

BILL ANALYSIS

C.S.S.B. 11
By: Nichols
Public Education
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.S.B. 11 seeks to address this issue by establishing provisions relating to, among other matters, measures for ensuring safety and security in public schools, including measures related to certain student records, facilities standards, active shooter training for certain peace officers, mental health first aid training, the monitoring of a district's safety and security requirements by the Texas Education Agency, and applicable multihazard emergency operations plans.

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 6, 13, 18, 20, 26, and 29 of this bill, to the State Board for Educator Certification in SECTION 6 of this bill, and to the Texas Commission on Law Enforcement in SECTION 38 of this bill.

ANALYSIS

C.S.S.B. 11 amends the Education Code, Local Government Code, and Occupations Code to set out and revise provisions relating to safety and security in public schools.

Safety and Security Requirements for Facilities

C.S.S.B. 11 amends the Education Code to revise the requirement in current law for the commissioner of education to 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. The bill instead requires the commissioner to adopt or amend rules as necessary to ensure that facilities standards for such facilities, including construction quality, performance, operational, and other standards related to the safety and security of school facilities, provide a safe and secure environment.

C.S.S.B. 11 requires the Texas School Safety Center (TxSSC) to review the facilities standards at least once every five years and make recommendations to the commissioner regarding any changes necessary to ensure that the facilities standards reflect best practices for improving school safety through the design and construction of school facilities. The bill authorizes the TxSSC and the commissioner to consult with stakeholders with relevant expertise regarding whether any updates to requirements for the use of funds granted or allocated to school districts

for purposes of improving the safety and security of school facilities are necessary to align with best practices.

C.S.S.B. 11, with respect to the facilities standards, requires the commissioner to do the following:

- in conducting the required review and amendment of adopted or amended rules not later than September 1 of each even-numbered year, to identify and adopt any changes recommended by the TxSSC and to require that new and, to the extent feasible, existing school facilities meet or exceed the standards established by rule; and
- in updating facilities standards, to incorporate input from the TxSSC and stakeholders with relevant expertise regarding best practices for standards applicable to the design and construction of school facilities and to ensure the standards are updated as necessary to ensure compliance with any changes to state law and local building codes.

C.S.S.B. 11 requires a school district to ensure that each district facility complies with each school facilities standard, including performance standards and operational requirements, related to safety and security adopted by the commissioner of education or by other law or Texas Education Agency (TEA) rule. The bill requires a district to develop and maintain documentation of the district's implementation of and compliance with school safety and security facilities standards for each district facility and to provide the documentation to the school safety and security committee, the district's board of trustees, and, if requested by TEA, to TEA in the manner prescribed by TEA. The bill authorizes a district, if the district is unable to bring a facility into compliance with a school facilities standard related to safety and security, to claim a good cause exception from the requirement to comply with that standard, including for a reason related to the following:

- the age, physical design, or location of the noncompliant facility;
- the projected remaining use or functional life of the noncompliant facility;
- availability of funding; or
- supply chain obstacles.

The bill requires a district that claims a good cause exception to develop an alternative performance standard with which the district is able to comply.

C.S.S.B. 11 authorizes the commissioner of education to authorize a district to use money provided to the district for the purpose of improving school safety and security, including the school safety allotment or any other funding or grant money available to the district for that purpose, to comply with the facilities standards requirements.

In addition, the bill updates current law to explicitly subject an open-enrollment charter school to these bill provisions establishing these safety and security requirements for facilities and to the bill's provisions, as subsequently described, regarding TEA monitoring of school district safety and security requirements, regarding actions based on noncompliance with safety and security requirements, and regarding the assignment of a conservator for noncompliance with school safety and security requirements.

