

By: Burrows

H.B. No. 3

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the development and implementation of, and funding for
3 public school safety and security requirements.

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

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

7 (a) Except as provided by Section 21.006(k), 22.093(l),
8 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1084, 38.003,
9 or 39.003, the agency may monitor compliance with requirements
10 applicable to a process or program provided by a school district,
11 campus, program, or school granted charters under Chapter 12,
12 including the process described by Subchapter F, Chapter 11, or a
13 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
14 or Subchapter A, Chapter 37, only as necessary to ensure:

- 15 (1) compliance with federal law and regulations;
16 (2) financial accountability, including compliance
17 with grant requirements;
18 (3) data integrity for purposes of:
19 (A) the Public Education Information Management
20 System (PEIMS); and
21 (B) accountability under Chapters 39 and 39A; and
22 (4) qualification for funding under Chapter 48.

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

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

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

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

13 SECTION 3. Section 12.104(b), Education Code, as amended by
14 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.
15 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular
16 Session, 2021, is reenacted and amended to read as follows:

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

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

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

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

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

- 1 (B) criminal history records under Subchapter C,
2 Chapter 22;
- 3 (C) reading instruments and accelerated reading
4 instruction programs under Section 28.006;
- 5 (D) accelerated instruction under Section
6 28.0211;
- 7 (E) high school graduation requirements under
8 Section 28.025;
- 9 (F) special education programs under Subchapter
10 A, Chapter 29;
- 11 (G) bilingual education under Subchapter B,
12 Chapter 29;
- 13 (H) prekindergarten programs under Subchapter E
14 or E-1, Chapter 29, except class size limits for prekindergarten
15 classes imposed under Section 25.112, which do not apply;
- 16 (I) extracurricular activities under Section
17 33.081;
- 18 (J) discipline management practices or behavior
19 management techniques under Section 37.0021;
- 20 (K) health and safety under Chapter 38;
- 21 (L) the provisions of Subchapter A, Chapter 39;
- 22 (M) public school accountability and special
23 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
24 39, and Chapter 39A;
- 25 (N) the requirement under Section 21.006 to
26 report an educator's misconduct;
- 27 (O) intensive programs of instruction under

1 Section 28.0213;

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

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

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

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

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

15 (U) establishment of residency under Section
16 25.001;

17 (V) school safety requirements under Sections
18 37.0814, 37.108, 37.1081, 37.1082, 37.1084, 37.109, 37.113,
19 37.114, 37.1141, 37.115, 37.207, and 37.2071;

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

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

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

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

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

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

7 (1) a school district peace officer;

8 (2) a school resource officer;

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

11 (4) a school marshal; or

12 (5) a school district employee who:

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

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

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

23 (a) Each school district or public junior college district
24 shall adopt and implement a multihazard emergency operations plan
25 for use in the district's facilities. The plan must address
26 prevention, mitigation, preparedness, response, and recovery in
27 accordance with the definitions established for those terms under

1 Subsection (a-1) [~~as defined by the Texas School Safety Center in~~
2 ~~conjunction with the governor's office of homeland security and the~~
3 ~~commissioner of education or commissioner of higher education, as~~
4 ~~applicable~~]. The plan must provide for:

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

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

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

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

17 (A) [7] mandatory school drills and exercises,
18 including drills required under Section 37.114, to prepare district
19 students and employees for responding to an emergency; and

20 (B) measures that incorporate and address the
21 results of a safety and security audit conducted under Subsection
22 (b) and an intruder detection audit conducted under Section
23 37.1084;

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

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

3 (a-1) The Texas School Safety Center shall establish
4 definitions of prevention, mitigation, preparedness, response, and
5 recovery for purposes of a multihazard emergency operations plan
6 under Subsection (a):

7 (1) for a plan applicable to a public junior college
8 district, in conjunction with the governor's office of homeland
9 security and the commissioner of higher education; or

10 (2) for a plan applicable to a school district, in
11 conjunction with the governor's office of homeland security and
12 with the approval of the commissioner of education.

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

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

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

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

25 (2) a public junior college district shall, to the
26 extent possible, follow safety and security audit procedures
27 developed by the Texas School Safety Center or a person included in

1 the registry established by the Texas School Safety Center under
2 Section 37.2091.

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

6 (1) multihazard emergency operations plans; and

7 (2) safety and security audits.

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

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

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

26 (c) The agency shall provide technical assistance to
27 support implementation of school district multihazard emergency

1 operations plans and safety and security audits and other school
2 district safety and security requirements.

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

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

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

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

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

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

20 (1) guidelines;

21 (2) techniques;

22 (3) blueprints;

23 (4) best practices; and

24 (5) procedures.

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

1 (h) The agency may require a school district to submit
2 information necessary for the agency to monitor the implementation
3 and operation of school district safety and security requirements
4 under this section, including:

5 (1) notice of an event requiring a district's
6 emergency response; and

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

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

13 (j) Any document or information collected, identified,
14 developed, or produced relating to the monitoring of school
15 district safety and security requirements under this section is
16 confidential under Sections 418.177 and 418.181, Government Code,
17 and not subject to disclosure under Chapter 552, Government Code.

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

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

23 SECTION 7. Chapter 37, Education Code, is amended by adding
24 37.116 to read as follows:

25 37.116. SCHOOL SAFETY COORDINATION AND REPORTING PROGRAM.

26 (a) In each county under 350,000 population, the sheriff
27 shall twice annually coordinate a meeting of school officials and

1 all law enforcement in the county that could respond to a school
2 violence incident.

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

5 (1) the elected sheriff or designee;

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

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

9 (4) each school police department chief or security
10 coordinator;

11 (5) DPS personnel assigned to the county;

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

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

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

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

19 (10) other entities deemed appropriate by the sheriff.

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

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

27 SECTION 8. Section [37.2071](#), Education Code, is amended by

1 amending Subsections (a), (c), and (e) and adding Subsections (b-1)
2 and (e-1) to read as follows:

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

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

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

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

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

19 (1) verify the plan meets the requirements of Section
20 37.108; or

21 (2) provide the district with written notice:

22 (A) describing the plan's deficiencies;

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

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

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

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

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

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

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

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

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

27 (a) A [~~From funds appropriated for that purpose, the~~

1 ~~commissioner shall provide to a~~ school district is entitled to an
2 annual allotment equal to the sum of the following amounts or a
3 greater [~~in the~~] amount provided by appropriation:

4 (1) \$10 for each student in average daily attendance,
5 plus \$1 for each student in average daily attendance per every \$50
6 by which the district's maximum basic allotment under Section
7 48.051 exceeds \$6,160, prorated as necessary; and

8 (2) \$15,000 per campus.

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

12 (1) securing school facilities, including:

13 (A) improvements to school infrastructure;

14 (B) the use or installation of physical barriers;

15 and

16 (C) the purchase and maintenance of:

17 (i) security cameras or other security
18 equipment; and

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

23 (2) providing security for the district, including:

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

27 (B) employing a school safety director and other

1 personnel to manage and monitor school safety initiatives and
2 implementation; and

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

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

9 (A) active shooter and emergency response
10 training;

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

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

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

19 (ii) providing mental health personnel and
20 support;

21 (iii) providing behavioral health
22 services;

23 (iv) establishing threat reporting
24 systems; and

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

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

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

9
10 SECTION 12. To the extent of any conflict, this Act prevails
11 over another Act of the 88th Legislature, Regular Session, 2023,
12 relating to nonsubstantive additions to and corrections in enacted
13 codes.

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

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

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