

BILL ANALYSIS

Senate Research Center

S.B. 1664
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The school shooting at Robb Elementary School in Uvalde in May, 2022, exposed two gaping holes in Texas' school safety system. First, Texas has no uniform standards for school safety across the more than 1,000 local education authorities in this state. Second, the state has no actual method of holding local education authorities accountable for school safety, because the state lacks an accountability system tied to uniform metrics.

This legislation proposes a first-in-the-nation school safety and accountability system.

The school safety and accountability system is created in three separate layers within this legislation. One portion of the legislation establishes a body to develop school safety standards based upon minimum metrics set forth in the legislation. Another portion of the bill directs that body to develop school safety standards based upon the metrics set forth in the legislation. Third, the legislation creates an actual accountability system for school safety including a rating system similar to that used in academic accountability in this state.

S.B. 1664 also sets forth specific methods by which the Texas Education Agency (TEA) will operate the School Safety and Accountability Program, specifically requiring each campus in the state to self-assess annually, with TEA then doing in-person audits at a sample of campuses at approximately 25 percent of all districts in the state each year.

S.B. 1664 also creates a remediation period, so that those schools found not meeting minimum safety standards have the ability to remediate those difficulties before a final rating is issued. Further, S.B. 1664 provides very specific guardrails with regard to the confidentiality of information that is part of the program, specifying that only a campus final rating is made public to parents and the community, and not individual campus scores or vulnerabilities.

As proposed, S.B. 1664 amends current law relating to the establishment of the school safety technical advisory committee and the school safety accountability program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.261, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 37, Education Code, by adding Subchapter H, as follows:

SUBCHAPTER H. SCHOOL SAFETY ACCOUNTABILITY PROGRAM

Sec. 37.251. DEFINITIONS. Defines "advisory committee," "chief of school safety and security," "law enforcement leadership officer," "program," "school exterior," "school guardian," "school interior," "school perimeter," "school safety rating," and "school safety score."

Sec. 37.252. SCHOOL SAFETY TECHNICAL ADVISORY COMMITTEE. (a) Requires the Texas Education Agency (TEA) to establish a school safety technical

advisory committee (advisory committee) to advise TEA regarding the school safety accountability program (program) established under this subchapter. Provides that the committee is composed of:

(1) the following nine members, with the governor, the lieutenant governor, and the speaker of the house of representatives each appointing one member from each of the following three categories:

(A) public school superintendents;

(B) law enforcement leadership officers; and

(C) persons serving in a school safety leadership capacity other than as a law enforcement leadership officer; and

(2) two additional members appointed by the commissioner of education (commissioner), one of whom is required to be a teacher at a school district or open-enrollment charter school.

(b) Prohibits an individual from being appointed under Subsection (a) to serve on the committee as a law enforcement leadership officer unless the individual has completed the initial training program required by police chiefs under Section 96.641 (Initial Training and Continuing Education for Police Chiefs and Command Staff) and any continuing education required for police chiefs under that section.

(c) Provides that a committee member serves a two-year term and is authorized to be reappointed.

Sec. 37.253. ESTABLISHMENT OF PROGRAM. (a) Requires TEA to establish a school safety accountability program to ensure school district and open-enrollment charter school campuses provide safe and secure environments.

(b) Requires the chief of school safety and security to oversee and administer the program.

(c) Authorizes the chief of school safety and security to lower a school safety score assigned under Section 37.254 or school safety rating based on a final audit report prepared by TEA under Section 37.255. Provides that a decision by the chief of school safety and security under this subsection is final and not subject to appeal.

Sec. 37.254. SCHOOL SAFETY SCORE. (a) Requires TEA to assign each school district and open-enrollment charter school campus a school safety score not later than January 30 of each year. Requires that the school safety score be:

(1) a number between zero and 100, with 100 representing a perfect score; and

(2) determined by an audit of campus school safety based on the metrics of assessment developed under Section 37.256 conducted by:

(A) the district or school under Subsection (b); or

(B) TEA under Section 37.255.

