By:  King of Hemphill, Buckley, Ashby, Dutton, H.B. No. 2

     Walle, et al.

A BILL TO BE ENTITLED

AN ACT

relating to measures for ensuring safety and security in public schools, including the establishment of a school safety grant program and a school safety plan implementation grant program, and the allocation of certain constitutional transfers of money to the state school safety fund, the economic stabilization fund, and the state highway fund.

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

SECTION 1.  Section 37.108(b-1), Education Code, is amended to read as follows:

(b-1)  In a school district's safety and security audit required under Subsection (b), the district must certify that the district used all school safety-related state [~~the~~] funds provided to the district [~~through the school safety allotment under Section 48.115~~] only for the purposes of improving the safety of schools in the district [~~provided by that section~~].

SECTION 2.  Section 37.117(c), Education Code, as added by Chapter 1 (S.B. 838), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

(c)  To comply with this section, a school district or open-enrollment charter school may:

(1)  use school safety-related state funds provided to the district or school [~~through the school safety allotment under Section 48.115 or other available funds~~]; and

(2)  use the district's or school's customary procurement process.

SECTION 3.  Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1087 to read as follows:

Sec. 37.1087.  SCHOOL SAFETY GRANT PROGRAM. (a) In this section:

(1)  "Fund" means the state school safety fund established under Section 7, Article VII, Texas Constitution.

(2)  "Program" means the school safety grant program established in this section.

(b)  The commissioner shall establish a school safety grant program using proceeds of the fund to annually provide grants to school districts and open-enrollment charter schools.

(c)  The commissioner may award grants each school year not to exceed a total amount of $1.1 billion.

(d)  Except as provided by Subsection (f), the commissioner shall award a school district or open-enrollment charter school a grant under this section in an amount equal to the sum of:

(1)  the total amount to which the district or school would be entitled under Section 48.051, if the allotment under that section was allotted for each student enrolled in the district or school instead of for each student in average daily attendance, multiplied by 0.01; and

(2)  the sum of:

(A)  $50,000 for each district or school campus with 500 or fewer enrolled students;

(B)  $100,000 for each district or school campus with 501 to 1,000 enrolled students;

(C)  $150,000 for each district or school campus with 1,001 to 1,500 enrolled students;

(D)  $175,000 for each district or school campus with 1,501 to 2,000 enrolled students; and

(E)  $200,000 for each district or school campus with more than 2,000 enrolled students.

(e)  A school district or open-enrollment charter school campus that provides only virtual instruction or utilizes only facilities not subject to the district's or school's control is not included for purposes of determining the amount of the grant awarded to the district or school under Subsection (d).

(f)  If the amount of grants calculated under Subsection (d) exceeds $1.1 billion in a school year, the commissioner shall proportionately reduce the amount of each grant in that school year in an amount necessary to limit the amount of grants to $1.1 billion.

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

SECTION 4.  Sections 48.115(b), (c-1), (d), and (e), Education Code, are transferred to Subchapter D, Chapter 37, Education Code, redesignated as Section 37.1088, Education Code, and amended to read as follows:

Sec. 37.1088.  PERMISSIBLE USES OF SCHOOL SAFETY GRANT. (a) A school district or open-enrollment charter school may only use a grant awarded under Section 37.1087 [~~(b)  Funds allocated under this section must be used~~] to improve school safety and security, including costs associated with:

(1)  securing school facilities in accordance with the requirements of Section 37.351, including:

(A)  improvements to school infrastructure;

(B)  the use or installation of perimeter security fencing conducive to a public school learning environment or physical barriers, which may not include razor wire;

(C)  exterior door and window safety and security upgrades, including exterior door numbering and locking systems and security film that provides resistance to a forced entry; and

(D)  the purchase and maintenance of:

(i)  security cameras and, if the district or school has already installed security cameras, other security equipment, including video surveillance as provided by Section 29.022; and

(ii)  technology, including communications systems or devices, such as silent panic alert devices, two-way radios, or wireless Internet booster equipment, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2)  providing security for the district or school, including:

(A)  employing [~~school district~~] peace officers, private security officers, and school marshals; and

(B)  collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers [~~to schools~~] in the district or school;

(3)  school safety and security measures, including:

(A)  active shooter and emergency response training;

(B)  prevention and treatment programs relating to addressing adverse childhood experiences; and

(C)  the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i)  providing licensed counselors, social workers, chaplains, and individuals trained in restorative discipline and restorative justice practices;

(ii)  providing mental health personnel and support, including chaplains;

(iii)  providing behavioral health services, including services provided by chaplains;

(iv)  establishing threat reporting systems; and

(v)  developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support, including support provided by chaplains;

(4)  providing programs related to suicide prevention, intervention, and postvention, including programs provided by chaplains; [~~and~~]

(5)  employing a school safety director and other personnel to manage and monitor school safety initiatives and the implementation of school safety requirements for the district or school; and

(6)  implementing the Texas Overdose Prevention Program - Schools (TOPPS) developed by The University of Texas San Antonio Health Science Center.

