

2023 Bill Text TX H.B. 3

Enacted, June 14, 2023

Reporter

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Notice

Added: Text highlighted in green

Deleted: ~~Red text with a strikethrough~~

THE STATE OF TEXAS BILL TEXT > TEXAS 88TH LEGISLATURE > HOUSE BILL 3

Progress



ENACTED

[Legislative Outlook in detail](#)

Introduced

Passed 1st
Committee

Passed 1st
Chamber

Passed 2nd
Committee

Passed 2nd
Chamber

Enacted



Synopsis

AN ACT

relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.

Text

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, 37.1084, 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. [Sections 7.061\(b\) and \(c\), Education Code, are amended](#) to read as follows:

- (b) The commissioner shall adopt or amend rules as necessary to ensure that **FACILITIES** ~~-building~~ standards for **NEW AND EXISTING** instructional facilities and other school district and open-enrollment charter school facilities, **INCLUDING CONSTRUCTION QUALITY, PERFORMANCE, OPERATIONAL, AND OTHER STANDARDS RELATED TO THE SAFETY AND SECURITY OF SCHOOL FACILITIES,** provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:
 - (1) the design and construction of new facilities; and
 - (2) the improvement, renovation, and retrofitting of existing facilities.
- (c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that **FACILITIES** ~~-building~~ standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment. **THE COMMISSIONER SHALL, IN CONSULTATION WITH THE TEXAS SCHOOL SAFETY CENTER, IDENTIFY AND ADOPT ANY CHANGES RECOMMENDED UNDER SECTION 37.221.**

SECTION 3. 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, USING MATERIALS AND RESOURCES DEVELOPED BY THE TEXAS SCHOOL SAFETY CENTER OR THE AGENCY IN ACCORDANCE WITH CHAPTER 37, 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 DIRECTLY OR IN COLLABORATION WITH THE TEXAS SCHOOL SAFETY CENTER AND LOCAL LAW ENFORCEMENT AGENCIES, AS APPLICABLE:

- (1)

IN DEVELOPING AND IMPLEMENTING A MULTHAZARD 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:

(1)

SHALL PROVIDE ASSISTANCE AS NECESSARY TO THE REGION'S SCHOOL SAFETY REVIEW TEAM ESTABLISHED UNDER SECTION 37.1084; AND

(2)

MAY PROVIDE ASSISTANCE AS NECESSARY TO SCHOOL DISTRICTS AND OPEN-ENROLLMENT CHARTER SCHOOLS IN THE REGION SERVED BY THE CENTER THROUGH THE DIRECT PROVISION OF POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS TO A STUDENT ENROLLED IN ONE OF THOSE DISTRICTS OR SCHOOLS TO MITIGATE OR PREVENT FUTURE HARMFUL, THREATENING, OR VIOLENT BEHAVIOR BY THE STUDENT.

SECTION 4. [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 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085, 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071 AND SUBCHAPTER J, CHAPTER 37;

(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 5. Subchapter Z, Chapter 22, [Education Code](#), is amended by adding [Section 22.904](#) to read as follows:

SEC. 22.904. MENTAL HEALTH 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 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 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)

FROM FUNDS APPROPRIATED FOR THE PURPOSE, THE AGENCY SHALL PROVIDE AN ALLOTMENT TO EACH SCHOOL DISTRICT TO ASSIST THE DISTRICT IN COMPLYING WITH THIS SECTION. THE AMOUNT OF AN ALLOTMENT PROVIDED TO A SCHOOL DISTRICT UNDER THIS SUBSECTION MAY NOT EXCEED THE COSTS INCURRED BY THE DISTRICT FOR EMPLOYEES' TRAVEL, TRAINING FEES, AND COMPENSATION FOR THE TIME SPENT COMPLETING THE TRAINING REQUIRED BY THIS SECTION. THE AGENCY MAY PROPORTIONALLY REDUCE EACH DISTRICT'S ALLOTMENT IF THE AMOUNT APPROPRIATED IS INSUFFICIENT TO PAY FOR ALL COSTS INCURRED BY DISTRICTS UNDER THIS SUBSECTION.

(D)

THE STATE BOARD FOR EDUCATOR CERTIFICATION SHALL PROPOSE RULES ALLOWING AN EDUCATOR TO RECEIVE CREDIT TOWARD THE EDUCATOR'S CONTINUING EDUCATION REQUIREMENTS UNDER SECTION 21.054(G) FOR THE EDUCATOR'S PARTICIPATION IN MENTAL HEALTH TRAINING UNDER THIS SECTION.

