

BILL ANALYSIS

C.S.H.B. 13
By: King, Ken
Youth Health & Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, schools across Texas have seen an increase in safety and security concerns. These concerns have led public school districts and open-enrollment charter schools to seek ways to better secure their campuses and facilities and to help prevent future tragedies. C.S.H.B. 13 seeks to address concerns regarding a lack of funding for school security by establishing grant programs for improving school safety infrastructure and for implementing school safety plans. C.S.H.B. 13 additionally seeks to address safety concerns by requiring certain school employees to complete mental health first aid training, providing for a school guardian training program and a stipend for guardians, requiring the inclusion of an active shooter preparedness appendix in a district's multihazard emergency operations plan, and giving districts greater flexibility in determining how to use school safety allotment funds.

CRIMINAL JUSTICE IMPACT

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

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1, 2, 5, and 8 of this bill.

ANALYSIS

C.S.H.B. 13 amends the Education Code to provide for certain training, preparedness processes, and funding for school safety and emergencies in public schools beginning with the 2023-2024 school year, except as otherwise provided.

Mental Health First Aid Training

C.S.H.B. 13 requires a public school district to require each district employee who regularly interacts with the district's enrolled students to complete an evidence-based mental health first aid training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety. Applicable district employees must complete the training according to the following schedule:

- at least 25 percent of the employees before the beginning of the 2025-2026 school year;
- at least 50 percent of the employees before the beginning of the 2026-2027 school year;
- at least 75 percent of the employees before the beginning of the 2027-2028 school year;
- and
- 100 percent of the employees before the beginning of the 2028-2029 school year.

C.S.H.B. 13 requires the Texas Education Agency (TEA) to provide an allotment to each district equal to the amount district employees spent on travel and training fees in accordance with commissioner of education rule to comply with that requirement and restricts the district's use of the allotment to employee reimbursements for those expenses. The bill requires the commissioner to adopt rules to implement the bill's mental health first aid training provisions, including rules specifying the expenses subject to reimbursement.

School Guardian Training and Stipend

C.S.H.B. 13 requires a public school district's or open-enrollment charter school's written regulation or written authorization that authorizes the presence of a school guardian to require the guardian to complete a TEA-approved school guardian training program before being permitted to carry or possess a weapon on the school's physical premises for the purposes of providing safety and security. TEA may approve a school guardian training program on the condition that it satisfies the following criteria:

- requires completion of all training required for a school marshal, including the Texas Commission on Law Enforcement's training program for licensing school marshals; and
- includes instruction in mental health first aid and trauma-informed care.

C.S.H.B. 13 entitles a district or charter school employee who serves as a school guardian and completes the school guardian training program to a stipend in an amount determined by the commissioner, capped at \$25,000, for each school year that the employee serves in that role from funds appropriated or otherwise available for the purpose. The bill clarifies that the stipend is not considered a part of the employee's compensation, including for purposes of determining whether a district is paying an employee the minimum monthly salary according to the minimum salary schedule for certain professional staff.

C.S.H.B. 13 defines "school guardian," for purposes of the bill's school guardian training and stipend provisions, as a district or charter school employee who, pursuant to the district's or charter school's written regulations or written authorization, is authorized to carry or possess a specified weapon for the purpose of providing safety and security on the physical premises of the employee's school, any grounds or building on which an activity sponsored by the school is being conducted, or a passenger transportation vehicle of the school. The bill requires the commissioner to adopt rules necessary to implement those provisions.

Threat Assessment and Safe and Supportive School Program and Team

C.S.H.B. 13 requires the policies and procedures adopted by each public school district's board of trustees for the district's threat assessment and safe and supportive school teams to require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the applicable team or other appropriate school employee.

Multihazard Emergency Operations Plan

C.S.H.B. 13 replaces the requirement for a public school district to include in its multihazard emergency operations plan a policy for responding to an active shooter emergency, using any available community resources at the district's discretion in developing the policy, with a requirement that a district include in its multihazard emergency operations plan an active shooter preparedness appendix. The bill requires the appendix to include a certification by the district that the district has provided to each law enforcement agency with jurisdiction in the district or geographic area served by the district the following:

- an accurate map of each district campus that is oriented to true north; and
- an opportunity to conduct a walk-through of each district facility.

School Safety Infrastructure Grant Program

C.S.H.B. 13 requires TEA, with funds appropriated or otherwise available for the purpose, to establish a grant program to assist public school districts and open-enrollment charter schools with any cost identified by a district or school as necessary for enhancing the infrastructure of each district or school campus to meet TEA safety standards. The bill requires the commissioner to adopt rules to implement this grant program provision.

