By:  West S.B. No. 1664

(In the Senate - Filed March 6, 2023; March 16, 2023, read first time and referred to Committee on Education; April 27, 2023, reported favorably by the following vote: Yeas 12, Nays 0; April 27, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Creighton         X

Campbell             X

Bettencourt          X

Birdwell                       X

Flores               X

King                 X

LaMantia             X

Menéndez             X

Middleton            X

Parker               X

Paxton               X

Springer             X

West                 X

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the school safety technical advisory committee and the school safety accountability program.

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

SECTION 1.  Chapter 37, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. SCHOOL SAFETY ACCOUNTABILITY PROGRAM

Sec. 37.251.  DEFINITIONS. In this subchapter:

(1)  "Advisory committee" means the school safety technical advisory committee established under Section 37.252.

(2)  "Chief of school safety and security" means the individual appointed by the governor as chief of school safety and security for the agency.

(3)  "Law enforcement leadership officer" means:

(A)  the chief of police of a school district police department;

(B)  the chief or deputy chief of police of a municipality;

(C)  a sheriff;

(D)  a constable; or

(E)  a highway patrol officer:

(i)  designated by the public safety director of the Department of Public Safety; and

(ii)  who holds a rank of lieutenant or higher.

(4)  "Program" means the school safety accountability program established under this subchapter.

(5)  "School exterior" means the outer walls, doors, and windows of a school district or open-enrollment charter school facility.

(6)  "School guardian" means a person who, pursuant to the written regulations or written authorization of a school district or open-enrollment charter 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 a school, any grounds or building on which an activity sponsored by a school is being conducted, or a passenger transportation vehicle of a school.

(7)  "School interior" means the area inside of a school district or open-enrollment charter school facility's outer walls, including the facility's interior doors.

(8)  "School perimeter" means the boundaries of the real property or site on which a school district or open-enrollment charter school campus is located.

(9)  "School safety rating" means a school safety accountability rating assigned under Section 37.258 to a school district or open-enrollment charter school campus based on the campus's school safety score.

(10)  "School safety score" means the numeric school safety score assigned to a school district or open-enrollment charter school campus under Section 37.254.

Sec. 37.252.  SCHOOL SAFETY TECHNICAL ADVISORY COMMITTEE. (a) The agency shall establish the school safety technical advisory committee to advise the agency regarding the school safety accountability program established under this subchapter. 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, one of whom must be a teacher at a school district or open-enrollment charter school.

(b)  An individual may not be 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 and any continuing education required for police chiefs under that section.

(c)  A committee member serves a two-year term and may be reappointed.

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

(b)  The chief of school safety and security shall oversee and administer the program.

(c)  The chief of school safety and security may lower a school safety score assigned under Section 37.254 or school safety rating based on a final audit report prepared by the agency under Section 37.255. 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) Not later than January 30 of each year, the agency shall assign each school district and open-enrollment charter school campus a school safety score. The school safety score must 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)  the agency under Section 37.255.

(b)  Each school district and open-enrollment charter school shall annually conduct 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. The district or school shall submit the campus school safety score assigned for each campus under this subsection to the agency in the manner and form required by the commissioner.

Sec. 37.255.  AGENCY AUDIT OF SCHOOL SAFETY. (a) The agency shall annually conduct an audit of the school safety of 25 percent of school district and open-enrollment charter school campuses in this state. The audit must:

(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)  After completing an audit of a school district or open-enrollment charter school campus under this section, the agency shall provide a preliminary school safety audit report to the district or school. The audited district or school may respond in writing to the preliminary audit report.

(c)  After issuing a preliminary audit report and considering any response submitted by the school district or open-enrollment charter school, the agency shall issue to the district or school a final audit report of each audited campus that includes a school safety score. A final audit report issued under this section is not subject to appeal.

Sec. 37.256.  METRICS OF ASSESSMENT. (a) The agency, 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, shall 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)  The metrics of assessment must, 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 the agency under Section 38.0141; and

(S)  any other safety criteria required by the agency.

(c)  In developing criteria for the metrics of assessment under Subsection (a), the agency shall 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. If a school district or open-enrollment charter school provides a school safety mobile Internet application, the application:

(1)  must 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)  may only 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) The agency, with input from the advisory committee, shall 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)  Not later than January 30 of each year, the agency shall 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)  Not later than March 1, the agency shall 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) 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" shall prepare a campus remediation plan.

(b)  A campus remediation plan must:

(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 the agency not later than the 45th day after the date on which the preliminary school safety rating was assigned.

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

(d)  The agency shall 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)  After a remediation plan is determined to be sufficient under this section, the advisory committee shall establish a deadline by which the principal of a school district or open-enrollment charter school must 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)  The chief of school safety and security has the sole authority to revise a school safety rating under this section.

Sec. 37.260.  CONFIDENTIALITY. The following information produced under this subchapter is confidential and not subject to disclosure under Chapter 552, 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) The commissioner shall 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)  The commissioner may extend or modify a timeline or deadline established by this subchapter.

Sec. 37.262.  TEXAS SCHOOL SAFETY REPORT CARD. (a) Not later than August 15 of each year, the agency shall publish on the agency'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)  Each school district and open-enrollment charter school shall annually provide either a copy of the school safety report card or a link to the report card on the agency's Internet website to each parent, guardian, or person standing in parental relation to a student in the district or school.

SECTION 2.  (a) Not later than October 1, 2023, the commissioner of education shall establish the school safety technical advisory committee required under Section 37.252, Education Code, as added by this Act.

(b)  Not later than January 30, 2026, the Texas Education Agency shall 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.  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.

\* \* \* \* \*