(E)

THE COMMISSIONER SHALL ADOPT RULES TO IMPLEMENT THIS SECTION, INCLUDING RULES SPECIFYING THE TRAINING FEES AND TRAVEL EXPENSES SUBJECT TO REIMBURSEMENT UNDER SUBSECTION (C).

SECTION 6. [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 7. [*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 8. *Section 37.081, Education Code, is amended* by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a)

The board of trustees of any school district may:

(1)

employ **OR CONTRACT WITH** security personnel;

(2)

~~enter~~ enter into a memorandum of understanding with a local law enforcement agency **OR A COUNTY OR MUNICIPALITY THAT IS THE EMPLOYING POLITICAL SUBDIVISION OF COMMISSIONED PEACE OFFICERS** for the provision of school resource officers;

(3)

FOR THE PURPOSES OF PROVIDING SECURITY PERSONNEL, CONTRACT WITH A SECURITY SERVICES CONTRACTOR LICENSED UNDER CHAPTER 1702, OCCUPATIONS CODE, FOR THE PROVISION OF A COMMISSIONED SECURITY OFFICER, AS DEFINED BY SECTION 1702.002, OCCUPATIONS CODE, WHO HAS COMPLETED THE LEVEL II OR III TRAINING COURSE REQUIRED BY THE DEPARTMENT OF PUBLIC SAFETY; ~~and~~

(4)

commission peace officers to carry out this subchapter.

(A-1)

~~If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer.~~ The jurisdiction of a peace

officer, a school resource officer, or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ **OR CONTRACT WITH, AS APPLICABLE,** the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

(A-2)

A MEMORANDUM OF UNDERSTANDING FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS ENTERED INTO UNDER SUBSECTION (A) MUST:

(1)

BE IN THE FORM OF AN INTERLOCAL CONTRACT UNDER CHAPTER 791, GOVERNMENT CODE; AND

(2)

USE A PROPORTIONATE COST ALLOCATION METHODOLOGY TO ADDRESS ANY COSTS OR FEES INCURRED BY THE SCHOOL DISTRICT OR THE LOCAL LAW ENFORCEMENT AGENCY, COUNTY, OR MUNICIPALITY, AS APPLICABLE.

(A-3)

THE COST ALLOCATION METHODOLOGY USED UNDER SUBSECTION (A-2)(2) MAY ALLOW A LOCAL LAW ENFORCEMENT AGENCY, COUNTY, OR MUNICIPALITY, AS APPLICABLE, TO RECOUP DIRECT COSTS INCURRED AS A RESULT OF THE CONTRACT BUT MAY NOT ALLOW THE AGENCY, COUNTY, OR MUNICIPALITY TO PROFIT UNDER THE CONTRACT.

(A-4)

A SCHOOL DISTRICT, LOCAL LAW ENFORCEMENT AGENCY, COUNTY, OR MUNICIPALITY THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION (A) MAY SEEK FUNDING FROM FEDERAL, STATE, AND PRIVATE SOURCES TO SUPPORT THE COST OF PROVIDING SCHOOL RESOURCE OFFICERS UNDER THIS SECTION.

SECTION 9. [*Section 37.0812\(a\), Education Code, is amended*](#) to read as follows:

(a)

A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement **AT LEAST ONCE IN EACH FOUR-YEAR PERIOD.**

SECTION 10. Subchapter C, Chapter 37, [*Education Code, is amended by adding Section 37.0814*](#) to read as follows:

SEC. 37.0814. ARMED SECURITY OFFICER REQUIRED. (A) THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT SHALL DETERMINE THE APPROPRIATE NUMBER OF ARMED SECURITY OFFICERS FOR EACH DISTRICT CAMPUS. THE BOARD MUST ENSURE THAT AT LEAST ONE ARMED SECURITY OFFICER IS PRESENT DURING REGULAR SCHOOL HOURS AT EACH DISTRICT CAMPUS.

(B)

A SECURITY OFFICER DESCRIBED BY SUBSECTION (A) MUST BE:

(1)

A SCHOOL DISTRICT PEACE OFFICER;

(2)

A SCHOOL RESOURCE OFFICER; OR

(3)

A COMMISSIONED PEACE OFFICER EMPLOYED AS SECURITY PERSONNEL UNDER SECTION 37.081.

