

By: Buckley

H.B. No. 4944

A BILL TO BE ENTITLED

AN ACT

relating to public school cybersecurity controls and requirements and technical assistance and cybersecurity risk assessments for public schools provided by the Department of Information Resources.

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

SECTION 1. Section 11.175(c), Education Code, is amended to read as follows:

(c) A school district's cybersecurity policy must comply with the cybersecurity controls and requirements adopted by the commissioner under Section 32.351 and may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources under Chapters 2054 and 2059, Government Code.

SECTION 2. Chapter 32, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CYBERSECURITY

Sec. 32.351. CYBERSECURITY CONTROLS AND REQUIREMENTS. (a) The commissioner shall adopt cybersecurity controls and requirements for school districts, open-enrollment charter schools, and district and school vendors in consultation with and as recommended by the Department of Information Resources.

(b) Each school district and open-enrollment charter school shall implement the cybersecurity controls and requirements adopted by the commissioner under this section.

1 (c) To implement this section, the agency may contract with:
2 (1) a regional education service center;
3 (2) a private entity; or
4 (3) a regional network security center under
5 Subchapter E, Chapter 2059, Government Code.

6 (d) The commissioner shall adopt rules as necessary to
7 implement this section.

8 (e) Not later than September 1 of each even-numbered year,
9 the commissioner shall review the rules adopted under this section
10 and amend the rules as necessary to ensure that the cybersecurity
11 controls and requirements continue to provide effective
12 cybersecurity protection for school districts and open-enrollment
13 charter schools.

14 SECTION 3. Subchapter C, Chapter 2054, Government Code, is
15 amended by adding Sections 2054.0561 and 2054.0595 to read as
16 follows:

17 Sec. 2054.0561. TECHNICAL ASSISTANCE FOR PUBLIC SCHOOLS.

18 (a) The department may provide technical assistance to school
19 districts and open-enrollment charter schools regarding the
20 implementation of cybersecurity controls, requirements, and
21 network operations under Sections 11.175 and 32.351, Education
22 Code. In providing technical assistance to districts and schools,
23 the department may:

24 (1) use services offered by third parties;
25 (2) procure technology and services for districts and
26 schools;
27 (3) recommend to the Legislative Budget Board that

school districts and open-enrollment charter schools migrate services to the State Data Center located on the campus of Angelo State University; and

(4) use the services of a regional network security center established under Section 2059.202.

(b) The department may adopt rules as necessary to implement this section.

Sec. 2054.0595. CYBERSECURITY RISK ASSESSMENTS FOR PUBLIC SCHOOLS. The department may perform a cybersecurity risk assessment of a school district or open-enrollment charter school at the request of:

(1) the commissioner of the Texas Education Agency;

(2) the superintendent of the district or the person who serves the function of superintendent of the school, as applicable; or

(3) the Texas Division of Emergency Management after a cybersecurity incident affecting the district or school.

SECTION 4. Section 2059.058(b), Government Code, is amended to read as follows:

(b) In addition to the department's duty to provide network security services to state agencies under this chapter, the department by agreement may provide network security to:

(1) each house of the legislature;

(2) an agency that is not a state agency, including a legislative agency;

(3) a political subdivision of this state, including a county, municipality, or special district;

1 (4) an independent organization, as defined by Section
2 [39.151](#), Utilities Code; ~~and~~
3 (5) a public junior college; and
4 (6) an open-enrollment charter school established
5 under Subchapter D, Chapter [12](#), Education Code.

6 SECTION 5. Section [2059.201](#), Government Code, is amended to
7 read as follows:

8 Sec. 2059.201. ELIGIBLE PARTICIPATING ENTITIES. A state
9 agency or an entity listed in Sections [2059.058\(b\)\(3\)-\(6\)](#)
10 ~~[[2059.058\(b\)\(3\)-\(5\)](#)]~~ is eligible to participate in cybersecurity
11 support and network security provided by a regional network
12 security center under this subchapter.

13 SECTION 6. Section [11.175\(g\)](#), Education Code, as added by
14 Chapter 1045 (S.B. 1267), Acts of the 87th Legislature, Regular
15 Session, 2021, is repealed.

16 SECTION 7. Not later than March 31, 2024, the Texas
17 Education Agency and the Department of Information Resources shall
18 adopt rules necessary to implement the changes in law made by this
19 Act.

20 SECTION 8. To the extent of any conflict, this Act prevails
21 over another Act of the 88th Legislature, Regular Session, 2023,
22 relating to nonsubstantive additions to and corrections in enacted
23 codes.

24 SECTION 9. This Act takes effect September 1, 2023.