

BILL ANALYSIS

Senate Research Center
88R6409 ANG-D

S.B. 11
By: Nichols
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Components:

1. School Safety Allotment – Currently school districts receive an annual allotment for school safety at the rate of \$9.72 per student. Basing this allotment on ADA creates an inequitable system for school safety. Smaller districts receive a lower allotment amount, but are expected to have the same level of safety and security at their campuses. Some of the state's smallest districts receive less than \$1,000 a year for safety for their whole district. This bill would address that by creating a funding floor of \$15,000 per campus per year. In addition, districts would still receive a per student allotment based on ADA at an increased rate of \$10 per student.

2. Establishing the Office of School Safety and Security – This bill requires the Texas Education Agency (TEA) to establish the Office of School Safety and Security to coordinate and monitor school district safety and security requirements. The director of the office will be appointed by the Governor and confirmed by the Senate. The duties of this office will include final approval of school's multi-hazard emergency operations plans and safety and security audits as well as oversight of district's safety initiatives in general. The new office will work with the Texas School Safety Center to develop guidelines, techniques, best practices, and procedures for school safety and security. The bill would also allow TEA new authority over noncompliant school districts including the assignment of a conservator or appointment of a board of managers. The bill also creates a registry of vendors for school safety and security as approved by TEA.

3. Delineation of Responsibility – During the Senate Committee to Protect All Texans hearings conducted in June 2022, it became apparent that there was no clear delineation of responsibility between TEA and the Texas School Safety Center in regard to school safety. Districts looked to both entities for direction on school safety measures. At the time, TEA had very few employees dedicated to school safety and the Texas School Safety Center did not have authority to regulate or enforce school safety rules. This bill addresses these issues throughout in a variety of sections by giving TEA oversight, enforcement, and regulatory authority with input from Texas School Safety Center.

4. School Safety Review Teams – Last summer, Governor Abbott directed the Texas School Safety Center to conduct on-site vulnerability assessments of school campuses. This bill would codify that process under TEA's new Office of School Safety and Security. Administratively these teams would be attached to TEA, but physically these teams would be housed at each regional education service center (ESC). These teams would conduct on-site vulnerability assessments of each campus twice a year using a rubric developed by the Office of School Safety and Security and the Texas School Safety Center. Superintendents would be notified at least a week before a scheduled vulnerability assessment. After the review is conducted, the results would be delivered to the superintendent and the school's safety and security committee. The report would have to include recommendations to correct any deficiencies discovered during the review.

5. Truancy – In the 84th Legislative session, the legislature passed a bill to decriminalize truancy and reduce the number of students referred to truancy court. The bill also required school districts to enhance interventions to address students' attendance issues

before referring them to court. However, it changed the timeline under which school districts were allowed to refer a student to truancy court by only allowing a court referral after 10 unexcused absences in a six-month period. Before this, schools had the option to refer students to truancy court after three unexcused absences in a four-week period. This bill would restore a shorter timeline for schools to refer students to truancy court after six unexcused absences in an eight-week period.

6. Discipline – Under current law, school districts are not required to share discipline records or any threat assessments involving a student with a new district if the student has chosen to transfer districts or move districts. This bill would require a districts to share that information if a child chooses to transfer districts. It would also require a parent to share a copy of that information with a new school district upon enrollment.

As proposed, S.B. 11 amends current law relating to measures for ensuring safety and security in public schools, including measures related to certain student records and truant conduct.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTIONS 8 (Section 37.108, Education Code) and 9 (Section 37.1083, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.028(a), Education Code, as follows:

(a) Authorizes the Texas Education Agency (TEA), except as provided by certain sections, including Section 37.1083, to monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12 (Charters), including the process described by certain subchapters only as necessary to ensure certain criteria are met.

SECTION 2. Amends Subchapter B, Chapter 8, Education Code, by adding Section 8.064, as follows:

Sec. 8.064. SCHOOL SAFETY SUPPORT. (a) Requires a regional education service center to act as a school safety resource for school districts and open-enrollment charter schools in the region served by the center. Authorizes the center to assist a school district or open-enrollment charter school:

(1) in developing and implementing a multihazard emergency operations plan under Section 37.108 (Multihazard Emergency Operations Plan; Safety and Security Audit);

(2) in establishing a school safety and security committee under Section 37.109 (School Safety and Security Committee);

(3) in conducting emergency school drills and exercises;

(4) in addressing deficiencies in campus security identified by a school safety review team under Section 37.1084; and

(5) by providing guidance on any other matter relating to school safety and security.

(b) Requires a regional education service center to provide assistance as necessary to the region's school safety review team established under Section 37.1084.

SECTION 3. Reenacts Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, and amends it, as follows:

(b) Provides that an open-enrollment charter school is subject to:

(1)-(2) makes no changes to these subdivisions; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) or a rule adopted under this title, relating to:

(A)-(U) makes no changes to these paragraphs;

(V) school safety requirements under certain statutes, including Sections 37.1083 and 37.1084;

(W)-(Y) makes no changes to these paragraphs; and

(Y) makes a nonsubstantive change to this paragraph.