(C)

IF THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT IS UNABLE TO COMPLY WITH THIS SECTION, THE BOARD MAY CLAIM A GOOD CAUSE EXCEPTION FROM THE REQUIREMENT TO COMPLY WITH THIS SECTION IF THE DISTRICT'S NONCOMPLIANCE IS DUE TO THE AVAILABILITY OF:

(1)

FUNDING; OR

(2)

PERSONNEL WHO QUALIFY TO SERVE AS A SECURITY OFFICER DESCRIBED BY SUBSECTION (A).

(D)

THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT THAT CLAIMS A GOOD CAUSE EXCEPTION UNDER SUBSECTION (C) MUST DEVELOP AN ALTERNATIVE STANDARD WITH WHICH THE DISTRICT IS ABLE TO COMPLY, WHICH MAY INCLUDE PROVIDING A PERSON TO ACT AS A SECURITY OFFICER WHO IS:

(1)

A SCHOOL MARSHAL; OR

(2)

A SCHOOL DISTRICT EMPLOYEE OR A PERSON WITH WHOM THE DISTRICT CONTRACTS WHO:

(A)

HAS COMPLETED SCHOOL SAFETY TRAINING PROVIDED BY A QUALIFIED HANDGUN INSTRUCTOR CERTIFIED IN SCHOOL SAFETY UNDER [SECTION 411.1901, GOVERNMENT CODE](#); AND

(B)

CARRIES A HANDGUN ON SCHOOL PREMISES IN ACCORDANCE WITH WRITTEN REGULATIONS OR WRITTEN AUTHORIZATION OF THE DISTRICT UNDER [SECTION 46.03\(A\)\(1\)\(A\), PENAL CODE](#).

(E)

THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT MUST DEVELOP AND MAINTAIN DOCUMENTATION OF THE DISTRICT'S IMPLEMENTATION OF AND COMPLIANCE WITH THIS SECTION, INCLUDING DOCUMENTATION RELATED TO A GOOD CAUSE EXCEPTION CLAIMED UNDER SUBSECTION (C), AND SHALL, IF REQUESTED BY THE AGENCY, PROVIDE THAT DOCUMENTATION TO THE AGENCY IN THE MANNER PRESCRIBED BY THE AGENCY.

SECTION 11. Subchapter C, Chapter 37, [Education Code](#), is amended by adding [Section 37.089](#) to read as follows:

SEC. 37.089. ROLE OF PERSONS CARRYING A FIREARM ON SCHOOL GROUNDS. (A) SUBJECT TO SUBSECTION (B), A PERSON PERMITTED TO CARRY A FIREARM ON THE CAMPUS OF A SCHOOL DISTRICT MAY NOT PERFORM THE ROUTINE LAW ENFORCEMENT DUTIES OF A PEACE OFFICER, INCLUDING MAKING ARRESTS, UNLESS THE DUTY IS PERFORMED IN RESPONSE TO AN EMERGENCY THAT POSES A THREAT OF DEATH OR SERIOUS BODILY INJURY TO A STUDENT, SCHOOL DISTRICT EMPLOYEE, OR OTHER INDIVIDUAL AT THE DISTRICT CAMPUS.

(B)

SUBSECTION (A) DOES NOT APPLY TO A COMMISSIONED PEACE OFFICER WHO IS ASSIGNED LAW ENFORCEMENT DUTIES THAT ARE INCLUDED IN CAMPUS AND DISTRICT DOCUMENTS DESCRIBING THE ROLE OF PEACE OFFICERS IN THE DISTRICT AS REQUIRED BY SECTION 37.081(D).

SECTION 12. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (f) and adding Subsection (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 as defined by the Texas School Safety Center in conjunction with the governor's office of homeland security, ~~and~~ the commissioner of education, ~~AND THE~~ ~~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, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(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) ; AND

(7)

ANY OTHER REQUIREMENTS ESTABLISHED BY THE TEXAS SCHOOL SAFETY CENTER IN CONSULTATION WITH THE AGENCY AND RELEVANT LOCAL LAW ENFORCEMENT AGENCIES.

