emergency
9 operations plans adopted under Section 37.108. The cycle must
10 provide for each district's plan to be reviewed at least once every
11 three years.

12 (b) A school district or public junior college district
13 shall submit its multihazard emergency operations plan to the
14 center on request of the center and in accordance with the center's
15 review cycle developed under Subsection (a).

16 (c) The center shall review each district's multihazard
17 emergency operations plan submitted under Subsection (b) and:

18 (1) approve the plan; or

19 (2) provide the district with written notice:

20 (A) describing the plan's deficiencies; and

21 (B) stating that the district must correct the
22 deficiencies in its plan and resubmit the revised plan to the
23 center.

24 (d) If a district fails to submit its multihazard emergency
25 operations plan to the center for review, the center shall provide
26 the district with written notice stating that the district:

27 (1) has failed to submit a plan; and

1 (2) must submit a plan to the center for approval.

2 (e) The center may approve a district multihazard emergency
3 operations plan that has deficiencies if the district submits a
4 revised plan that the center determines will correct the
5 deficiencies.

6 (f) If three months after the date of initial notification
7 of a plan's deficiencies under Subsection (c)(2) or failure to
8 submit a plan under Subsection (d) a district has not corrected the
9 plan deficiencies or has failed to submit a plan, the center shall
10 provide written notice to the district and agency that the district
11 has not complied with the requirements of this section and must
12 comply immediately.

13 (g) If a school district still has not corrected the plan
14 deficiencies or has failed to submit a plan six months after the
15 date of initial notification under Subsection (c)(2) or (d), the
16 center shall provide written notice to the school district stating
17 that the district must hold a public hearing under Section 37.1081.

18 (h) If a school district has failed to submit a plan, the
19 notice required by Subsection (g) must state that the commissioner
20 is authorized to appoint a conservator under Section 37.1082.

21 (i) Any document or information collected, developed, or
22 produced during the review and approval of multihazard emergency
23 operations plans under this section is not subject to disclosure
24 under Chapter 552, Government Code.

25 SECTION 9. Section 37.2091(d), Education Code, is amended
26 to read as follows:

27 (d) The center shall verify the information provided by a

1 person under Subsection (c) to confirm [~~registry is intended to~~
2 ~~serve only as an informational resource for school districts and~~
3 ~~institutions of higher education. The inclusion of a person in the~~
4 ~~registry is not an indication of] the person's qualifications and
5 [~~or~~] ability to provide school safety or security consulting
6 services before adding the person to the registry [~~or that the~~
7 ~~center endorses the person's school safety or security consulting~~
8 ~~services~~].~~

9 SECTION 10. Section 45.001(a), Education Code, is amended
10 to read as follows:

11 (a) The governing board of an independent school district,
12 including the city council or commission that has jurisdiction over
13 a municipally controlled independent school district, the
14 governing board of a rural high school district, and the
15 commissioners court of a county, on behalf of each common school
16 district under its jurisdiction, may:

17 (1) issue bonds for:

18 (A) the construction, acquisition, and equipment
19 of school buildings in the district;

20 (B) the acquisition of property or the
21 refinancing of property financed under a contract entered under
22 Subchapter A, Chapter 271, Local Government Code, regardless of
23 whether payment obligations under the contract are due in the
24 current year or a future year;

25 (C) the purchase of the necessary sites for
26 school buildings; [~~and~~]

27 (D) the purchase of new school buses;

1 (E) the retrofitting of school buses with
2 emergency, safety, or security equipment; and

3 (F) the purchase or retrofitting of vehicles to
4 be used for emergency, safety, or security purposes; and

5 (2) [~~may~~] levy, pledge, assess, and collect annual ad
6 valorem taxes sufficient to pay the principal of and interest on the
7 bonds as or before the principal and interest become due, subject to
8 Section 45.003.

9 SECTION 11. Not later than January 1, 2020:

10 (1) the Texas School Safety Center shall:

11 (A) develop a list of best practices for ensuring
12 the safety of public school students receiving instruction in
13 portable buildings; and

14 (B) provide information regarding the list of
15 best practices to school districts using portable buildings for
16 student instruction;

17 (2) the commissioner of education shall adopt or amend
18 rules as required by Section 7.061, Education Code, as added by this
19 Act; and

20 (3) the commissioner of education, in consultation
21 with the Texas School Safety Center and the state fire marshal,
22 shall adopt rules as required by Section 37.114, Education Code, as
23 added by this Act.

24 SECTION 12. To the extent of any conflict, this Act prevails
25 over another Act of the 86th Legislature, Regular Session, 2019,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 13. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2019.