(b) [~~(c-1)~~]  The agency, or if designated by the agency, the Texas School Safety Center, shall establish and publish a directory of approved vendors of school safety technology and equipment a school district or open-enrollment charter school may select from when using a grant awarded under Section 37.1087 [~~funds allocated under this section~~]. If a school district or open-enrollment charter school uses a grant awarded under Section 37.1087 [~~funds allocated under this section~~] to purchase technology or equipment from a vendor that is not included in the directory, the district or school must solicit bids from at least three vendors before completing the purchase.

(c) [~~(d)~~]  The commissioner shall annually publish a report regarding grants awarded under Section 37.1087 [~~funds allocated under this section~~] including the programs, personnel, and resources purchased by districts and schools using the grant [~~funds under this section~~] and other purposes for which the grant was [~~funds were~~] used.

(d) [~~(e)~~]  Notwithstanding any other law, a school district or open-enrollment charter school may use a grant awarded under Section 37.1087 [~~funds allocated under this section~~] to provide training to a person authorized by the district or school to carry a firearm on a district or school campus.

(e)  A school district or open-enrollment charter school that receives a grant awarded under Section 37.1087 to conduct a psychological or psychiatric examination or test of or provide psychological or psychiatric treatment to a student may only do so if conducting the examination or test or providing the treatment is part of a threat assessment under Section 37.115 or, before conducting the examination or test or providing the treatment, the district or school obtains written consent for the examination, test, or treatment from the student's parent or guardian. For purposes of this subsection:

(1)  "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(2)  "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

SECTION 5.  Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1089 to read as follows:

Sec. 37.1089.  SCHOOL SAFETY PLAN IMPLEMENTATION GRANT PROGRAM. (a) In this section, "fund" means the state school safety fund established under Section 7, Article VII, Texas Constitution.

(b)  The commissioner shall establish a grant program using proceeds of the fund to provide grants to school districts and open-enrollment charter schools for the reimbursement of expenditures required for the implementation of a school safety plan that has been approved by the agency.

(c)  The commissioner may award grants each school year in an amount not to exceed:

(1)  a total amount of $250 million; and

(2)  $10 million per school district or open-enrollment charter school.

(d)  If the amount of grant requests under the program exceeds $250 million in a school year, the commissioner shall proportionately reduce the amount of each grant in that school year in an amount necessary to limit the total amount of grants provided to $250 million.

(e)  Subject to the limitation under Subsection (c)(1) and notwithstanding Subsection (c)(2), if excess funds are available for a school year, the commissioner may provide additional grants to school districts and open-enrollment charter schools that incurred eligible expenses of more than $10 million in that school year.

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

SECTION 6.  Section 37.354(a), Education Code, is amended to read as follows:

(a)  The commissioner may authorize a school district to use money provided to the district for the purpose of improving school safety and security, including [~~the school safety allotment under Section 48.115 or any other~~] funding or grant money available to the district for that purpose, to comply with the requirements of this subchapter.

SECTION 7.  The heading to Subchapter H, Chapter 316, Government Code, is amended to read as follows:

SUBCHAPTER H. ALLOCATION OF CERTAIN CONSTITUTIONAL TRANSFERS OF MONEY [~~TO ECONOMIC STABILIZATION FUND AND STATE HIGHWAY FUND~~]

SECTION 8.  The heading to Section 316.092, Government Code, is amended to read as follows:

Sec. 316.092.  DETERMINATION OF THRESHOLD FOR CONSTITUTIONAL TRANSFER TO STATE SCHOOL SAFETY FUND AND STATE HIGHWAY FUND.

SECTION 9.  The heading to Section 316.093, Government Code, is amended to read as follows:

Sec. 316.093.  ADJUSTMENT OF CONSTITUTIONAL ALLOCATIONS TO FUND, STATE SCHOOL SAFETY FUND, AND STATE HIGHWAY FUND.