(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. ~~A To the extent possible, a district, OR A PERSON INCLUDED IN THE REGISTRY ESTABLISHED BY THE TEXAS SCHOOL SAFETY CENTER UNDER SECTION 37.2091 WHO IS ENGAGED BY THE DISTRICT TO CONDUCT A SAFETY AND SECURITY AUDIT,~~ shall follow safety and security audit procedures developed by the Texas School Safety Center ~~IN COORDINATION WITH THE COMMISSIONER OF EDUCATION OR COMMISSIONER OF HIGHER EDUCATION, AS APPLICABLE~~ ~~or a person included in the registry established by the Texas School Safety Center under Section 37.2091.~~

(f)

A school district shall include in its multihazard emergency operations plan:

(1)

a chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

(2)

provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by the agency or the Texas School Safety Center;

(3)

provisions for ensuring the safety of students in portable buildings;

(4)

provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

(5)

provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(6)

provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that:

(A)

are aligned with best practice-based programs and research-based practices recommended under Section 38.351;

(B)

include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

(C)

include training on integrating psychological safety and suicide prevention strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i)

members of the district's school safety and security committee under Section 37.109;

- (ii) district school counselors and mental health professionals; and
- (iii) educators and other district personnel as determined by the district;
- (D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and
- (E) implement trauma-informed policies;
- (7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; ~~and~~
- (8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year; **AND**
- (9)**
CERTIFICATION THAT THE DISTRICT IS IN COMPLIANCE WITH SECTION 37.117 .

(H)

THE TEXAS SCHOOL SAFETY CENTER AND THE AGENCY SHALL PROVIDE SCHOOL SAFETY-RELATED DATA COLLECTED BY THE CENTER OR AGENCY TO EACH OTHER ON REQUEST.

SECTION 13. *Section 37.1081(a), Education Code, is amended to read as follows:*

- (a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or **37.2071(D) OR (G)** ~~37.2071(g)~~, the board shall hold a public hearing to notify the public of:
 - (1) the district's failure to:
 - (A) submit or correct deficiencies in a multihazard emergency operations plan; or
 - (B) report the results of a safety and security audit to the Texas School Safety Center as required by law;
 - (2) the dates during which the district has not been in compliance; and
 - (3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

SECTION 14. Subchapter D, Chapter 37, *Education Code, is amended by adding Sections 37.1083, 37.1084, 37.1085, 37.1086, and 37.1131 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 THAT CONSISTS OF INDIVIDUALS WITH SUBSTANTIAL EXPERTISE AND EXPERIENCE IN SCHOOL OR LAW ENFORCEMENT SAFETY AND SECURITY OPERATIONS AND OVERSIGHT AT THE LOCAL, STATE, OR FEDERAL LEVEL 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 CONFIRMED BY THE SENATE AND MUST REPORT DIRECTLY TO THE COMMISSIONER.

(C)

THE AGENCY SHALL, IN COORDINATION WITH THE TEXAS SCHOOL SAFETY CENTER AND RELEVANT LOCAL LAW ENFORCEMENT AGENCIES, PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS TO SUPPORT THE IMPLEMENTATION AND OPERATION OF SAFETY AND SECURITY REQUIREMENTS.

(D)

AS PART OF THE TECHNICAL ASSISTANCE PROVIDED UNDER SUBSECTION (C), THE AGENCY SHALL CONDUCT A DETAILED VULNERABILITY ASSESSMENT OF EACH SCHOOL DISTRICT ON A RANDOM BASIS DETERMINED BY THE AGENCY ONCE EVERY FOUR YEARS. THE ASSESSMENT MUST:

(1)

ASSESS FACILITY ACCESS CONTROLS, EMERGENCY OPERATIONS PROCEDURES, AND OTHER SCHOOL SAFETY REQUIREMENTS; AND

(2)

TO THE GREATEST EXTENT PRACTICABLE, COINCIDE WITH THE SAFETY AND SECURITY AUDIT REQUIRED UNDER SECTION 37.108.

(E)

THE AGENCY SHALL USE A RUBRIC DEVELOPED BY THE OFFICE OF SCHOOL SAFETY AND SECURITY IN COLLABORATION WITH THE TEXAS SCHOOL SAFETY CENTER TO CONDUCT A VULNERABILITY ASSESSMENT OF A SCHOOL DISTRICT UNDER SUBSECTION (D).

(F)

ON COMPLETION OF A VULNERABILITY ASSESSMENT UNDER SUBSECTION (D), THE AGENCY SHALL PROVIDE TO THE SUPERINTENDENT AND SCHOOL SAFETY AND SECURITY COMMITTEE ESTABLISHED UNDER SECTION 37.109 FOR THE APPLICABLE SCHOOL DISTRICT A REPORT ON THE RESULTS OF THE ASSESSMENT THAT INCLUDES RECOMMENDATIONS AND REQUIRED CORRECTIVE ACTIONS TO ADDRESS ANY DEFICIENCIES IN CAMPUS SECURITY IDENTIFIED BY THE AGENCY.

