

BILL ANALYSIS

Senate Research Center
88R22906 ANG-D

C.S.S.B. 11
By: Nichols
Education
4/12/2023
Committee Report (Substituted)

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.

(Original's Author's/Sponsor's Statement of Intent)

C.S.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 and active shooter training for certain peace officers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 10 (Section 37.1083, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 19 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 Sections 37.1083 and 37.1084, 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 Texas School Safety Center (TxSSC). Authorizes TxSSC to assist a school district or open-enrollment charter school directly or in collaboration with TxSSC, as applicable:

- (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 sections of the Education Code, including Sections 37.1083, 37.1084, and 37.1085;

(W)-(X) 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) and (b) and adding Subsection (h), as follows:

(a) Requires that the multihazard emergency operations plan (plan) address prevention, mitigation, preparedness, response, and recovery as defined by TxSSC in conjunction with the governor's office of homeland security, the commissioner of education (commissioner), and the commissioner of higher education. Requires that the plan provide for:

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

(5)-(6) makes nonsubstantive changes to these subdivisions; and

(7) any other requirements established by TxSSC in consultation with TEA.

(b) Requires a district, rather than to the extent possible, a district, to follow safety and security audit procedures developed by TxSSC in coordination with the commissioner of education or commissioner of higher education, as applicable, or a person included in the registry established by TxSSC under Section 37.2091 (Registry of Persons Providing School Safety or Security Consulting Services).

(h) Requires TxSSC and TEA to provide school safety-related data collected by TxSSC or TEA to each other on request.

SECTION 9. Amends Section 37.1081(a), Education Code, as follows:

(a) Requires the board of trustees, if the board of a school district receives notice of noncompliance under Section 37.207(e) (relating to requiring TxSSC to notify TEA and the district of the district's requirement to conduct a public hearing under a certain section) or 37.2071(d) (relating to requiring TxSSC to provide the district with written notice stating certain requirements of the district) or (g) (relating to requiring TxSSC to provide written notice to the school district stating that the district is required to hold a public hearing under a certain section), rather than Section 37.207(e) or 37.2071(g), to notify the public of:

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

SECTION 10. Amends Subchapter D, Chapter 37, Education Code, by adding Sections 37.1083, 37.1084, and 37.1085, 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:

(1) multihazard emergency operations plans; and

(2) safety and security audits.

(b) Requires TEA to establish an office of school safety and security (office) 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 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 confirmed by the senate and is required to report directly to the commissioner.

(c) Requires TEA, in coordination with TxSSC, to provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

(d) Requires TEA, as part of the technical assistance provided under Subsection (c), to conduct a detailed vulnerability assessment of each school district on a random basis determined by TEA once every four years. Requires that the assessment:

(1) assess facility access controls, emergency operations procedures, and other school safety requirements; and

(2) to the greatest extent practicable, coincide with the safety and security audit required under Section 37.108.

(e) Requires TEA to use a rubric developed by the office in collaboration with TxSSC to conduct a vulnerability assessment of a school district under Subsection (d).

(f) Requires TEA, on completion of a vulnerability assessment under Subsection (d), to provide to the superintendent and school safety and security committee established under Section 37.109 (School Safety and Security Committee) for the applicable school district a report on the results of the assessment that includes recommendations and required corrective actions to address any deficiencies in campus security identified by TEA.

(g) Authorizes TEA 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.

(h) Authorizes TEA to require a school district to submit information necessary for the agency 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 including the discovery of a firearm on a campus; 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 to establish a school safety review team in each region served by a regional education service center. Requires a team to conduct annually on-site general intruder detection audits of school district campuses in the team's region. Requires a team, in conducting an intruder detection audit, to:

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

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

(3) on completion of the audit, 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 audit that includes recommendations and required corrective actions 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 intruder detection audits 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.

Sec. 37.1085. ASSIGNMENT OF CONSERVATOR FOR NONCOMPLIANCE WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS. (a) Authorizes the commissioner to assign a conservator under Chapter 39A (Accountability Interventions and Sanctions) if a school district fails to:

(1) submit to any required monitoring, assessment, or audit under Section 37.1083 or 37.1084;

(2) comply with applicable safety and security requirements; or

(3) address in a reasonable time period, as determined by commissioner rule, issues raised by TEA's monitoring, assessment, or audit of the district under Section 37.1083 or 37.1084.

(b) Authorizes a conservator assigned to a district under this section to exercise the powers and duties of a conservator under Section 39A.003 (Powers and Duties of Conservator or Management Team) only to correct a failure identified under Subsection (a).

SECTION 11. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.1131, as follows:

Sec. 37.1131. NOTIFICATION REGARDING VIOLENT ACTIVITY. (a) 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. Requires that the standards:

(1) include electronic notification through text messaging and e-mail;

(2) provide an option for real-time notification; and

(3) protect student privacy.

(b) Requires each school district to adopt a policy for providing notice described by Subsection (a) in a manner that meets the standards adopted under that subsection.

SECTION 12. Amends Sections 37.2071(b), (c), (d), (f), (g), and (h), Education Code, as follows:

(b) Requires a school district or public junior college district to submit its multihazard emergency operations plan to TxSSC:

(1) not later than the 30th day after the date TxSSC requests the submission, rather than on request of TxSSC; and

(2) creates this subdivision from existing text.