(b) Requires each school district and open-enrollment charter school to conduct annually an audit of the safety of each campus of the district or school applying the metrics of assessment developed under Section 37.256 to assign a school safety score to each campus. Requires the district or school to submit the campus

school safety score assigned for each campus under this subsection to TEA in the manner and form required by the commissioner.

Sec. 37.255. AGENCY AUDIT OF SCHOOL SAFETY. (a) Require TEA to conduct annually an audit of the school safety of 25 percent of school district and open-enrollment charter school campuses in this state. Requires that the audit:

- (1) apply the metrics of assessment developed under Section 37.256; and
 - (2) assess the accuracy of school safety scores submitted for the audited campus by a school district or open-enrollment charter school under Section 37.254 for the preceding three years.
- (b) Requires TEA to provide a preliminary school safety audit report to the district or school after completing an audit of a school district or open-enrollment charter school campus under this section. Authorizes the audited district or school to respond in writing to the preliminary audit report.
- (c) Requires TEA to issue to the open-enrollment charter school district or school a final audit report of each audited campus that includes a school safety score after issuing a preliminary audit report and considering any response submitted by the district or school. Provides that a final audit report issued under this section is not subject to appeal.

Sec. 37.256. METRICS OF ASSESSMENT. (a) Requires TEA, in consultation with the advisory committee, the Texas School Safety Center, the Advanced Law Enforcement Rapid Response Training Center at Texas State University–San Marcos, and other appropriate stakeholders designated by the commissioner, to develop criteria for metrics of assessment to be applied in calculating school safety scores under Sections 37.254 and 37.255 for each school district and open-enrollment charter school campus.

- (b) Requires that the metrics of assessment, with respect to each school district and open-enrollment charter school campus:
- (1) evaluate separately each school perimeter, exterior, and interior at the district or school; and
 - (2) include metrics for evaluating:
 - (A) whether all classroom and exterior doors lock;
 - (B) the type of glass used in interior and exterior windows, which may be divided into further categories requiring the application of additional metrics;
 - (C) the type and location of exterior cameras installed at the campus;
 - (D) the type and location of interior cameras installed at the campus;
 - (E) the features of any school safety Internet application used by the school, including if:
 - (i) a school lockdown or threat automatically triggers the application to call or make a digital directive announcement to the local 9-1-1 emergency call center;

(ii) the application integrates with information reported through the Public Education Information Management System (PEIMS); or

(iii) the application integrates with the health information of school staff and students as necessary for providing effective emergency medical treatment following a disaster or emergency situation, including a staff member's or student's blood type, medication allergies, and significant diseases or health conditions;

(F) the frequency and type of active shooter and other disaster drills;

(G) the security of exterior gates and fencing;

(H) the ease of access to the campus for an intruder;

(I) safety procedures for student pick-up and drop-off at the campus;

(J) the safety of campus parking lots used by visitors and faculty;

(K) severe weather and disaster alerts and preparedness;

(L) the availability of devices allowing for two-way communication between campus administrators or campus police, if applicable, and each classroom;

(M) the safety and storage of firearms at each campus;

(N) the provision of security services at each campus for which a school marshal is appointed or at which a school guardian is authorized;

(O) for a campus at which a school resource officer is assigned, coverage of school resource officers;

(P) for a campus at which peace officers commissioned and employed by the district or school provide services, data related to commissioned district or school peace officers, including demographic information and information concerning training and experience;

(Q) wireless Internet access, speed, and availability on campus;

(R) information regarding the campus reported to TEA under Section 38.0141 (Reporting of Certain Health and Safety Information Required); and

(S) any other safety criteria required by TEA.

(c) Requires TEA, in developing criteria for the metrics of assessment under Subsection (a), to account for differences among school district and open-enrollment charter school campuses located in rural, urban, and suburban areas, including by differentiating how metrics evaluated under Subsection (b)(2) are applied in determining those differences.