Mental Health First Aid Training

C.S.S.B. 11 requires a 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. However, a district may not require a district employee to complete this training if the employee has previously completed mental health first aid training offered by a local mental health authority, at no cost, to university employees, school district employees, and school resource officers under applicable Health and Safety Code provisions. The bill provides that a district must require the district's employees to complete the required training as follows:

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

C.S.S.B. 11 requires TEA to provide an allotment to each district equal to the sum of the amount district employees spent on travel and training fees and the product of each employee's hourly salary multiplied by the number of hours that employee spent completing the training in accordance with commissioner of education rule to comply with that requirement. Moreover, the bill does the following:

- restricts the district's use of the allotment to employee reimbursements for those expenses;
- 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; and
- requires the State Board for Educator Certification to propose rules allowing an educator to receive credit toward the educator's continuing education requirements for the educator's participation in mental health first aid training under these bill provisions.

TEA Monitoring of School District Safety and Security Requirements

C.S.S.B. 11 requires TEA to monitor school district compliance with safety and security requirements, including by annually conducting on-site audits of school districts, and additionally does the following:

- authorizes TEA to conduct the on-site audits using a cycle of random selection and requires audits to be conducted in accordance with criteria developed by TEA in consultation with the TxSSC;
- requires TEA, as soon as practicable after the bill's effective date, to establish an office of school safety and security within TEA that consists of individuals with substantial expertise and experience in school or law enforcement safety and security operations and oversight at the local, state, or federal level to coordinate monitoring of district safety and security requirements by TEA;
- requires the governor, as soon as practicable after the bill's effective date, to appoint the director of the office, who is confirmed by the senate and must report directly to the commissioner of education; and
- requires TEA, in coordination with the TxSSC to provide technical assistance to support the implementation of district multihazard emergency operations plans and safety and security audits and other safety and security requirements.

C.S.S.B. 11 authorizes TEA to use or require the use of a third party as necessary to enable TEA to conduct the monitoring required under these bill provisions. The bill also provides the following:

- TEA and the TxSSC may identify, develop, and make available to districts information to assist districts in the implementation and operation of safety and security requirements;
- TEA may require a district to submit information necessary for TEA to conduct an on-site audit or otherwise monitor school district compliance with safety and security requirements under these provisions, including the following information:
 - notice of an event requiring a district's emergency response; and
 - information regarding the district's response and use of emergency operations procedures during such an event;

- TEA may review district records as necessary to ensure compliance with the safe schools provisions of the Education Code, as amended by the bill, with respect to the protection of buildings and grounds, to the TxSSC, and to the safety and security requirements for facilities as added by the bill;
- any document or information collected, identified, developed, or produced relating to the monitoring of district safety and security requirements under the bill's provisions is, as follows:
 - confidential under the provisions of the Texas Disaster Act of 1975 applicable to information relating to risk or vulnerability assessment and to information relating to critical infrastructure; and
 - not subject to disclosure under state public information law; and
- the bill authorizes the commissioner to adopt rules as necessary to administer the bill's provisions relating to TEA monitoring of district safety and security requirements.

C.S.S.B. 11 requires the compliance monitoring to include intruder detection audits of each school district to determine whether an intruder could gain unsecured, unauthorized access to a district campus. The bill requires TEA to ensure that an intruder detection audit is conducted annually at each district and that the audit includes an on-site audit of not less than 25 percent of the district's campuses.

Actions Based on Noncompliance with School Safety and Security Requirements

C.S.S.B. 11 authorizes the commissioner of education to determine that a district or a campus of the district is noncompliant with the bill's safety and security requirements if the district fails to do the following:

- submit to the required monitoring;
- comply with applicable safety and security requirements; or
- address in a reasonable time period, as determined by commissioner rule, issues raised by the agency's monitoring of the district.

A student enrolled in a school district determined to be noncompliant is eligible to receive a public education grant to attend a school in a district other than the district in which the student resides as provided by the public education grant program and the bill updates current law regarding that program to reflect this eligibility.

The bill prohibits the board of trustees of a noncompliant district from making a severance payment of any amount to the superintendent or an administrator serving as educational leader and chief executive officer of a school district or charter school, or other administrator of the district or school employed under a contract entered into on or after the bill's effective date and terminated as a result of the noncompliance. The bill updates current law regarding the employment of superintendents to reflect this prohibition with respect to superintendents. The bill authorizes the commissioner to adopt rules to implement the bill's provisions regarding these actions based on noncompliance with safety and security requirements.

