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H.B. No. 13

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 7, 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

1 comply with this section. An allotment provided to a district under
2 this section must be used to reimburse the employee for the cost of
3 travel and training fees and to compensate the employee for the time
4 spent completing the training required by this section.

5 (d) The State Board for Educator Certification shall
6 propose rules allowing an educator to receive credit toward the
7 educator's continuing education requirements under Section
8 21.054(g) for the educator's participation in mental health first
9 aid training under this section.

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

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

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

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

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

26 (a) A school district peace officer or school resource
27 officer shall complete an active shooter response training program

1 approved by the Texas Commission on Law Enforcement at least once in
2 each four-year period.

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

5 Sec. 37.08121. SCHOOL SENTINEL PROGRAM, TRAINING, AND
6 STIPEND. (a) In this section, "school sentinel" means a school
7 district or open-enrollment charter school employee who, pursuant
8 to the written regulations or written authorization of the district
9 or school under Section 46.03(a)(1)(A), Penal Code, is authorized
10 to carry or possess a specified weapon for the purpose of providing
11 safety and security on the physical premises of the employee's
12 school, any grounds or building on which an activity sponsored by
13 the school is being conducted, or a passenger transportation
14 vehicle of the school.

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

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

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

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

7 (3) maintain information regarding the marking or
8 uniform designated under Subdivision (1) as confidential except
9 that the district or school shall disclose the information to an
10 appropriate law enforcement agency in accordance with Section
11 [37.108\(g\)](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) an opportunity to conduct a walk-through of each
27 district facility. ~~[a policy for responding to an active shooter~~

1 ~~emergency. The school district may use any available community~~
2 ~~resources in developing the policy described by this subsection.]~~

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

5 Sec. 37.116. SCHOOL SAFETY INFRASTRUCTURE GRANT PROGRAM.

6 (a) With funds appropriated or otherwise available for the
7 purpose, the agency shall establish a grant program to assist
8 school districts and open-enrollment charter schools with any cost
9 identified by a district or school as necessary for enhancing the
10 infrastructure of each district or school campus to meet agency
11 safety standards.

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

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

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

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

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

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

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

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

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

11 (1) suicide prevention;

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

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

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

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

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

22 (2) a library;

23 (3) a community service organization;

24 (4) a religious organization;

25 (5) a local public health agency; or

26 (6) an organization employing mental health
27 professionals.

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

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

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

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

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

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

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

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

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

1 SECTION 13. Section 48.115, Education Code, is amended by
2 amending Subsections (a) and (b) and adding Subsections (c-1) and
3 (c-2) to read as follows:

4 (a) A [~~From funds appropriated for that purpose, the~~
5 ~~commissioner shall provide to a~~] school district is entitled to an
6 annual allotment of \$100 [~~in the amount provided by appropriation]~~
7 for each student in average daily attendance.

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

11 [~~(1) securing school facilities, including:~~

12 [~~(A) improvements to school infrastructure,~~

13 [~~(B) the use or installation of physical~~
14 ~~barriers, and~~

15 [~~(C) the purchase and maintenance of:~~

16 [~~(i) security cameras or other security~~
17 ~~equipment, and~~

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

22 [~~(2) providing security for the district, including:~~

23 [~~(A) employing school district peace officers,~~
24 ~~private security officers, and school marshals, and~~

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

1 ~~district,~~
2 ~~[(3) school safety and security training and planning,~~
3 ~~including:~~
4 ~~[(A) active shooter and emergency response~~
5 ~~training,~~
6 ~~[(B) prevention and treatment programs relating~~
7 ~~to addressing adverse childhood experiences, and~~
8 ~~[(C) the prevention, identification, and~~
9 ~~management of emergencies and threats, using evidence-based,~~
10 ~~effective prevention practices and including:~~
11 ~~[(i) providing licensed counselors, social~~
12 ~~workers, and individuals trained in restorative discipline and~~
13 ~~restorative justice practices,~~
14 ~~[(ii) providing mental health personnel and~~
15 ~~support,~~
16 ~~[(iii) providing behavioral health~~
17 ~~services,~~
18 ~~[(iv) establishing threat reporting~~
19 ~~systems, and~~
20 ~~[(v) developing and implementing programs~~
21 ~~focused on restorative justice practices, culturally relevant~~
22 ~~instruction, and providing mental health support, and~~
23 ~~[(4) providing programs related to suicide~~
24 ~~prevention, intervention, and postvention].~~

25 (c-1) The agency, or if designated by the agency, the Texas
26 School Safety Center, shall establish and publish a directory of
27 approved vendors of school safety technology and equipment,

1 including video surveillance equipment for use as provided by
2 Section 29.022, a school district may select from when using funds
3 allocated under this section. If a school district uses funds
4 allocated under this section to purchase technology or equipment
5 from a vendor that is not included in the directory, the district
6 must solicit bids from at least three vendors before completing the
7 purchase.

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

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

12 CHAPTER 47A. STATE SCHOOL SAFETY FUND AND GRANTS

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

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

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

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

19 Sec. 47A.002. DEPOSITS TO FUND BY COMMISSIONER.

20 Notwithstanding any other law, including Section 48.265, if the
21 commissioner determines that the amount appropriated for a state
22 fiscal year for purposes of administering the Foundation School
23 Program exceeds the amount to which school districts and
24 open-enrollment charter schools are entitled under Chapters 46, 48,
25 and 49 for that year, the commissioner shall deposit a portion of
26 that excess, up to 100 percent, to the credit of the fund.

27 Sec. 47A.003. USES OF FUND. Money in the fund may only be

1 used to provide grants to school districts and open-enrollment
2 charter schools to enhance school safety under Section 47A.005.

3 Sec. 47A.004. ADMINISTRATION OF FUND. (a) The corporation
4 shall hold and invest the fund with the objective of maintaining
5 sufficient liquidity to meet the needs of the fund while striving to
6 maximize returns. In managing the assets of the fund, through
7 procedures and subject to restrictions the corporation considers
8 appropriate, the corporation may acquire, exchange, sell,
9 supervise, manage, or retain any type of investment that a person of
10 ordinary prudence, discretion, and intelligence, exercising
11 reasonable care, skill, and caution, would acquire, exchange, sell,
12 supervise, manage, or retain in light of the fund's investment
13 objective.

14 (b) The corporation may charge a fee not to exceed the
15 amount necessary to cover the costs estimated to be incurred by the
16 corporation in managing and investing the fund. The fee may be
17 assessed on the available balance of the fund each fiscal year.

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

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

26 (c) The commissioner may award grants each school year in an
27 amount not to exceed \$10 million to a school district or

1 open-enrollment charter school.

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

4 (e) If the amount of grant requests under the program
5 exceeds \$500 million in a school year, the commissioner shall
6 proportionately reduce the amount of each grant in that school year
7 in an amount necessary to limit the total amount of grants provided
8 to \$500 million.

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

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

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

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

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

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

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

3 (4) 100 percent of the applicable district employees
4 before the beginning of the 2028-2029 school year.

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

7 SECTION 16. (a) Except as provided by Subsections (b) and
8 (c) of this section, this Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2023.

13 (b) Section 48.115, Education Code, as amended by this Act,
14 takes effect September 1, 2023.

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