(G)

THE AGENCY MAY 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.

(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 INCLUDING THE DISCOVERY OF A FIREARM ON A CAMPUS; 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 ANNUALLY CONDUCT ON-SITE GENERAL INTRUDER DETECTION AUDITS OF SCHOOL DISTRICT CAMPUSES IN THE TEAM'S REGION. IN CONDUCTING AN INTRUDER DETECTION AUDIT, 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 AUDIT, NOTIFY THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE CAMPUS BEING AUDITED IS LOCATED; AND

(3)

ON COMPLETION OF THE AUDIT, 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 AUDIT THAT INCLUDES RECOMMENDATIONS AND REQUIRED CORRECTIVE ACTIONS 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 INTRUDER DETECTION AUDITS 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.

SEC. 37.1085. ASSIGNMENT OF CONSERVATOR FOR NONCOMPLIANCE WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS. (A) EXCEPT AS PROVIDED BY SUBSECTION (C), THE COMMISSIONER MAY ASSIGN A CONSERVATOR UNDER CHAPTER 39A IF A SCHOOL DISTRICT FAILS TO:

(1)

SUBMIT TO ANY REQUIRED MONITORING, ASSESSMENT, OR AUDIT UNDER SECTION 37.1083 OR 37.1084;

(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 AGENCY'S MONITORING, ASSESSMENT, OR AUDIT OF THE DISTRICT UNDER SECTION 37.1083 OR 37.1084.

(B)

A CONSERVATOR ASSIGNED TO A DISTRICT UNDER THIS SECTION MAY EXERCISE THE POWERS AND DUTIES OF A CONSERVATOR UNDER SECTION 39A.003 ONLY TO CORRECT A FAILURE IDENTIFIED UNDER SUBSECTION (A).

(C)

THIS SECTION DOES NOT APPLY TO A SCHOOL DISTRICT'S FAILURE TO COMPLY WITH SECTION 37.0814 OR A GOOD CAUSE EXCEPTION CLAIMED UNDER THAT SECTION.

SEC. 37.1086. GUIDELINES FOR MULTHAZARD EMERGENCY OPERATIONS PLAN PROVISIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS. (A) THE AGENCY SHALL ESTABLISH GUIDELINES FOR THE PROVISIONS IN A SCHOOL DISTRICT'S MULTHAZARD EMERGENCY OPERATIONS PLAN UNDER SECTION 37.108(F)(4) TO ENSURE THE SAFETY OF STUDENTS AND DISTRICT PERSONNEL WITH DISABILITIES OR IMPAIRMENTS DURING A DISASTER OR EMERGENCY SITUATION, IN CONSULTATION WITH:

(1)

THE TEXAS SCHOOL SAFETY CENTER;

(2)

REGIONAL EDUCATION SERVICE CENTERS;

(3)

PUBLIC SCHOOL EDUCATORS WHO WORK WITH STUDENTS WITH DISABILITIES OR IMPAIRMENTS; AND

(4)

ADVOCACY GROUPS REPRESENTING INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS.

(B)

A SCHOOL DISTRICT MUST FOLLOW THE GUIDELINES ESTABLISHED BY THE AGENCY UNDER SUBSECTION (A) IN ADOPTING AND IMPLEMENTING THE DISTRICT'S MULTHAZARD EMERGENCY OPERATIONS PLAN UNDER SECTION 37.108.

SEC. 37.1131. NOTIFICATION REGARDING VIOLENT ACTIVITY. (A) THE AGENCY SHALL DEVELOP MODEL STANDARDS FOR PROVIDING NOTICE REGARDING VIOLENT ACTIVITY THAT HAS OCCURRED OR IS BEING INVESTIGATED AT A SCHOOL DISTRICT CAMPUS OR OTHER DISTRICT FACILITY OR AT A DISTRICT-SPONSORED ACTIVITY TO PARENTS, GUARDIANS, AND OTHER PERSONS STANDING IN PARENTAL RELATION TO STUDENTS WHO ARE ASSIGNED TO THE CAMPUS, REGULARLY USE THE FACILITY, OR ARE ATTENDING THE ACTIVITY, AS APPLICABLE. THE STANDARDS MUST:

(1)

INCLUDE ELECTRONIC NOTIFICATION THROUGH TEXT MESSAGING AND E-MAIL;

(2)

PROVIDE AN OPTION FOR REAL-TIME NOTIFICATION; AND

(3)

PROTECT STUDENT PRIVACY.