Assignment of Conservator for Noncompliance with School Safety and Security Requirements

C.S.S.B. 11 authorizes the commissioner of education to assign a conservator under statutory provisions relating to accountability interventions and sanctions if a public school district fails to do any of the following:

- submit to any required monitoring or audit relating to school safety and security requirements as prescribed by the bill;
- comply with applicable safety and security requirements; or
- address in a reasonable time period, as determined by commissioner rule, issues raised by TEA's monitoring, assessment, or audit of the district under the bill's provisions.

A conservator assigned to a district on such grounds may exercise the powers and duties of a conservator only to correct an identified failure of the district.

Notification Regarding Violent Activity

C.S.S.B. 11 requires TEA to develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a school district campus or other district facility or at a district-sponsored activity to parents, guardians, and other persons standing in parental relation to students who are assigned to the campus, regularly use the facility, or are attending the activity, as applicable. The standards must include electronic notification through text messaging and email, provide an option for real-time notification, and protect student privacy. The bill requires each district to adopt a policy for providing such notice in a manner that meets the standards.

Threat Assessment and Safe and Supportive School Program and Team

C.S.S.B. 11 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. The bill requires materials and information provided to or produced by a team during a threat assessment of a student to be maintained in the student's school record until the student's 24th birthday. The bill prohibits the board of trustees from renewing a person's employment contract with the district if the person destroys such material or information before that required period of maintenance has expired.

School Safety Infrastructure Grant Program

C.S.S.B. 11 requires TEA, with funds appropriated or otherwise available for the purpose, to establish a grant program to assist school districts and open-enrollment charter schools with any costs 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.

Emergency Response Map

C.S.S.B. 11 requires each public school district and open-enrollment charter school to provide to the Department of Public Safety (DPS) and all appropriate local law enforcement agencies and emergency first responders an accurate map of each district campus and school building that is oriented to true north and is developed and documented in accordance with facilities standards related to developing site and floor plans, access control, and exterior door numbering.

Multihazard Emergency Operations Plan

C.S.S.B. 11 requires the multihazard emergency operations plan of a public school district or public junior college district to provide for the following:

- documentation related to the applicable district's compliance with safety and security facility standards, including campus site plans, documentation of exterior door numbering for each campus, and any good cause exceptions related to those requirements claimed by the district under the bill's provisions;
- evidence-based strategies to create a positive and safe school environment, including family engagement programs, employee training on multi-tiered systems of support for academic and behavioral success, efforts to respond to chronic absenteeism, integrating the trauma-informed practices established by the district's trauma-informed care policy, and opportunities for community feedback on the implementation of the required measures required under this provision; and
- any other requirements established by the TxSSC in consultation with TEA.

With respect to the requirement for such a plan to address prevention, mitigation, preparedness, response, and recovery as defined by the TxSSC in conjunction with certain entities, the bill specifies that both the commissioner of education and the commissioner of higher education are included among those entities, whereas current law specifies that the entities include either the commissioner of education or the commissioner of higher education, as applicable. The bill revises the requirement for a district, in conducting a safety and security audit of its facilities, to follow audit procedures developed by the TxSSC or an applicable consultant by removing the specification that the district follow the procedures to the extent possible and adding the specification that the TxSSC develops the procedures in coordination with the commissioner of education or commissioner of higher education, as applicable.

C.S.S.B. 11 revises statutory provisions relating to the review and verification of a public school district's or public junior college district's multihazard emergency operations plan by the TxSSC. Whereas current law authorizes TEA to appoint a conservator for a district if TEA receives notice from the TxSSC of the district's failure to submit a multihazard emergency operations plan, and authorizes the conservator to order the district to adopt, implement, and submit the plan, the bill authorizes TEA instead to appoint an agency monitor for such a district and authorizes the agency monitor to participate in and report to TEA on the district's adoption, implementation, and submission of the plan. The bill authorizes TEA to appoint a conservator as an alternative to appointing a board of managers to oversee district operations if the district fails to comply with the agency monitor's requests regarding the district's adoption, implementation, and submission of a plan.