Sec. 37.257. SCHOOL SAFETY MOBILE INTERNET APPLICATION REQUIREMENTS. Provides that, if a school district or open-enrollment charter school provides a school safety mobile Internet application, the application:

(1) is required to comply with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g); and

(2) is only authorized to contain health information voluntarily provided for integration in the application:

(A) for a student, by the student's parent or guardian; or

(B) by an educator or other campus staff.

Sec. 37.258. SCHOOL SAFETY RATING. (a) Requires TEA, with input from the advisory committee, to adopt a method for converting a school safety score assigned under Section 37.254 to a school safety rating for purposes of this section.

(b) Requires TEA, not later than January 30 of each year, to assign each school district and open-enrollment charter school campus, based on that campus's school safety score, a preliminary school safety rating of:

(1) exceeds standards;

(2) meets standards; or

(3) does not meet standards.

(c) Requires TEA, not later than March 1, to assign a final school safety rating of "exceeds standards," "meets standards," or "does not meet standards" to each school district and open-enrollment charter school campus, except a campus implementing a remediation plan under a deadline established by Section 37.259(e).

Sec. 37.259. CAMPUS REMEDIATION PLAN. (a) Requires the principal of a school district or open-enrollment charter school campus assigned a preliminary school safety rating under Section 37.258 of "does not meet standards" to prepare a campus remediation plan.

(b) Requires that campus remediation plan:

(1) specifically address improvements to school safety to be made at the campus prior to the beginning of the following school year;

(2) for a school district campus, be prepared in coordination with the board of trustees of the district;

(3) be approved by the board of trustees of the school district or the governing body of the open-enrollment charter school in which the campus is located, as applicable; and

(4) be submitted to TEA not later than the 45th day after the date on which the preliminary school safety rating was assigned.

(c) Requires the chief of school safety and security to evaluate each campus remediation plan submitted under Subsection (b). Requires the chief of school safety and security to revise the school safety rating assigned to the campus to the rating of "meets standards" if the chief of school safety and security determines that a plan is sufficient

(d) Requires TEA to notify the principal of the campus whether the remediation plan is sufficient for the campus to be assigned a revised school safety rating of "meets standards."

(e) Requires the advisory committee, after a remediation plan is determined to be sufficient under this section, to establish a deadline by which the principal of a school district or open-enrollment charter school is required to submit to the board of trustees of the district or governing board of the school, as applicable, documentation showing that the campus has implemented the remediation plan.

(f) Provides that the chief of school safety and security has the sole authority to revise a school safety rating under this section.

Sec. 37.260. CONFIDENTIALITY. Provides that the following information produced under this subchapter is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code:

(1) a school safety score, including data collected or an audit report prepared by or in connection with determining or assigning the school safety score;

(2) a preliminary school safety rating assigned under Section 37.258; and

(3) a campus remediation plan prepared by a school district or open-enrollment charter school under Section 37.259.

Sec. 37.261. RULES; DEADLINES. (a) Requires the commissioner to adopt rules necessary to implement this subchapter, including rules regarding requirements for further remediation by a school district or open-enrollment charter school campus that submits a remediation plan that is determined to be insufficient for purposes of Section 37.259.

(b) Authorizes the commissioner to extend or modify a timeline or deadline established by this subchapter.

Sec. 37.262. TEXAS SCHOOL SAFETY REPORT CARD. (a) Requires TEA, not later than August 15 of each year, to publish on TEA's Internet website the school safety report card, which consists of a list of the most recently assigned final school safety ratings under Section 37.258 for each school district and open-enrollment charter school campus in the state.

(b) Requires each school district and open-enrollment charter school to provide annually either a copy of the school safety report card or a link to the report card on TEA's Internet website to each parent, guardian, or person standing in parental relation to a student in the district or school.

SECTION 2. Requires the commissioner to establish the advisory committee required under Section 37.252, Education Code, as added by this Act, not later than October 1, 2023.

(b) Requires TEA, not later than January 30, 2026, to assign each school district and open-enrollment charter school campus:

(1) a school safety score under Section 37.254, Education Code, as added by this Act; and

(2) a school safety rating under Section 37.258, Education Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2023.