By:  Burrows H.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to the development and implementation of, and funding for public school safety and security requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 7.028(a), Education Code, is amended to read as follows:

(a)  Except as provided by Section 21.006(k), 22.093(l), 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1084, 38.003, or 39.003, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

(1)  compliance with federal law and regulations;

(2)  financial accountability, including compliance with grant requirements;

(3)  data integrity for purposes of:

(A)  the Public Education Information Management System (PEIMS); and

(B)  accountability under Chapters 39 and 39A; and

(4)  qualification for funding under Chapter 48.

SECTION 2.  Section 7.061(c), Education Code, is amended to read as follows:

(c)  Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment. In reviewing and amending the rules, the commissioner shall:

(1)  in consultation with Texas School Safety Center, identify and adopt any changes under Section 37.221; and

(2)  require that new and, to the extent feasible, existing school facilities meet or exceed the amended building standards.

SECTION 3.  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, is reenacted and amended to read as follows:

(b)  An open-enrollment charter school is subject to:

(1)  a provision of this title establishing a criminal offense;

(2)  the provisions in Chapter 554, Government Code; and

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

(A)  the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B)  criminal history records under Subchapter C, Chapter 22;

(C)  reading instruments and accelerated reading instruction programs under Section 28.006;

(D)  accelerated instruction under Section 28.0211;

(E)  high school graduation requirements under Section 28.025;

(F)  special education programs under Subchapter A, Chapter 29;

(G)  bilingual education under Subchapter B, Chapter 29;

(H)  prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I)  extracurricular activities under Section 33.081;

(J)  discipline management practices or behavior management techniques under Section 37.0021;

(K)  health and safety under Chapter 38;

(L)  the provisions of Subchapter A, Chapter 39;

(M)  public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N)  the requirement under Section 21.006 to report an educator's misconduct;

(O)  intensive programs of instruction under Section 28.0213;

(P)  the right of a school employee to report a crime, as provided by Section 37.148;

(Q)  bullying prevention policies and procedures under Section 37.0832;

(R)  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S)  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T)  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U)  establishment of residency under Section 25.001;

(V)  school safety requirements under Sections 37.0814, 37.108, 37.1081, 37.1082, 37.1084, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(W)  the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X)  the college, career, and military readiness plans under Section 11.186; and

(Y) [~~(X)~~]  parental options to retain a student under Section 28.02124.

SECTION 4.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0814 to read as follows:

Sec. 37.0814.  ARMED SECURITY OFFICER REQUIRED. (a) The board of trustees of each school district shall determine the appropriate number of armed security officers for each campus; however, they shall ensure that at least one armed security officer is present during regular school hours at each district campus.

(b)  A security officer described by Subsection (a) must be:

(1)  a school district peace officer;

(2)  a school resource officer;

(3)  a commissioned peace officer employed as security personnel under Section 37.081;

(4)  a school marshal; or

(5)  a school district employee who:

(A)  has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code; and

(B)  carries a handgun on their person on school premises in accordance with written regulations or written authorization of the district under Section 46.03(a)(1)(A), Penal Code.

SECTION 5.  Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (h) to read as follows:

(a)  Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery in accordance with the definitions established for those terms under Subsection (a-1) [~~as defined by the Texas School Safety Center in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable~~]. The plan must provide for:

(1)  training in responding to an emergency for district employees, including substitute teachers;

(2)  measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3)  measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

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

(A) [~~,~~] mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency; and

(B)  measures that incorporate and address the results of a safety and security audit conducted under Subsection (b) and an intruder detection audit conducted under Section 37.1084;

(5)  measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(6)  the implementation of a safety and security audit as required by Subsection (b).

(a-1)  The Texas School Safety Center shall 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 of education.

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

(1)  a school [~~. To the extent possible, a~~] district shall:

(A)  follow safety and security audit procedures adopted by the commissioner as developed by the Texas School Safety Center; and

(B)  unless a district employee conducts the audit, engage [~~or~~] a person approved by the commissioner and included in the registry established by the Texas School Safety Center under Section 37.2091 to conduct the audit; and

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

(h)  The commissioner shall adopt rules from proposals of the Texas School Safety Center regarding requirements for school district:

(1)  multihazard emergency operations plans; and

(2)  safety and security audits.

SECTION 6.  Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1084 to read as follows:

Sec. 37.1084.  AGENCY MONITORING OF SCHOOL DISTRICT SAFETY AND SECURITY REQUIREMENTS. (a) The agency shall monitor the implementation and operation of school district multihazard emergency operations plans and safety and security audits and other school district safety and security requirements. The monitoring must include at least one intruder detection audit of each school district to determine whether an intruder could gain unsecured, unauthorized access to a district campus. Each school district shall have at least one Intruder Detection Audit per year, with at least 25% of the campuses being physically audited.

(b)  The agency may establish an office of school safety and security within the agency to coordinate the agency's monitoring of school district safety and security requirements under this section. The head of an office of school safety and security established under this subsection must report directly to the commissioner.

(c)  The agency shall provide technical assistance to support implementation of school district multihazard emergency operations plans and safety and security audits and other school district safety and security requirements.

(d)  The agency may use or require the use of third parties to conduct the monitoring required under this section.

(e)  The commissioner may take appropriate action under Chapter 39A, including the assignment of a conservator or the appointment of a board of managers, if a school district fails to:

(1)  submit to the required monitoring under this section;

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

(3)  address in a reasonable time period, as determined by commissioner rule, issues raised by the monitoring of the district under this section.