C.S.S.B. 11, with respect to current law requiring the submission of a plan by a school district or a public junior college district to the TxSSC, establishes a deadline for that submission at not later than the 30th day after the date the TxSSC requests the submission. In addition, if the TxSSC provides the district, as provided in current law, with written notice regarding any plan deficiencies, it must also include specific recommendations to correct the plan's deficiencies in that notice. The bill reduces the amount of time given to a district that receives notification of deficiencies in its plan to make corrections before being subject to a public hearing requirement by doing the following:

- changing the circumstance that triggers the requirement for the TxSSC to provide written notice to the district and TEA that the district has not complied with the plan review requirements and must comply immediately from the district failing to correct the deficiencies within three months of the date of initial notification to the district failing to correct the deficiencies within one month of that date; and
- changing the circumstance that triggers the requirement for the TxSSC to provide notice to the district stating that it must hold a public hearing on its noncompliance from the district failing to correct the deficiencies within six months of the date of initial notification to the district failing to correct the deficiencies within three months of that date.

Additionally, the bill removes language subjecting a district that does not submit its plan on request of the TxSSC to the same notification timeline as districts that fail to correct deficiencies in a submitted plan. The bill requires the TxSSC instead to provide notice of the requirement to hold a public hearing to any district that fails to submit its plan to the center for review following the notification from the TxSSC that the district has failed to submit its plan, with no grace period provided.

C.S.S.B. 11 requires a public school district to include in its multihazard emergency operations plan a certification that the district is in compliance with the requirement established by the bill, as previously described, for the district to provide applicable entities with an accurate map of each district campus and school building. The bill requires the TxSSC and TEA to provide school safety-related data collected by the TxSSC or TEA to each other on request.

School Safety Support From Regional Education Service Centers

C.S.S.B. 11 requires a regional education service center to act as a school safety resource, using materials and resources developed by the TxSSC or TEA in accordance with statutory provisions regarding discipline and law and order, for public school districts and open-enrollment charter schools in the region served by the center. The bill authorizes the center to assist a district or charter school directly or in collaboration with the TxSSC and local law enforcement agencies, as applicable, as follows:

- in developing and implementing a multihazard emergency operations plan;
- in establishing a school safety and security committee;
- in conducting emergency school drills and exercises;
- in addressing deficiencies in campus security identified by a TEA-conducted on-site audit; and
- by providing guidance on any other matter relating to school safety and security.

School Safety Allotment

C.S.S.B. 11 revises the school safety allotment provided under the foundation school program. The bill removes the requirement for the commissioner to provide the school safety allotment in the amount provided by appropriation and based on each student in average daily attendance and instead entitles a public school district to an annual school safety allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

- \$100 for each student in average daily attendance, plus \$1 for each student in average daily attendance per every \$50 by which the district's maximum basic allotment exceeds \$6,160, prorated as necessary; and
- \$15,000 per campus.

The bill establishes that a district campus that provides only virtual instruction or utilizes only facilities not subject to the district's control is not included for purposes of determining a district's school safety allotment. The bill expands the authorized uses of the allotment to include school safety and security measures, rather than school safety and security training and planning, as authorized under current law, and 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. The bill further revises the authorized uses of the fund to do the following:

- include among the authorized costs associated with securing school facilities the use or installation of perimeter security fencing conducive to a public school learning environment and exterior door and window safety and security upgrades;
- prohibit the use or installation from including razor wire fencing;
- specify that the purchase and maintenance of security equipment other than security cameras is authorized if the district has already installed security cameras and that applicable communications systems or devices include silent panic alert devices, two-way radios, or wireless Internet booster equipment; and
- includes among the authorized costs associated with providing security for the district employing other persons authorized by the board of trustees of the district and permitted by law to carry a weapon on school campus grounds.

The bill's provisions regarding the school safety allotment take effect September 1, 2023.