SECTION 4. Amends Section 25.002(a), Education Code, as follows:

(a) Requires a parent or other person with legal control of a child under a court order or the school district in which the child most recently attended school, if the parent or other person enrolls the child in a public school, to furnish to the school district:

(1) makes no changes to this subdivision;

(2) a copy of the child's records from the school the child most recently attended if the child has been previously enrolled in a school in this state or another state, including for a child who most recently attended a public school in this state, a copy of the child's disciplinary record and any threat assessment involving the child's behavior conducted under Section 37.115 (Threat Assessment and Safe and Supportive School Program and Team); and

(3) makes no changes to this subdivision.

SECTION 5. Amends Section 25.036, Education Code, by adding Subsection (c), as follows:

(c) Requires a child's school district of residence to provide the receiving district with the child's disciplinary record and any threat assessment involving the child's behavior conducted under Section 37.115 in the case of a transfer under Section 25.036 (Transfer of Student).

SECTION 6. Amends Section 25.095(a), Education Code, as follows:

(a) Requires a school district or open-enrollment charter school to notify a student's parent in writing at the beginning of the school year that if the student is absent from school, without excuse under Section 25.087 (Excused Absences), on six, rather than 10, or more days or parts of days within an eight-week, rather than a six-month, period in the same school year:

(1)-(2) makes no changes to these subdivisions.

SECTION 7. Amends Section 25.0951(a), Education Code, to make conforming changes.

SECTION 8. Amends Section 37.108, Education Code, by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (h), as follows:

(a) Requires that the multihazard emergency operations plan address prevention, mitigation, preparedness, response, and recovery in accordance with the definitions established for those terms under Subsection (a-1), rather than as defined by the Texas School Safety Center (center) in conjunction with the governor's office of homeland

security and the commissioner of education (commissioner) or commissioner of higher education, as applicable. Requires that the plan provide for:

(1)-(3) makes no changes to these subdivisions;

(4) if the plan applies to a school district:

(A) creates this paragraph from existing text; and

(B) measures that incorporate and address the results of a safety and security audit conducted under Subsection (b) and an on-site vulnerability assessment conducted by a school safety review team under Section 37.1084; and

(5)-(6) makes no changes to these subdivisions.

(a-1) Requires the center to establish definitions of prevention, mitigation, preparedness, response, and recovery for purposes of a multihazard emergency operations plan under Subsection (a):

(1) for a plan applicable to a public junior college district, in conjunction with the governor's office of homeland security and the commissioner of higher education; or

(2) for a plan applicable to a school district, in conjunction with the governor's office of homeland security and with the approval of the commissioner.

(b) Requires each school district or public junior college district, at least once every three years, to conduct a safety and security audit of the district's facilities in the following manner:

(1) requires a school district, rather than to the extent possible a district, to:

(A) follow safety and security audit procedures adopted by the commissioner in consultation with, rather than developed by, the center; and

(B) unless a district employee conducts the audit, engage a person approved by the commissioner and included in the registry established by the center under Section 37.2091 (Registry of Persons Providing School Safety or Security Consulting Services) to conduct the audit; and

(2) requires a public junior college district, to the extent possible, to follow safety and security audit procedures developed by the center or a person included in the registry established by the center under Section 37.2091.

(c) Requires a school district, in addition to reporting results to the center, to report the results of the audit to TEA. Requires that the report provided to the center and, if applicable, to TEA under this subsection be signed by certain persons.

(h) Requires the commissioner, in consultation with the center, to adopt rules regarding requirements for school district multihazard emergency operations plans, and safety and security audits.

SECTION 9. Amends Subchapter D, Chapter 37, Education Code, by adding Sections 37.1083 and 37.1084, as follows:

Sec. 37.1083. AGENCY MONITORING OF SCHOOL DISTRICT SAFETY AND SECURITY REQUIREMENTS. (a) Requires 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.

(b) Requires TEA to establish an office of school safety and security within TEA to coordinate TEA's monitoring of school district safety and security requirements under this section. Provides that the director of the office is appointed by the governor and is required to report directly to the commissioner.

(c) Requires TEA to provide technical assistance to school districts to support the implementation and operation of safety and security requirements, including the preparation of multihazard emergency operations plans and performance of safety and security audits.

(d) Authorizes TEA to engage or require a school district to engage a third party as necessary to enable TEA to monitor the implementation and operation of school district safety and security requirements under this section.

(e) Authorizes the commissioner to take appropriate action under Chapter 39A (Accountability Interventions and Sanctions), including the assignment of a conservator or the appointment of a board of managers, if a school district fails to submit to the required monitoring under this section, comply with applicable safety and security requirements, or address in a reasonable time period, as determined by commissioner rule, issues raised by the monitoring of the district under this section.

(f) Authorizes TEA, or if approved by TEA, the center, to identify, develop, and make available to school districts information to assist districts in the implementation and operation of safety and security requirements, including relevant guidelines, techniques, blueprints, best practices, and procedures.

(g) Authorizes TEA, the center, and school districts to share information described by Subsection (f) with one another.