(B)

EACH SCHOOL DISTRICT SHALL ADOPT A POLICY FOR PROVIDING NOTICE DESCRIBED BY SUBSECTION (A) IN A MANNER THAT MEETS THE STANDARDS ADOPTED UNDER THAT SUBSECTION.

SECTION 15. [Section 37.115, Education Code, is amended](#) by amending Subsection (c) and adding Subsection (j-1) to read as follows:

(c)

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

(1)

be consistent with the model policies and procedures developed by the Texas School Safety Center;

(2)

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

(3)

require each team established under this section to report the information required under Subsection (k) regarding the team's activities to the agency ; AND

(4)

REQUIRE EACH DISTRICT CAMPUS TO ESTABLISH A CLEAR PROCEDURE FOR A STUDENT TO REPORT CONCERNING BEHAVIOR EXHIBITED BY ANOTHER STUDENT FOR ASSESSMENT BY THE TEAM OR OTHER APPROPRIATE SCHOOL EMPLOYEE .

(J-1)

MATERIALS AND INFORMATION PROVIDED TO OR PRODUCED BY A TEAM DURING A THREAT ASSESSMENT OF A STUDENT UNDER THIS SECTION MUST BE MAINTAINED IN THE STUDENT'S SCHOOL RECORD UNTIL THE STUDENT'S 24TH BIRTHDAY.

SECTION 16. Subchapter D, Chapter 37, *Education Code*, is amended by adding Section 37.117 to read as follows:

SEC. 37.117. EMERGENCY RESPONSE MAP AND WALK-THROUGH. EACH SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL SHALL PROVIDE TO THE DEPARTMENT OF PUBLIC SAFETY AND ALL APPROPRIATE LOCAL LAW ENFORCEMENT AGENCIES AND EMERGENCY FIRST RESPONDERS:

(1)

AN ACCURATE MAP OF EACH DISTRICT CAMPUS AND SCHOOL BUILDING THAT IS DEVELOPED AND DOCUMENTED IN ACCORDANCE WITH THE STANDARDS DESCRIBED BY SECTION 37.351 RELATED TO DEVELOPING SITE AND FLOOR PLANS, ACCESS CONTROL, AND EXTERIOR DOOR NUMBERING; AND

(2)

AN OPPORTUNITY TO CONDUCT A WALK-THROUGH OF EACH DISTRICT CAMPUS AND SCHOOL BUILDING USING THE MAP DESCRIBED BY SUBDIVISION (1).

SECTION 17. [*Sections 37.2071\(b\), \(c\), \(d\), \(f\), \(g\), and \(h\), Education Code, are amended*](#) to read as follows:

(b)

A school district or public junior college district shall submit its multihazard emergency operations plan to the center :

(1)

NOT LATER THAN THE 30TH DAY AFTER THE DATE ~~on request of~~ the center REQUESTS THE SUBMISSION; and

(2)

in accordance with the center's review cycle developed under Subsection (a).

(c)

The center 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; ~~and~~

(B)

INCLUDING SPECIFIC RECOMMENDATIONS TO CORRECT THE DEFICIENCIES; AND

(C)

stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the center.

(d)

If a district fails to submit its multihazard emergency operations plan to the center for review FOLLOWING A NOTIFICATION BY THE CENTER THAT THE DISTRICT HAS FAILED TO SUBMIT THE DISTRICT'S PLAN, the center shall provide the district with written notice stating that the district MUST HOLD A PUBLIC HEARING UNDER SECTION 37.1081 ÷:

~~(1) has failed to submit a plan; and~~

~~(2) must submit a plan to the center for review and verification.~~

(f)

If ONE MONTH ~~three months~~ after the date of initial notification of a plan's deficiencies under Subsection (c)(2) ~~or failure to submit a plan under Subsection (d)~~ a district has not corrected the plan deficiencies ~~or has failed to submit a plan~~, the center shall provide written notice to the district and agency that the district has not complied with the requirements of this section and must comply immediately.

(g)

If a school district still has not corrected the plan deficiencies THREE ~~or has failed to submit a plan six~~ months after the date of initial notification under Subsection (c)(2) ~~or (d)~~, the center shall provide written notice to the school district stating that the district must hold a public hearing under Section 37.1081.

