By:  King of Hemphill, Burrows, H.B. No. 13

     King of Uvalde, González of El Paso,

     Buckley, et al.

A BILL TO BE ENTITLED

AN ACT

relating to training, preparedness, and funding for school safety and emergencies in public schools.

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

SECTION 1.  Subchapter Z, Chapter 22, Education Code, is amended by adding Section 22.904 to read as follows:

Sec. 22.904.  MENTAL HEALTH FIRST AID TRAINING. (a) Except as otherwise provided by this section, a school district shall require each district employee who regularly interacts with students enrolled at the district 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.

(b)  A school district may not require a district employee who has previously completed mental health first aid training offered by a local mental health authority under Section 1001.203, Health and Safety Code, to complete the training required by this section.

(c)  The agency shall provide an allotment to each school 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 rule to comply with this section. An allotment provided to a district under this section must be used to reimburse the employee for the cost of travel and training fees and to compensate the employee for the time spent completing the training required by this section.

(d)  The State Board for Educator Certification shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements under Section 21.054(g) for the educator's participation in mental health first aid training under this section.

(e)  The commissioner shall adopt rules to implement this section, including rules specifying the training fees and travel expenses subject to reimbursement under Subsection (c).

SECTION 2.  Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9074 to read as follows:

Sec. 29.9074.  FENTANYL POISONING AWARENESS WEEK. (a) To educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose, the governor shall designate a week to be known as Fentanyl Poisoning Awareness Week in public schools.

(b)  Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

SECTION 3.  Section 37.0812(a), Education Code, is amended to read as follows:

(a)  A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement at least once in each four-year period.

SECTION 4.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.08121 to read as follows:

Sec. 37.08121.  SCHOOL SENTINEL PROGRAM, TRAINING, AND STIPEND. (a) In this section, "school sentinel" means a school district or open-enrollment charter school employee who, pursuant to the written regulations or written authorization of the district or school under Section 46.03(a)(1)(A), Penal Code, 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.

(b)  A school district or open-enrollment charter school may establish a school sentinel program in accordance with this section for the purposes of school safety and security on school premises. The written regulation or authorization of a school district or open-enrollment charter school that authorizes the presence of a school sentinel must require the sentinel to complete a school sentinel training program approved by the agency under this section before being permitted to carry or possess a weapon on the physical premises of the school for the purposes of providing safety and security.

(c)  A school district or open-enrollment charter school that authorizes the presence of a school guardian under this section shall:

(1)  designate a marking or uniform that identifies to a law enforcement agency that the person is a school guardian;

(2)  require each school guardian to wear a marking or uniform described by Subdivision (1) while providing school guardian services at the district or school in the manner provided under Subsection (a); and

(3)  maintain information regarding the marking or uniform designated under Subdivision (1) as confidential except that the district or school shall disclose the information to an appropriate law enforcement agency in accordance with Section 37.108(g).

(d)  The agency may only approve a school sentinel training program if the program:

(1)  requires completion of all training required for a school marshal, including the training program provided under Section 1701.260, Occupations Code; and

(2)  includes instruction in mental health first aid and trauma-informed care.

(e)  From funds appropriated or otherwise available for the purpose, a school district or open-enrollment charter school employee is entitled to a stipend in an amount determined by the commissioner of not more than $25,000 per school year that the employee serves as a school sentinel after completing the training program required by this section. A stipend received under this subsection is not considered a part of the employee's compensation, including for purposes of determining whether a school district is paying an employee the minimum monthly salary under Section 21.402.

(f)  The commissioner shall adopt rules necessary to implement this section.

SECTION 5.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.089 to read as follows:

Sec. 37.089.  ROLE OF PERSONS CARRYING A FIREARM ON SCHOOL GROUNDS. (a) Subject to Subsection (b), a person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

(b)  Subsection (a) does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Section 37.081(d).