School Safety Meetings

C.S.S.B. 11 amends the Local Government Code to require the sheriff of a county in which a public school is located to call and conduct semiannual meetings to discuss school safety, coordinated law enforcement response to school violence incidents, law enforcement agency capabilities, available resources, emergency radio interoperability, chain of command planning, and other related subjects proposed by a person in attendance at the meeting. The bill clarifies that the sheriff of a county in which more than one public school is located is only required to

hold one semiannual meeting and that the meeting requirement does not require public schools located within the same county to adopt the same school safety policies. The following are required to attend such a meeting:

- the sheriff or the sheriff's designee;
- the police chief of a municipal police department in the county or the police chief's designee;
- each elected constable in the county or the constable's designees;
- each police chief of a school district's police department or school district security coordinator from each district in the county;
- a representative of DPS assigned to the county;
- a representative of each other state agency with commissioned peace officers assigned to the county;
- a person appointed to a command staff position at an emergency medical service (EMS) in the county;
- a person appointed to a command staff position at a municipal EMS in the county;
- a person appointed to a command staff position at a fire department in the county;
- the superintendent of each district in the county or the superintendent's designee;
- the person who serves the function of superintendent, or that person's designee, in each open-enrollment charter school located in the county; and
- any other person the sheriff considers appropriate.

The bill requires the sheriff to invite any federal law enforcement official serving in the county to attend the meeting. The bill requires the sheriff, as soon as practicable after a meeting, to submit a report to the TxSSC identifying the attendees of the meeting and the subjects discussed. The bill requires the TxSSC to maintain the report and make the report publicly available on the TxSSC website. The TxSSC may not make publicly available and must redact any parts of a report that it determines may expose a safety vulnerability of a district facility.

Contracted Security Services

C.S.S.B. 11 amends the Education Code with respect to the employment of school district peace officers, school resource officers, and security personnel to authorize the board of trustees of any public school district to do the following with respect to providing security personnel:

- contract with security personnel;
- enter into a memorandum of understanding with a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers, in addition to the board's existing authority to enter into a memorandum of understanding with a local law enforcement agency for that purpose; and
- contract with a security services contractor licensed under the Private Security Act for the provision of a commissioned security officer who has completed the Level II or III training course required by DPS.

The bill removes the requirement in current law providing that, if the board of trustees authorizes the person to carry a weapon, a person employed as security personnel must be a commissioned peace officer.

C.S.S.B. 11 requires a memorandum of understanding for the provision of school resource officers to be in the form of an interlocal contract and to use a proportionate cost allocation methodology to address any costs or fees incurred by the school district or the local law enforcement agency, county, or municipality, as applicable. The cost allocation methodology used may allow a local law enforcement agency, county, or municipality, as applicable, to recoup direct costs incurred as a result of the contract but may not allow the agency, county, or municipality to profit under the contract. The bill authorizes a district, local law enforcement agency, county, or municipality to seek funding from federal, state, and private sources to support the cost of providing school resource officers. These provisions apply only to a memorandum of understanding entered into on or after September 1, 2023.

School Sentinel Program

C.S.S.B. 11 authorizes a public school district or open-enrollment charter school to establish a school sentinel program for the purposes of school safety and security on school premises. A "school sentinel" is defined, for purposes of these provisions, as a district or charter school employee who, pursuant to the written regulations or written authorization of the district or school, 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 district's or school's written regulation or authorization of a district or charter school that authorizes the presence of a school sentinel must require the sentinel to complete a TEA-approved school sentinel training program approved under the bill's provisions before being permitted to carry or possess a weapon on the school's physical premises of the school for the purposes of providing safety and security. TEA may only approve a school sentinel training program if the program:

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

A district or charter school that authorizes the presence of a school sentinel must do the following:

- designate a marking or uniform that identifies to a law enforcement agency that the person is a school sentinel;
- require each school sentinel to wear such a marking or uniform while providing school sentinel services at the district or charter school; and
- maintain information regarding the marking or uniform as confidential, except that the district or charter school must disclose the information to an appropriate law enforcement agency in accordance with the district's or charter school's multihazard emergency operations plan.

C.S.S.B. 11 entitles a district or charter school employee who serves as a school sentinel and completes the school sentinel 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. The bill requires the commissioner to adopt rules necessary to implement the bill's school sentinel provisions.