(h)

If a school district has failed to submit a plan, the notice required by Subsection (D) ~~(g)~~ must state that the commissioner is authorized to appoint a conservator under Section 37.1082.

SECTION 18. [Section 37.2091, Education Code, is amended](#) by adding Subsection (b-1) to read as follows:

(B-1)

A SCHOOL DISTRICT MUST CONFIRM THAT A PERSON IS INCLUDED IN THE REGISTRY ESTABLISHED UNDER SUBSECTION (B) BEFORE THE DISTRICT MAY ENGAGE THE PERSON TO PROVIDE SCHOOL SAFETY OR SECURITY CONSULTING SERVICES TO THE DISTRICT.

SECTION 19. Subchapter G, Chapter 37, [Education Code, is amended by adding Sections 37.221 and 37.222](#) to read as follows:

SEC. 37.221. FACILITIES STANDARDS REVIEW. (A) AT LEAST ONCE EVERY FIVE YEARS, THE CENTER SHALL REVIEW THE FACILITIES STANDARDS FOR INSTRUCTIONAL FACILITIES ADOPTED UNDER SECTION 7.061 AND MAKE RECOMMENDATIONS TO THE COMMISSIONER REGARDING ANY CHANGES NECESSARY TO ENSURE THAT THE FACILITIES STANDARDS:

(1)

REFLECT BEST PRACTICES FOR IMPROVING SCHOOL SAFETY THROUGH THE DESIGN AND CONSTRUCTION OF SCHOOL FACILITIES; AND

(2)

ARE CONSISTENT WITH STANDARDS ADOPTED UNDER CHAPTER 469, GOVERNMENT CODE, REGARDING THE ELIMINATION OF ARCHITECTURAL BARRIERS.

(B)

THE CENTER AND COMMISSIONER MAY CONSULT WITH STAKEHOLDERS WITH RELEVANT EXPERTISE REGARDING WHETHER ANY UPDATES TO REQUIREMENTS FOR THE USE OF FUNDS GRANTED OR ALLOCATED TO SCHOOL DISTRICTS FOR PURPOSES OF IMPROVING THE SAFETY AND SECURITY OF SCHOOL FACILITIES ARE NECESSARY TO ALIGN WITH BEST PRACTICES.

(C)

IN UPDATING FACILITIES STANDARDS, THE COMMISSIONER SHALL:

(1)

INCORPORATE INPUT FROM THE CENTER AND STAKEHOLDERS WITH RELEVANT EXPERTISE REGARDING BEST PRACTICES FOR STANDARDS APPLICABLE TO THE DESIGN AND CONSTRUCTION OF SCHOOL FACILITIES; AND

(2)

ENSURE THE STANDARDS ARE UPDATED AS NECESSARY TO ENSURE COMPLIANCE WITH ANY CHANGES TO STATE LAW AND LOCAL BUILDING CODES.

SEC. 37.222. RESOURCES ON SAFE FIREARM STORAGE. (A) THE CENTER, IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY, SHALL PROVIDE TO EACH SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL INFORMATION AND OTHER RESOURCES REGARDING THE SAFE STORAGE OF FIREARMS FOR DISTRIBUTION BY THE DISTRICT OR SCHOOL UNDER SUBSECTION (B), INCLUDING INFORMATION ON:

(1)

THE OFFENSE UNDER [SECTION 46.13, PENAL CODE](#); AND

(2)

WAYS IN WHICH PARENTS AND GUARDIANS CAN EFFECTIVELY PREVENT CHILDREN FROM ACCESSING FIREARMS.

(B)

EACH SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL SHALL PROVIDE THE INFORMATION AND OTHER RESOURCES DESCRIBED UNDER SUBSECTION (A) TO THE PARENT OR GUARDIAN OF EACH STUDENT ENROLLED IN THE DISTRICT OR SCHOOL.

SECTION 20. Chapter 37, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. SAFETY AND SECURITY REQUIREMENTS FOR FACILITIES

SEC. 37.351. FACILITIES STANDARDS COMPLIANCE. (A) A SCHOOL DISTRICT MUST ENSURE THAT EACH DISTRICT FACILITY COMPLIES WITH EACH SCHOOL FACILITIES STANDARD, INCLUDING PERFORMANCE STANDARDS AND OPERATIONAL REQUIREMENTS, RELATED TO SAFETY AND SECURITY ADOPTED UNDER SECTION 7.061 OR PROVIDED BY OTHER LAW OR AGENCY RULE.