(h) Authorizes TEA to require a school district to submit information necessary for TEA to monitor the implementation and operation of school district safety and security requirements under this section, including:

(1) notice of an event requiring a district's emergency response; and

(2) information regarding the district's response and use of emergency operations procedures during an event described by Subdivision (1).

(i) Authorizes TEA to review school district records as necessary to ensure compliance with Subchapter D (Protection of Buildings and Grounds) and Subchapter G (Texas School Safety Center).

(j) Provides that any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements under this section is confidential under Sections 418.177 (Confidentiality of Certain Information Relating to Risk or Vulnerability Assessment) and 418.181 (Confidentiality of Certain Information Relating to Critical Infrastructure), Government Code, and not subject to disclosure under Chapter 552 (Public Information), Government Code.

(k) Authorizes the commissioner to adopt rules as necessary to administer this section.

Sec. 37.1084. REGIONAL SCHOOL SAFETY REVIEW TEAMS. (a) Defines "office" and "team."

(b) Requires the office of school safety and security (office) to establish a school safety review team (team) in each region served by a regional education service center. Requires a team to twice annually conduct on-site vulnerability assessments of each school district campus in the team's region. Requires a team, in conducting a vulnerability assessment, to:

(1) use a rubric developed by the office in consultation with the center;

(2) not later than the seventh day before the date of a scheduled assessment, notify the superintendent of the school district in which the campus being assessed is located; and

(3) on completion of the assessment, provide to the superintendent and school safety and security committee established under Section 37.109 for the school district in which the campus is located a report on the results of the assessment that includes recommendations to address any deficiencies in campus security identified by the team.

(c) Requires a regional education service center to provide support as necessary to assist the region's team in conducting on-site vulnerability assessments under this section.

(d) Provides that a report produced by a team under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 10. Amends Section 37.2071, Education Code, by amending Subsections (a), (c), and (e) and adding Subsections (b-1) and (e-1), as follows:

(a) Requires that the cycle of review provide for each district's plan to be reviewed at regular intervals as determined by the center, and, if applicable to a school district's plan, be approved by TEA.

(b-1) Requires the center to share with TEA a copy of each school district multihazard emergency operations plan submitted under Subsection (b) (relating to requiring a school district or public junior college district to submit its multihazard emergency operations plan to the center) and any other information requested by TEA regarding the review of a school district's multihazard emergency operations plan.

(c) Requires the center, or for a school district, the center and TEA, to review each district's multihazard emergency operations plan submitted under Subsection (b) and:

(1) makes no changes to this subdivision; or

(2) provide the district with written notice of certain information, including specific recommendations to correct the deficiencies. Makes a nonsubstantive change.

(e) Authorizes the center, or for a school district, the center and TEA, to approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center or the center and TEA, if applicable, determines will correct the deficiencies.

(e-1) Prohibits a school district multihazard emergency operations plan from being verified or approved under Section 37.2071 (District Multihazard Emergency Operations Plan Review and Verification) without TEA's approval.

SECTION 11. Amends Section 37.2091, Education Code, by adding Subsection (b-1), to require the center to receive approval from TEA before adding to the registry a person providing school safety or security consulting services to school districts.

SECTION 12. Amends Section 48.115, Education Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Entitles a school district to an annual allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

(1) \$10 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 under Section 48.051 (Basic Allotment) exceeds \$6,160, prorated as necessary; and

(2) \$15,000 per campus.

Deletes existing text requiring the commissioner, from funds appropriated for that purpose, to provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Requires that funds allocated under Section 48.115 (School Safety Allotment) be used to improve school safety and security, including costs associated with certain school safety and security measures, rather than school safety and security training and planning.

(b-1) Authorizes TEA to designate certain technologies that a school district, in using funds allocated under this section, is authorized to purchase only from a vendor approved by TEA.

SECTION 13. Amends Section 65.003(a), Family Code, as follows:

(a) Provides that a child engages in truant conduct if the child is required to attend school under Section 25.085 (Compulsory School Attendance), Education Code, and fails to attend school on six, rather than 10, or more days or parts of days within an eight-week, rather than a six-month, period in the same school year.

SECTION 14. (a) Provides that, as soon as practicable after the effective date of this Act, TEA is required to establish the office and the governor is required to appoint the director of that office as required by Section 37.1083, Education Code, as added by this Act.

(b) Requires the office of school safety and security, as soon as practicable after the office has been established, to establish school safety review teams in each region served by a regional education service center as required by Section 37.1084, Education Code, as added by this Act.

SECTION 15. Provides that to the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 16. Provides that Sections 7.028 (Limitation on Compliance Monitoring), 25.095 (Warning Notices), and 25.0951 (School District Complaint or Referral for Failure to Attend School), Education Code, as amended by this Act, Chapter 37 (Discipline; Law and Order), Education Code, as amended by this Act, and Section 65.003 (Truant Conduct), Family Code, as amended by this Act, apply beginning with the 2023–2024 school year.

SECTION 17. Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2023.

(b) Effective date, Section 48.115, Education Code, as amended by this Act: September 1, 2023.