Active Shooter Training

C.S.S.B. 11 amends the Occupations Code to provide the following:

- TCOLE, as part of the minimum curriculum requirements for peace officer training schools, must require an officer to complete a training program on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Texas State University--San Marcos, or a similar organization approved by TCOLE;
- an officer must complete the training program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer's basic training course;
- a district peace officer or school resource officer must complete a one-time training program on responding to an active shooter, as provided by the ALERRT center or a

similar organization approved by TCOLE, before or within two years of beginning to provide law enforcement services at a public primary or secondary school;

- completion of the training program satisfies any other requirement for an officer to complete a training program on responding to active shooters, including under the training policy for a district peace officer or school resource officer;
- TCOLE, as soon as practicable after the bill's effective date, must adopt rules to implement the bill's Occupations Code provisions relating to active shooter training;
- the minimum curriculum requirements apply only to an officer who first begins to satisfy those requirements on or after January 1, 2024; and
- a district peace officer or school resource officer who is licensed on September 1, 2023, must complete the required training program not later than September 1, 2025.

C.S.S.B. 11 amends the Education Code to specify that, with respect to the provision in current law regarding the training policy for school district peace officers and school resource officers that must require completion of an active shooter response training program approved by TCOLE, the officer must complete such an approved program at least once in each four-year period.

C.S.S.B. 11 replaces the requirement in current law for a 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 appendix must include a certification by the district that the district has provided the following to each law enforcement agency with jurisdiction in the district or geographic area served by the district:

- information regarding the identity of the school sentinel at each district campus and the marking or uniform worn by the school sentinel or other manner in which a law enforcement agency may confidentially identify the school sentinel;
- an accurate map of each district campus that meets the requirements for an emergency response map; and
- an opportunity to conduct a walk-through of each district facility using that map.

School Visitor Identification

C.S.S.B. 11 revises the provision in current law authorizing a school district to require a person who enters a district campus to display the person's driver's license or another form of identification containing the person's photograph that is issued by a governmental entity. Accordingly, the bill does the following:

- authorizes a district to require a person entering any property under the district's control, rather than only a district campus, to display such identification;
- authorizes a district to require a person, if applicable, to display the person's district employee or student identification card;
- clarifies that the person must provide the identification on request; and
- authorizes a district to eject a person from district property if the person refuses or fails to provide the identification on request and it reasonably appears that the person has no legitimate reason to be on district property.

Fentanyl

Fentanyl Abuse Prevention and Drug Poisoning Awareness Education

C.S.S.B. 11 requires each public school district to annually provide to students in grades 6 through 12 research-based instruction related to fentanyl abuse prevention and drug poisoning awareness that includes the following:

- suicide prevention;

- prevention of the abuse of and addiction to fentanyl;
- awareness of local school and community resources and any processes involved in accessing those resources; and
- health education that includes information about substance use and abuse, including youth substance use and abuse.

The instruction may be provided by the following entities or by an agent of such an entity:

- a public or private institution of higher education;
- a library;
- a community service organization;
- a religious organization;
- a local public health agency; or
- an organization employing mental health professionals.

For purposes of the requirement in current law that a district implement a program in the area of substance abuse and intervention, the bill provides that a district may satisfy a requirement to implement such a program by providing instruction related to youth substance use and abuse education under this bill provision.

C.S.S.B. 11 requires TEA, in cooperation with The University of Texas Health Science Center at San Antonio, to develop the evidence-based curriculum for use by district and open-enrollment charter school employees and a professional development training program on providing the training. The bill requires TEA to distribute curriculum and training materials for the training program to each regional education service center.

Fentanyl Contamination Grant Program

C.S.S.B. 11 requires TEA to establish a grant program to provide funding to districts and charter schools for community and school outreach programs on the dangers of fentanyl contamination. The bill authorizes the commissioner of education to adopt rules as necessary to administer the grant program.

Fentanyl Poisoning Awareness Week

C.S.S.B. 11 requires the governor to designate a week to be known as Fentanyl Poisoning Awareness Week in public schools to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose. The bill authorizes Fentanyl Poisoning Awareness Week to include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each public school district.