(c) Requires TxSSC 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:

(A) makes a nonsubstantive change to this paragraph;

(B) including specific recommendations to correct the deficiencies; and

(C) creates this paragraph from existing text.

(d) Requires TxSSC, if a district fails to submit its multihazard emergency operations plan to TxSSC for review following a notification by TxSSC that the district has failed to submit the district's plan, to provide the district with written notice stating that the district is required to hold a public hearing under Section 37.1081, rather than stating that the district has failed to submit a plan and is required to submit a plan to TxSSC for review and verification.

(f) Requires TxSSC, if one month after the date of initial notification of a plan's deficiencies under Subsection (c)(2) a district has not corrected the plan deficiencies, to provide written notice to the district and TEA that the district has not complied with the requirements of Section 37.2071 (District Multihazard Emergency Operations Plan Review and Verification) and is required to comply immediately. Deletes existing text requiring TxSSC, if three months after the date of initial notification of a plan's deficiencies under Subsection (c)(2) or failure to submit a plan under Subsection (d) a district has not corrected the plan deficiencies or has failed to submit a plan, to provide written notice to the district and TEA that the district has not complied with the requirements of this section and is required to comply immediately.

(g) Requires TxSSC, if a school district still has not corrected the plan deficiencies three months, rather than has not corrected the deficiencies or has failed to submit a plan six months, after the date of initial notification under Subsection (c)(2), rather than Subsection (c)(2) or (d), to provide written notice to the school district stating that the district is required to hold a public hearing under Section 37.1081.

(h) Requires that the notice required by Subsection (d), rather than Subsection (g), is required to state that the commissioner is authorized to appoint a conservator under Section 37.1082 if a school district has failed to submit a plan.

SECTION 13. Amends Section 37.2091, Education Code, by adding Subsection (b-1), to require a school district to confirm that a person is included in the registry established under Subsection (b) (relating to requiring TxSSC to establish a registry of persons providing school safety or security consulting services in this state) before the district is authorized to engage the person to provide school safety or security consulting services to the district.

SECTION 14. Amends Section 48.115, Education Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1), as follows:

(a) Entitles a school district, except as provided by Subsection (a-1), to an annual allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

- (1) \$16,800 for each campus with 1,100 or more enrolled students;
- (2) \$16,000 for each campus with 600 to 1,099 enrolled students;
- (3) \$15,500 for each campus with 350 to 599 enrolled students; and
- (4) \$15,000 for each campus with 349 or fewer enrolled students.

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.

(a-1) Provides that a school 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 school district's allotment under Subsection (a).

(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 15. 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 16. Amends Section 1701.253, Occupations Code, by adding Subsection (q), as follows:

(q) Requires the Texas Commission on Law Enforcement (TCOLE), as part of the minimum curriculum requirements, to require an officer to complete a training program on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University—San Marcos, or a similar organization approved by TCOLE. Requires an officer to complete the program not later than the second anniversary of the date the officer is licensed under Chapter 1701 (Law Enforcement Officers) unless the officer completes the program as part of the officer's basic training course. Provides that completion of a training program under this subsection satisfies any other requirement for the officer to complete a training program on responding to active shooters, including under Section 37.0812(a), Education Code.

SECTION 17. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.2635, as follows:

Sec. 1701.2635. ACTIVE SHOOTER TRAINING FOR OFFICERS AT PUBLIC SCHOOLS. (a) Provides that this section applies to a:

- (1) school district peace officer as defined by Section 1701.262 (Training for School District Peace Officers and School Resource Officers); and
- (2) school resource officer as defined by Section 1701.601 (Definition).

(b) Requires an officer to whom this section applies to complete a one-time training program on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University—San Marcos, 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.

(c) Provides that completion of a training program under this section satisfies any other requirement that the officer complete a training program on responding to active shooters, including under Section 37.0812(a), Education Code.

SECTION 18. (a) Requires TEA, as soon as practicable after the effective date of this Act, to establish the office and the governor to appoint the director of that office as required by Section 37.1083, Education Code, as added by this Act.

(b) Requires the office, 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 19. (a) Requires TCOLE, as soon as practicable after the effective date of this Act, to adopt rules to implement Sections 1701.253(q) and 1701.2635, Occupations Code, as added by this Act.

(b) Provides that the minimum curriculum requirements under Section 1701.253(q), Occupations Code, as added by this Act, apply only to an officer who first begins to satisfy those requirements on or after January 1, 2024.

(c) Provides that notwithstanding Section 1701.2635, Occupations Code, as added by this Act, an officer who holds a license under Chapter 1701, Occupations Code, on September 1, 2023, and to whom that section applies is required to complete the training program required by that section not later than September 1, 2025.

SECTION 20. 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 21. Provides that Sections 7.028, 25.095, and 25.0951, Education Code, as amended by this Act, Chapter 37, Education Code, as amended by this Act, and Section 65, Family Code, as amended by this Act, apply beginning with the 2023–2024 school year.

SECTION 22. 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.