SECTION 10.  Section 316.093, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (c-1) to read as follows:

(b)  If the sum described by Subsection (a) is less than the amount determined under Section 316.092 for that state fiscal biennium, the comptroller shall:

(1)  reduce the allocation to the state highway fund provided by Section 49-g(c), Article III, Texas Constitution, by the lesser of:

(A)  the amount by which the sum described by Subsection (a) is less than the amount determined under Section 316.092 for that state fiscal biennium; or

(B)  the amount that would otherwise be allocated for transfer to the state highway fund under Section 49-g(c), Article III, Texas Constitution;

(2)  if the sum described by Subsection (a) plus the amount by which the allocation to the state highway fund is reduced under Subdivision (1) of this subsection is less than the amount determined under Section 316.092 for that state fiscal biennium, reduce the allocation to the state school safety fund provided by Section 49-g(c), Article III, Texas Constitution, by the lesser of:

(A)  the amount by which the sum described by Subsection (a) plus the amount by which the allocation to the state highway fund is reduced under Subdivision (1) is less than the amount determined under Section 316.092 for that state fiscal biennium; or

(B)  the amount that would otherwise be allocated for transfer to the state school safety fund under Section 49-g(c), Article III, Texas Constitution; and

(3)  increase the allocation to the economic stabilization fund provided by Section 49-g(c), Article III, Texas Constitution, in an [~~equal~~] amount equal to the amount by which the allocations to the state highway fund and the state school safety fund are reduced under Subdivisions (1) and (2) of this subsection, as applicable[~~, until the amount determined under Section 316.092 for that state fiscal biennium would be achieved by the transfer to the fund or the total amount of the sum described by Section 49-g(c), Article III, Texas Constitution, is allocated to the fund, whichever occurs first~~].

(b-1)  Notwithstanding Subsection (b), for the state fiscal year beginning September 1, 2024, if the sum described by Subsection (a) is less than the amount determined under Section 316.092 for that state fiscal biennium, the comptroller shall reduce the allocation to the state highway fund provided by Section 49-g(c), Article III, Texas Constitution, and increase the allocation to the economic stabilization fund in an equal amount until the amount determined under Section 316.092 for that state fiscal biennium would be achieved by the transfer to the fund or the sum of the amounts described by Section 49-g(c) of that article less the allocation to the state school safety fund as provided by Sections 49-g(c-1) and (c-3) of that article for that state fiscal year is allocated to the fund, whichever occurs first. This subsection expires September 1, 2025.

(c)  For the purposes of Section 49-g(c-2), Article III, Texas Constitution, for a state fiscal biennium beginning on or after September 1, 2043, the comptroller shall adjust the allocation provided by Section 49-g(c-1) of that article so that:

(1)  the amount allocated for transfer to the state highway fund under Section 49-g(c-1) of that article is instead [~~of amounts to be transferred to the fund and to the state highway fund under Section 49-g(c) of that article in a state fiscal year beginning on or after September 1, 2043, so that the total of those amounts is~~] transferred to the economic stabilization fund; and

(2)  if the total of the transfer under Subdivision (1) and the sum described by Subsection (a) is less than the amount determined under Section 316.092 for that state fiscal biennium, the amount allocated for transfer to the state school safety fund is reduced and the allocation to the economic stabilization fund is increased in an equal amount until the amount determined under Section 316.092 for that state fiscal biennium would be achieved by the transfer to the fund or the total amount of the sum described by Section 49-g(c) of that article is allocated to the fund, whichever occurs first.

(c-1)  The [~~, except that the~~] comptroller shall reduce a transfer made under Subsection (c) [~~this subsection~~] as necessary to prevent the amount in the fund from exceeding the limit in effect for that biennium under Section 49-g(g), Article III, Texas Constitution [~~of that article~~].

(d)  Subsection [~~Subsections (a) and~~] (b) and this subsection expire December 31, 2042.

SECTION 11.  The following provisions are repealed:

(1)  the heading to Section 48.115, Education Code;

(2)  Sections 48.115(a), (a-1), (b-1), (b-2), and (c), Education Code; and

(3)  Section 316.092(b), Government Code.

SECTION 12.  The changes made by this Act to the Education Code apply beginning with the 2024-2025 school year.

SECTION 13.  The changes made by this Act to Subchapter H, Chapter 316, Government Code, apply beginning with the state fiscal year beginning September 1, 2024.

SECTION 14.  This Act takes effect on the date on which the constitutional amendment proposed by the 88th Legislature, 4th Called Session, 2023, creating the state school safety fund to provide ongoing financial support for projects that ensure the safety of public schools in this state and providing for the transfer of certain general revenues to that fund, the economic stabilization fund, and the state highway fund is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.