Use of Bond Proceeds for School Safety Compliance

C.S.S.B. 11 authorizes the proceeds of bonds issued by public school districts for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings to be used to pay the costs associated with complying with school safety and security requirements for school facilities. A school district that is determined by TEA, through its monitoring of safety and security requirements, to not be in compliance with those requirements must use a sufficient amount of the bond proceeds to achieve compliance with applicable safety and security requirements before the district may use those proceeds for any other authorized purpose. These provisions apply only to a bond authorized to be issued at an election held on or after the bill's effective date.

State School Safety Fund and Grants

Applicability; Voter Approval

C.S.S.B. 11 provides that the following provisions of the bill creating the state school safety fund 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, these bill provisions relating to the state school safety fund have no effect.

Deposits to Fund by Commissioner

C.S.S.B. 11 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 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 established under the applicable constitutional provision, as previously described.

School Safety Grants

C.S.S.B. 11 requires the commissioner to establish a school safety grant program using proceeds of the fund to provide grants to districts and charter schools. The commissioner may only award a grant to a district or open-enrollment charter school to reimburse a district or open-enrollment charter school for expenditures required for the implementation of school safety standards and requirements that have been approved by TEA. The bill provides the following:

- the commissioner may award grants each school year in an amount not to exceed \$10 million to a district or open-enrollment charter school;
- the commissioner may award grants each school year not to exceed a total amount of \$500 million;
- if the amount of grant requests under the program exceeds \$500 million in a school year, the commissioner must proportionately reduce the amount of each grant in that school year in an amount necessary to limit the total amount of grants provided to \$500 million; and
- 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 \$500 million cap.

Transfer of Money to Communities In Schools Programs

C.S.S.B. 11 requires the commissioner, each school year, if excess funds are available, to transfer an amount not to exceed \$25 million from the fund to the local Communities In Schools programs and must allocate the transferred money using that program's funding formula.

Administration of Fund

C.S.S.B. 11 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 fee may be assessed on the available balance of the fund each fiscal year. In managing the assets of the fund, through procedures and subject to restrictions the corporation considers appropriate, the corporation may acquire, exchange, sell, supervise, manage, or retain any type of investment that a person of ordinary prudence, discretion, and intelligence, exercising reasonable care, skill, and caution, would acquire, exchange, sell, supervise, manage, or retain in light of the fund's investment objective.

Rules for Implementation of Fund and Grants

C.S.S.B. 11 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.

Resources on Safe Firearm Storage

C.S.S.B. 11 requires the TxSSC, in collaboration with DPS, to provide to each public school district and open-enrollment charter school information and other resources regarding the safe storage of firearms for distribution by the district or school under this bill provision, including information on the Penal Code offense of making a firearm accessible to a child and the ways in which parents and guardians can effectively prevent children from accessing firearms. The bill requires each district and charter school to provide the information and other resources to the parent or guardian of each student enrolled in the district or school.

Records Furnished on Enrollment or Transfer

C.S.S.B. 11 specifies that the school records furnished on enrollment in a public school of a child who most recently attended a public school in Texas must include a copy of the child's disciplinary record and any threat assessment involving the child's behavior conducted under current law and the bill's provisions by an applicable threat assessment and safe and supportive school program and team. The bill requires a child's district of residence, in the case of the student's transfer to another district in Texas, to provide the receiving district with the child's disciplinary record and any such threat assessment involving the child's behavior.

Registry of Persons Providing School Safety or Security Consulting Services

C.S.S.B. 11 requires a district to confirm that a person is included in the registry of persons providing school safety or security consulting services in Texas before the district may engage the person to provide school safety or security consulting services to the district.

Applicability

Except as otherwise provided, C.S.S.B. 11 applies beginning with the 2023-2024 school year.