SECTION 6.  Section 37.115(c), Education Code, is amended to read as follows:

(c)  The board of trustees of each school district shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program under Subsection (b) at the district campus served by the team. The policies and procedures adopted under this section must:

(1)  be consistent with the model policies and procedures developed by the Texas School Safety Center;

(2)  require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; [~~and~~]

(3)  require each team established under this section to report the information required under Subsection (k) regarding the team's activities to the agency; and

(4)  require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee.

SECTION 7.  Section 37.108(g), Education Code, is amended to read as follows:

(g)  A school district shall include in its multihazard emergency operations plan an active shooter preparedness appendix. The active shooter preparedness appendix must include a certification by the district that the district has provided to each law enforcement agency with jurisdiction in the district or geographic area served by the district:

(1)  information regarding the identity of the school guardian authorized under Section 37.08121 at each district campus and the marking or uniform worn by the school guardian or other manner in which a law enforcement agency may confidentially identify the school guardian;

(2)  an accurate map of each district campus that is oriented to true north; and

(3)  an opportunity to conduct a walk-through of each district facility. [~~a policy for responding to an active shooter emergency. The school district may use any available community resources in developing the policy described by this subsection.~~]

SECTION 8.  Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.116 to read as follows:

Sec. 37.116.  SCHOOL SAFETY INFRASTRUCTURE GRANT PROGRAM. (a) With funds appropriated or otherwise available for the purpose, the agency shall establish a grant program to assist school districts and open-enrollment charter schools with any cost identified by a district or school as necessary for enhancing the infrastructure of each district or school campus to meet agency safety standards.

(b)  The commissioner shall adopt rules to implement this section.

SECTION 9.  Section 38.022, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  A school district may require a person who enters property under the district's control [~~a district campus~~] to display the person's driver's license, [~~or~~] another form of identification containing the person's photograph issued by a governmental entity, or, if applicable, the person's district employee or student identification card. The person must provide the identification on request.

(a-1)  A school district may eject a person from district property if:

(1)  the person refuses or fails to provide on request identification described by Subsection (a); and

(2)  it reasonably appears that the person has no legitimate reason to be on district property.

SECTION 10.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.040 to read as follows:

Sec. 38.040.  FENTANYL ABUSE PREVENTION AND DRUG POISONING AWARENESS EDUCATION. (a) Each school district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

(b)  The instruction required by this section must include:

(1)  suicide prevention;

(2)  prevention of the abuse of and addiction to fentanyl;

(3)  awareness of local school and community resources and any processes involved in accessing those resources; and

(4)  health education that includes information about substance use and abuse, including youth substance use and abuse.

(c)  The instruction required by this section may be provided by an entity or an employee or agent of an entity that is:

(1)  a public or private institution of higher education;

(2)  a library;

(3)  a community service organization;

(4)  a religious organization;

(5)  a local public health agency; or

(6)  an organization employing mental health professionals.

SECTION 11.  Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.046 and 38.047 to read as follows:

Sec. 38.046.  FENTANYL CONTAMINATION TRAINING PROGRAM FOR SCHOOL PERSONNEL. (a) The agency, in cooperation with The University of Texas Health Science Center at San Antonio, shall develop:

(1)  an evidence-based curriculum for students in grades 6 through 12 on the dangers of fentanyl contamination for use by school district and open-enrollment charter school employees; and

(2)  a professional development training program on providing the training developed under Subdivision (1).

(b)  The agency shall distribute curriculum and training materials for the training program developed under this section to each regional education service center.

Sec. 38.047.  FENTANYL CONTAMINATION GRANT PROGRAM. (a) The agency shall establish a grant program to provide funding to school districts and open-enrollment charter schools for community and school outreach programs on the dangers of fentanyl contamination.

(b)  The commissioner may adopt rules as necessary to administer the grant program established under this section.

SECTION 12.  Section 38.351, Education Code, is amended by adding Subsection (g-1) to read as follows:

(g-1)  A school district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Section 38.040.

SECTION 13.  Section 48.115, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (c-1) and (c-2) 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 of $100 [~~in the amount provided by appropriation~~] for each student in average daily attendance.

(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, and school marshals; and~~

[~~(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 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~~].