Foundation School Program Provisions

C.S.H.B. 13, with regard to the school safety allotment for public school districts, does the following:

- replaces the requirement that the commissioner provide to a district an annual allotment in the amount provided by appropriation for each student in average daily attendance with a provision entitling a district to an annual \$100 allotment for each such student; and
- removes provisions specifying the types of school safety and security costs for which the allotment must be used.

The bill requires TEA or the Texas School Safety Center, if designated by TEA, to establish and publish a directory of approved vendors of school safety technology and equipment from which a district may select when using the allotment funds and requires a district that uses the allotment funds to purchase technology and equipment from a vendor that is not included in the directory to solicit bids from at least three vendors before completing the purchase. These vendor-related requirements do not apply to a vendor of behavioral health services or programming or a vendor used by a third party engaged by a district to improve school safety or security.

C.S.H.B. 13 establishes that a district subject to recapture is not required to reduce its tier one revenue level by an amount necessary for the district to employ an off-duty peace officer as school security personnel. This provision and the bill's school safety allotment provisions take effect September 1, 2023.

State School Safety Fund And Grants

C.S.H.B. 13 requires the commissioner, on determining that the amount appropriated for a state fiscal year for purposes of administering the Foundation School Program exceeds the amount to which public school districts and open-enrollment charter schools are entitled under applicable Education Code provisions for that year, to deposit a portion of that excess, up to 100 percent, to the credit of the state school safety fund, as defined by the bill by reference to a constitutional provision proposed by the 88th Legislature, Regular Session. The bill requires the commissioner to establish a school safety grant program using proceeds of the fund to provide grants to districts and charter schools and restricts the use of money in the fund to providing grants to reimburse a district or charter school for expenditures required for the implementation of a TEA-approved school safety plan.

C.S.H.B. 13 caps the amount of grants the commissioner may award to a district or charter school each school year at \$10 million and caps the total amount of grants the commissioner may award each school year at \$250 million. The bill requires the commissioner to proportionately reduce the amount of each grant under the program in a school year during which the amount of grant requests exceeds \$250 million in an amount necessary to limit the total amount of grants provided to \$250 million. If excess funds are available for a school year, the commissioner may provide additional grants to districts and charter schools that incurred eligible expenses of more than \$10 million in that school year, subject to the total \$250 million cap.

C.S.H.B. 13 provides for the administration of the fund by the Texas Permanent School Fund Corporation, with the objective of maintaining sufficient liquidity to meet the fund's needs while

striving to maximize returns, and for the corporation's authority to charge a fee not to exceed the amount necessary to cover the costs estimated to be incurred by the corporation in managing and investing the fund. The bill authorizes the commissioner, in consultation with the corporation, to adopt rules necessary to implement the bill's school safety fund and school safety grant program provisions. Those provisions of the bill apply beginning with the 2024-2025 school year and take effect January 1, 2024, contingent on voter approval of the constitutional amendment proposed by the 88th Legislature, Regular Session, creating the state school safety fund. If that constitutional amendment is not approved by the voters, those bill provisions have no effect.

EFFECTIVE DATE

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 13 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute provide for a school guardian stipend, the introduced established that the stipend is not considered in determining whether a district is paying an employee the minimum monthly salary according to the minimum salary schedule for certain professional staff or other applicable Education Code provisions, whereas the substitute establishes that the stipend is not considered a part of the employee's compensation, including for purposes of determining whether a district is paying an employee the minimum monthly salary according to that salary schedule.

While both the introduced and the substitute define a "school guardian" for purposes of the bill's school guardian training and stipend provisions as a school employee who, pursuant to a district's or charter school's written regulations or written authorization, is authorized to carry or possess a specified weapon for the purposes specified by the bill, the substitute clarifies that the employees included in that definition are district employees and charter school employees.

Both the introduced and the substitute set out provisions relating to active shooter preparedness, but their provisions on this matter differ. The introduced required each district and charter school to annually adopt and implement an active shooter preparedness plan for which TEA, in consultation with the Texas School Safety Center, must establish certain minimum requirements, including a requirement that a district or charter school provide applicable law enforcement agencies with campus maps and an opportunity to conduct a walk-through. The substitute instead replaces a requirement that a district include in its multihazard emergency operations plan a policy for responding to an active shooter emergency with a requirement for a district to include in that plan an active shooter preparedness appendix that includes a certification that the district provided applicable law enforcement agencies with campus maps and an opportunity to conduct a walk-through.

The substitute includes a provision that was not in the introduced establishing that the bill's provisions relating to the selection of a vendor of school safety technology and equipment through a directory of approved vendors or bid solicitation do not apply to a vendor of behavioral health services or programming or a vendor used by a third party engaged by a district to improve school safety or security.

The substitute includes provisions that were not in the introduced relating to the state school safety fund and a related grant program.