EFFECTIVE DATE

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

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 11 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Both the engrossed and the substitute set out provisions relating to TEA monitoring of public school district safety and security requirements, but their provisions on this matter differ. The engrossed required TEA to monitor the implementation and operation of requirements related to school district safety and security, including school district multihazard emergency operations plans and safety and security audits. The substitute instead requires TEA to monitor district compliance with safety and security requirements, including by annually conducting on-site audits of districts that may be conducted using a cycle of random selection but must be conducted in accordance with specified criteria.

The substitute includes the following provisions regarding the compliance monitoring that were absent from the engrossed:

- a requirement for TEA's compliance monitoring to include intruder detection audits of each district to determine whether an intruder could gain unsecured, unauthorized access to a district campus;

- an authorization for TEA and the TxSSC to identify, develop, and make available to districts information to assist districts in the implementation and operation of safety and security requirements; and
- provisions establishing actions regarding a district the commissioner has determined to be noncompliant with the safety and security requirements.

The substitute does not include a requirement for TEA to coordinate with local law enforcement agencies in providing technical assistance related to safety and security requirements, which was included in the engrossed, and does not include the following from the engrossed:

- a requirement for TEA to conduct a detailed vulnerability assessment for each district as part of providing that technical assistance;
- a clarification that an event requiring a district's emergency response includes the discovery of a firearm on campus; and
- requirements relating to the establishment of regional school safety review teams.

While both the engrossed and the substitute require each district and open-enrollment charter school to provide an emergency response map to DPS and appropriate local law enforcement agencies, the substitute requires the map to be oriented to true north and developed and documented in accordance with facilities standards related to developing site and floor plans, access control, and exterior door numbering, whereas the engrossed did not include that requirement.

The substitute revises provisions set out in the engrossed regarding a multihazard emergency operations plan as follows:

- replaces the option for the plan's required measures to ensure district employees have classroom access to an electronic communication device allowing for immediate contact with district emergency services or emergency services agencies with a requirement that the measures allow for immediate contact with both district emergency services and emergency services agencies, which the engrossed did not replace;
- expands the required contents of the plan to include documentation and strategies that the engrossed did not require to be included;
- omits the requirement that appeared in the engrossed for the plan to include any other requirements established by the TxSSC in consultation with local law enforcement agencies; and
- 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, which the engrossed did not do.

The substitute includes provisions that were not in the engrossed relating to the following:

- public school district and open-enrollment charter school facilities standards, including with respect to required compliance with and review of those standards;
- required mental health first aid training for each district employee who regularly interacts with students enrolled at the district;
- provisions authorizing a district or charter school to establish a school sentinel program for the purposes of school safety and security on school premises;
- fentanyl abuse prevention and drug poisoning awareness education, including the designation of Fentanyl Poisoning Awareness Week in public schools and the authority of a district to fulfill certain requirements by providing instruction related to youth substance use and abuse education;
- authorized entry into a memorandum of understanding for the purposes of providing school security personnel;
- a requirement for a public school district peace officer or school resource officer to complete the required active shooter response training program under the training policy

for a district peace officer or school resource officer at least once in each four-year period;

- a school safety infrastructure grant program;
- school visitor identification requirements;
- use of bond proceeds for school safety compliance;
- a state school safety fund and school safety grants; and
- school safety meetings.

The substitute omits provisions that appeared in the engrossed version relating to truancy.

Both the engrossed and the substitute remove the requirement for the commissioner of education to provide the school safety allotment in the amount provided by appropriation and based on each student in average daily attendance and instead entitle a public school district to an annual school safety allotment equal to the sum of specified amounts or a greater amount provided by appropriation, but the amounts specified differ. Whereas the engrossed established a schedule of amounts based on the number of students enrolled at each campus, the substitute establishes the amount as the sum of \$100 for each student in average daily attendance, plus \$1 for each student in average daily attendance per every \$50 by which the district's maximum basic allotment exceeds \$6,160, prorated as necessary, and \$15,000 per campus.

With respect to authorized uses of the school safety allotment, the substitute expands the costs associated with school safety and security for which allotment funds may be used, which the engrossed did not, and omits a provision of the engrossed that authorized TEA to designate certain technologies that a district, in using those funds, may purchase only from a TEA-approved vendor.