

By: Metcalf

H.B. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to public school safety and security measures, policies,  
and procedures.

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

SECTION 1. Section 11.159, Education Code, is amended by  
adding Subsection (e) to read as follows:

(e) The State Board of Education shall require a trustee to  
complete training provided by the Texas School Safety Center on  
school safety and security every three years. A new trustee must  
complete the training required by this section not later than the  
first anniversary of the trustee's election or appointment. A  
returning trustee must complete the training not later than the  
third anniversary of completion of the trustee's previous training.

SECTION 2. 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

1 System (PEIMS) to the extent necessary to monitor compliance with  
2 this subchapter as determined by the commissioner;

3 (B) criminal history records under Subchapter C,  
4 Chapter 22;

5 (C) reading instruments and accelerated reading  
6 instruction programs under Section 28.006;

7 (D) accelerated instruction under Section  
8 28.0211;

9 (E) high school graduation requirements under  
10 Section 28.025;

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

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

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

17 (I) extracurricular activities under Section  
18 33.081;

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

21 (K) health and safety under Chapter 38;

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

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

26 (N) intensive programs of instruction under  
27 Section 28.0213;

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

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

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

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

12 (S) ~~(P)~~ a parent's right to information  
13 regarding the provision of assistance for learning difficulties to  
14 the parent's child as provided by Sections 26.004(b)(11) and  
15 26.0081(c) and (d); and

16 (T) school safety requirements under Sections  
17 37.108, 37.109, 37.1091, and 37.207.

18 SECTION 3. Section 12.123, Education Code, is amended by  
19 adding Subsection (c) to read as follows:

20 (c) The commissioner shall require a member of the governing  
21 body of an open-enrollment charter school to complete training  
22 provided by the Texas School Safety Center on school safety and  
23 security every three years. A new member must complete the training  
24 required by this section not later than the first anniversary of the  
25 date the member begins to serve on the governing body. A member  
26 must complete subsequent training not later than the third  
27 anniversary of completion of the member's previous training.

1 SECTION 4. Section 37.108, Education Code, is amended by  
2 amending Subsections (a), (b), (c), and (c-1) and adding Subsection  
3 (a-1) to read as follows:

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

11 (1) district employee training in responding to an  
12 emergency;

13 (2) the establishment of a threat assessment team as  
14 required by Section 37.1091;

15 (3) if the plan applies to a school district,  
16 mandatory school drills and exercises specified by the Texas School  
17 Safety Center to prepare district students and employees for  
18 responding to an emergency;

19 (4) an annual review of the plan in accordance with  
20 guidelines established by the Texas School Safety Center [~~(3)~~  
21 ~~measures to ensure coordination with the Department of State Health~~  
22 ~~Services and local emergency management agencies, law enforcement,~~  
23 ~~health departments, and fire departments in the event of an~~  
24 ~~emergency]; and~~

25 (5) [~~(4)~~] the implementation of a safety and security  
26 audit as required by Subsection (b).

27 (a-1) In developing a multihazard emergency operations plan

1 under Subsection (a), a school district or public junior college  
2 district shall consult with the Department of State Health Services  
3 and local emergency management agencies, law enforcement, health  
4 departments, and fire departments. The plan must include a list of  
5 persons with which the district consulted in preparing the plan,  
6 including each person's name, title, and affiliated entity.

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

13 (c) A school district or public junior college district  
14 shall report the results of the safety and security audit conducted  
15 under Subsection (b) to the district's board of trustees not later  
16 than the 60th day after the conclusion of each audit cycle under  
17 Subsection (b) and, in the manner required by the Texas School  
18 Safety Center, to the Texas School Safety Center.

19 (c-1) Any [~~Except as provided by Subsection (c-2), any~~]  
20 document or information collected, developed, or produced during a  
21 safety and security audit conducted under Subsection (b) is not  
22 subject to disclosure under Chapter 552, Government Code.

23 SECTION 5. The heading to Section 37.109, Education Code,  
24 is amended to read as follows:

25 Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE;  
26 EMERGENCY MANAGEMENT COORDINATOR.

27 SECTION 6. Section 37.109, Education Code, is amended by

1 adding Subsection (c) to read as follows:

2 (c) Each school district shall appoint an employee of the  
3 district to serve as the district's emergency management  
4 coordinator. The emergency management coordinator shall:

5 (1) serve as the presiding officer of the committee;

6 (2) ensure the committee performs the committee's  
7 obligations under Subsection (b); and

8 (3) supervise the development and implementation of  
9 the district multihazard emergency operations plan required by  
10 Section 37.108(a), including:

11 (A) the coordination of employee training in  
12 responding to an emergency; and

13 (B) the execution and documentation of mandatory  
14 school drills and exercises.

15 SECTION 7. Subchapter D, Chapter 37, Education Code, is  
16 amended by adding Section 37.1091 to read as follows:

17 Sec. 37.1091. THREAT ASSESSMENT TEAM. (a) Each school  
18 district shall adopt policies and procedures in accordance with the  
19 guidelines developed by the Texas School Safety Center, and in  
20 coordination with the agency, for the establishment of threat  
21 assessment teams. The policies and procedures must establish at  
22 least one threat assessment team and:

23 (1) the membership and composition of each threat  
24 assessment team;

25 (2) the training requirements for a member of a threat  
26 assessment team, including training provided by the Texas School  
27 Safety Center in threat assessment protocols;

1           (3) guidance for students, faculty, and staff in  
2 identifying and reporting of any threatening or aberrant behavior  
3 that may pose a threat to the community, school, or individual; and

4           (4) the process for threat assessment, management,  
5 investigation, and response.

6           (b) A threat assessment team identifying a student at risk  
7 of suicide shall act in accordance with the district's suicide  
8 prevention program.

9           (c) Each threat assessment team established under  
10 Subsection (a) shall annually report to the Texas School Safety  
11 Center the policies and procedures adopted by the team.

12           SECTION 8. Section 37.108(c-2), Education Code, is  
13 repealed.

14           SECTION 9. A person serving on the board of trustees of a  
15 school district or the governing body of an open-enrollment charter  
16 school on the effective date of this Act must complete the training  
17 required by Section 11.159(e) or 12.123(c), Education Code, as  
18 added by this Act, not later than September 1, 2020.

19           SECTION 10. To the extent of any conflict, this Act prevails  
20 over another Act of the 86th Legislature, Regular Session, 2019,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.

23           SECTION 11. This Act takes effect September 1, 2019.