(c-1)  The agency, or if designated by the agency, the Texas School Safety Center, shall establish and publish a directory of approved vendors of school safety technology and equipment, including video surveillance equipment for use as provided by Section 29.022, a school district may select from when using funds allocated under this section. If a school district uses funds allocated under this section to purchase technology or equipment from a vendor that is not included in the directory, the district must solicit bids from at least three vendors before completing the purchase.

(c-2)  Subsection (c-1) does not apply to the provision of behavioral health services or programming.

SECTION 14.  Subtitle I, Title 2, Education Code, is amended by adding Chapter 47A to read as follows:

CHAPTER 47A. STATE SCHOOL SAFETY FUND AND GRANTS

Sec. 47A.001.  DEFINITIONS. In this chapter:

(1)  "Corporation" means the Texas Permanent School Fund Corporation established under Chapter 43.

(2)  "Fund" means the state school safety fund established under Section 7, Article VII, Texas Constitution.

(3)  "Program" means the school safety grant program.

Sec. 47A.002.  DEPOSITS TO FUND BY COMMISSIONER. Notwithstanding any other law, including Section 48.265, if the commissioner determines that the amount appropriated for a state fiscal year for purposes of administering the Foundation School Program exceeds the amount to which school districts and open-enrollment charter schools are entitled under Chapters 46, 48, and 49 for that year, the commissioner shall deposit a portion of that excess, up to 100 percent, to the credit of the fund.

Sec. 47A.003.  USES OF FUND. Money in the fund may only be used to provide grants to school districts and open-enrollment charter schools to enhance school safety under Section 47A.005.

Sec. 47A.004.  ADMINISTRATION OF FUND. (a) The corporation shall hold and invest the fund with the objective of maintaining sufficient liquidity to meet the needs of the fund while striving to maximize returns. 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.

(b)  The corporation may 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.

Sec. 47A.005.  SCHOOL SAFETY GRANTS. (a) The commissioner shall establish a school safety grant program using proceeds of the fund to provide grants to school districts and open-enrollment charter schools.

(b)  The commissioner may only award a grant to a school district or open-enrollment charter school to reimburse the district or school for expenditures required for the implementation of a school safety plan that has been approved by the agency.

(c)  The commissioner may award grants each school year in an amount not to exceed $10 million to a school district or open-enrollment charter school.

(d)  The commissioner may award grants each school year not to exceed a total amount of $500 million.

(e)  If the amount of grant requests under the program exceeds $500 million in a school year, the commissioner shall 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.

(f)  Notwithstanding Subsection (c) and subject to the limitation under Subsection (d), if excess funds are available for a school year, the commissioner may provide additional grants to school districts and open-enrollment charter schools that incurred eligible expenses of more than $10 million in that school year.

Sec. 47A.006.  RULES. The commissioner, in consultation with the corporation, may adopt rules as necessary to implement this chapter.

SECTION 15.  (a) Except as provided by Subsections (b) and (c) of this section, this Act applies beginning with the 2023-2024 school year.

(b)  Notwithstanding Section 22.904, Education Code, as added by this Act, a school district must require the district's employees to complete the mental health first aid training required under that section as follows:

(1)  at least 25 percent of the applicable district employees before the beginning of the 2025-2026 school year;

(2)  at least 50 percent of the applicable district employees before the beginning of the 2026-2027 school year;

(3)  at least 75 percent of the applicable district employees before the beginning of the 2027-2028 school year; and

(4)  100 percent of the applicable district employees before the beginning of the 2028-2029 school year.

(c)  Chapter 47A, Education Code, as added by this Act, applies beginning with the 2024-2025 school year.

SECTION 16.  (a) Except as provided by Subsections (b) and (c) 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, takes effect September 1, 2023.

(c)  Section 14 of this Act takes effect January 1, 2024, but only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, creating the state school safety fund to provide financial support for projects that enhance the safety of public schools in this state is approved by the voters. If that constitutional amendment is not approved by the voters, Section 14 of this Act has no effect.