(f)  The agency, or if approved by the agency, the Texas School Safety Center, may identify, develop, and make available to school districts information to assist districts in the implementation and operation of safety and security requirements, including relevant:

(1)  guidelines;

(2)  techniques;

(3)  blueprints;

(4)  best practices; and

(5)  procedures.

(g)  The agency, the Texas School Safety Center, and school districts may share information described by Subsection (f) with one another.

(h)  The agency may 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; and

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

(i)  The agency may review school district records as necessary to ensure compliance with this subchapter and Subchapter G.

(j)  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 and 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

(k)  The commissioner may adopt rules as necessary to administer this section.

(i)  Any proceeds from bonds must be used by school districts to come into compliance with the school safety standards set forth herein before any other money from bonds can be spent otherwise.

SECTION 7.  Chapter 37, Education Code, is amended by adding 37.116 to read as follows:

37.116. SCHOOL SAFETY COORDINATION AND REPORTING PROGRAM.

(a)  In each county under 350,000 population, the sheriff shall twice annually coordinate a meeting of school officials and all law enforcement in the county that could respond to a school violence incident.

(b)  The following entities are required to participate in the biannual meetings:

(1)  the elected sheriff or designee;

(2)  the police chief or designee for any police department in the county;

(3)  each elected constable or designee in the county;

(4)  each school police department chief or security coordinator:

(5)  DPS personnel assigned to the county;

(6)  other state agency law enforcement officers assigned to the county;

(7)  federal law enforcement officials assigned to the county;

(8)  County and Municipal EMS and Fire command staff;

(9)  the superintendent or designee for each district in the county; and

(10)  other entities deemed appropriate by the sheriff.

(c)  Attendees at the biannual meetings will discuss agency capabilities, resources, emergency radio interoperability, chain of command planning, and other topics submitted by the attendees.

(d)  The sheriff shall submit to the center a report identifying the attendee list and the agenda items discussed. The center shall maintain the reports and make them available on its public website.

SECTION 8.  Section 37.2071, Education Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (b-1) and (e-1) to read as follows:

(a)  The center shall establish a random or need-based cycle for the center's review and verification of school district and public junior college district multihazard emergency operations plans adopted under Section 37.108. The cycle must:

(1)  provide for each district's plan to be reviewed at regular intervals as determined by the center; and

(2)  if applicable to a school district's plan, be approved by the agency.

(b-1)  The center shall share with the agency a copy of each school district multihazard emergency operations plan submitted under Subsection (b) and any other information requested by the agency regarding the review of a school district's multihazard emergency operations plan.

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

(1)  verify the plan meets the requirements of Section 37.108; or

(2)  provide the district with written notice:

(A)  describing the plan's deficiencies;

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

(C) [~~(B)~~]  stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the center.

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

(e-1)  A school district multihazard emergency operations plan may not be verified or approved under this section without the agency's approval.

SECTION 9.  Section 37.2091, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  The center must receive approval from the agency before adding to the registry a person providing school safety or security consulting services to school districts.

SECTION 10.  Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.221 to read as follows:

Sec. 37.221.  FACILITIES STANDARDS REVIEW. At least once every five years, the center shall review the building standards for instructional facilities adopted under Section 7.061 and make recommendations to the commissioner regarding any changes necessary to ensure that the building standards reflect best practices for student safety. The commissioner shall work with local jurisdictions to make the adopted building standards part of local building codes to ensure compliance.

SECTION 11.  Section 48.115, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a)  A [~~From funds appropriated for that purpose, the commissioner shall provide to a~~] school district is entitled to an annual allotment equal to the sum of the following amounts or a greater [~~in the~~] 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 exceeds $6,160, prorated as necessary; and

(2)  $15,000 per campus.

(b)  Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1)  securing school facilities, including:

(A)  improvements to school infrastructure;

(B)  the use or installation of physical barriers;

and

(C)  the purchase and maintenance of:

(i)  security cameras or other security equipment; and

(ii)  technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2)  providing security for the district, including:

(A)  employing school district peace officers, private security officers, school marshals, and other persons authorized by a school board under other law to carry a weapon;

(B)  employing a school safety director and other personnel to manage and monitor school safety initiatives and implementation; and

(C) [~~(B)~~]  collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3)  school safety and security measures [~~training and planning~~], including:

(A)  active shooter and emergency response training;

(B)  prevention and treatment programs relating to addressing adverse childhood experiences; and

(C)  the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i)  providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;

(ii)  providing mental health personnel and support;

(iii)  providing behavioral health services;

(iv)  establishing threat reporting systems; and

(v)  developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support; and

(4)  providing programs related to suicide prevention, intervention, and postvention.

(b-1)  The agency and Texas School Safety Center shall designate certain technologies that a school district can purchase, using funds allocated under this section, from a vendor approved by the agency and Texas School Safety Center. The funds allocated herein may not be used by a school district to purchase technologies from a vendor not on the aforementioned approved list.

SECTION 12.  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 13.  Section 7.028, Education Code, as amended by this Act, and Chapter 37, Education Code, as amended by this Act, apply beginning with the 2023-2024 school year.

SECTION 14.  (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

(b)  Section 48.115, Education Code, as amended by this Act, and Section 48.116, Education Code, as added by this Act, take effect September 1, 2023.