88R6409 ANG-D

By:  Nichols S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to measures for ensuring safety and security in public schools, including measures related to certain student records and truant conduct.

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), 37.1083, 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.  Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.064 to read as follows:

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

(1)  in developing and implementing a multihazard emergency operations plan under Section 37.108;

(2)  in establishing a school safety and security committee under Section 37.109;

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

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 37.108, 37.1081, 37.1082, 37.1083, 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.  Section 25.002(a), Education Code, is amended to read as follows:

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

(1)  the child's birth certificate or another document suitable as proof of the child's identity;

(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; and

(3)  a record showing that the child has the immunizations as required under Section 38.001, in the case of a child required under that section to be immunized, proof as required by that section showing that the child is not required to be immunized, or proof that the child is entitled to provisional admission under that section and under rules adopted under that section.

SECTION 5.  Section 25.036, Education Code, is amended by adding Subsection (c) to read as follows:

(c)  In the case of a transfer under this section, a child's school district of residence shall provide the receiving district with the child's disciplinary record and any threat assessment involving the child's behavior conducted under Section 37.115.

SECTION 6.  Section 25.095(a), Education Code, is amended to read as follows:

(a)  A school district or open-enrollment charter school shall 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, on six [~~10~~] or more days or parts of days within an eight-week [~~a six-month~~] period in the same school year:

(1)  the student's parent is subject to prosecution under Section 25.093; and

(2)  the student is subject to referral to a truancy court for truant conduct under Section 65.003(a), Family Code.

SECTION 7.  Section 25.0951(a), Education Code, is amended to read as follows:

(a)  If a student fails to attend school without excuse on six [~~10~~] or more days or parts of days within an eight-week [~~a six-month~~] period in the same school year, a school district shall within 10 school days of the student's sixth [~~10th~~] absence refer the student to a truancy court for truant conduct under Section 65.003(a), Family Code.

SECTION 8.  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 on-site vulnerability assessment conducted by a school safety review team 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 in consultation with [~~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.

(c)  A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center. Additionally, a school district shall report the results of the audit to the agency. The report provided to the Texas School Safety Center and, if applicable, to the agency under this subsection must be signed by:

(1)  for a school district, the district's board of trustees and superintendent; or

(2)  for a public junior college district, the president of the junior college district.

(h)  The commissioner, in consultation with the Texas School Safety Center, shall adopt rules regarding requirements for school district:

(1)  multihazard emergency operations plans; and

(2)  safety and security audits.

SECTION 9.  Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1083 and 37.1084 to read as follows:

Sec. 37.1083.  AGENCY MONITORING OF SCHOOL DISTRICT SAFETY AND SECURITY REQUIREMENTS. (a) The agency shall 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)  The agency shall 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 director of the office is appointed by the governor and must report directly to the commissioner.

(c)  The agency shall 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)  The agency may engage or require a school district to engage a third party as necessary to enable the agency to monitor the implementation and operation of school district safety and security requirements 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.

Sec. 37.1084.  REGIONAL SCHOOL SAFETY REVIEW TEAMS. (a) In this section:

(1)  "Office" means the office of school safety and security established under Section 37.1083.

(2)  "Team" means a school safety review team established under this section.

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

(1)  use a rubric developed by the office in consultation with the Texas School Safety 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)  A regional education service center shall provide support as necessary to assist the region's team in conducting on-site vulnerability assessments under this section.

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

SECTION 10.  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 11.  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 12.  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, 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 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 may designate certain technologies that a school district, in using funds allocated under this section, may purchase only from a vendor approved by the agency.

SECTION 13.  Section 65.003(a), Family Code, is amended to read as follows:

(a)  A child engages in truant conduct if the child is required to attend school under Section 25.085, Education Code, and fails to attend school on six [~~10~~] or more days or parts of days within an eight-week [~~a six-month~~] period in the same school year.

SECTION 14.  (a) As soon as practicable after the effective date of this Act, the Texas Education Agency shall establish the office of school safety and security and the governor shall appoint the director of that office as required by Section 37.1083, Education Code, as added by this Act.

(b)  As soon as practicable after the office of school safety and security has been established, the office shall 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.  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.  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 65.003, Family Code, as amended by this Act, apply beginning with the 2023-2024 school year.

SECTION 17.  (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, takes effect September 1, 2023.