(B)

A SCHOOL DISTRICT MUST DEVELOP AND MAINTAIN DOCUMENTATION OF THE DISTRICT'S IMPLEMENTATION OF AND COMPLIANCE WITH SCHOOL SAFETY AND SECURITY FACILITIES STANDARDS FOR EACH DISTRICT FACILITY, INCLUDING A GOOD CAUSE EXCEPTION CLAIMED UNDER SECTION 37.353, AND SHALL, IF REQUESTED BY

THE AGENCY, PROVIDE THAT DOCUMENTATION TO THE AGENCY IN THE MANNER PRESCRIBED BY THE AGENCY.

SEC. 37.352. PURCHASING REQUIREMENTS. A SCHOOL DISTRICT SHALL COMPLY WITH ALL APPLICABLE STATE LAWS AND RULES RELATING TO PROCUREMENT FOR DISTRICT PURCHASES RELATING TO ACHIEVING COMPLIANCE WITH THE FACILITIES STANDARDS ADOPTED UNDER SECTION 7.061 OR PROVIDED BY OTHER LAW OR AGENCY RULE.

SEC. 37.353. GOOD CAUSE EXCEPTION. (A) IF A SCHOOL DISTRICT IS UNABLE TO BRING A DISTRICT FACILITY INTO COMPLIANCE WITH A SCHOOL FACILITIES STANDARD RELATED TO SAFETY AND SECURITY, THE DISTRICT MAY CLAIM A GOOD CAUSE EXCEPTION FROM THE REQUIREMENT TO COMPLY WITH THAT STANDARD, INCLUDING FOR A REASON RELATED TO:

(1)

THE AGE, PHYSICAL DESIGN, OR LOCATION OF THE NONCOMPLIANT FACILITY;

(2)

THE PROJECTED REMAINING USE OR FUNCTIONAL LIFE OF THE NONCOMPLIANT FACILITY;

(3)

AVAILABILITY OF FUNDING; OR

(4)

SUPPLY CHAIN OBSTACLES.

(B)

A SCHOOL DISTRICT THAT CLAIMS A GOOD CAUSE EXCEPTION UNDER SUBSECTION (A) MUST DEVELOP AN ALTERNATIVE PERFORMANCE STANDARD WITH WHICH THE DISTRICT IS ABLE TO COMPLY.

SEC. 37.354. FUNDING FOR FACILITIES STANDARDS COMPLIANCE. (A) THE COMMISSIONER MAY AUTHORIZE A SCHOOL DISTRICT TO USE MONEY PROVIDED TO THE DISTRICT FOR THE PURPOSE OF IMPROVING SCHOOL SAFETY AND SECURITY, INCLUDING THE SCHOOL SAFETY ALLOTMENT UNDER SECTION 48.115 OR ANY OTHER FUNDING OR GRANT MONEY AVAILABLE TO THE DISTRICT FOR THAT PURPOSE, TO COMPLY WITH THE REQUIREMENTS OF THIS SUBCHAPTER.

(A-1)

FUNDS APPROPRIATED IN S.B. 30, ACTS OF THE 88TH LEGISLATURE, REGULAR SESSION, 2023, OR SIMILAR LEGISLATION, FOR THE PURPOSE OF IMPROVING SCHOOL SAFETY AND SECURITY, MAY BE USED AS DESCRIBED BY SUBSECTION (A). THIS SUBSECTION EXPIRES SEPTEMBER 1, 2026.

(B)

THE COMMISSIONER MAY ADOPT RULES REGARDING SAFETY AND SECURITY REQUIREMENTS WITH WHICH A SCHOOL DISTRICT MUST COMPLY TO RECEIVE FUNDING OR GRANT MONEY AVAILABLE FOR THE PURPOSE OF IMPROVING SCHOOL SAFETY AND SECURITY.

SEC. 37.355. CONFIDENTIALITY. (A) ANY DOCUMENT OR INFORMATION COLLECTED, IDENTIFIED, DEVELOPED, OR PRODUCED RELATING TO A SAFETY OR SECURITY REQUIREMENT UNDER THIS SUBCHAPTER IS CONFIDENTIAL UNDER SECTIONS 418.177 AND 418.181, GOVERNMENT CODE, AND NOT SUBJECT TO DISCLOSURE UNDER CHAPTER 552, GOVERNMENT CODE.

(B)

THE COMMISSIONER MAY ADOPT RULES AS NECESSARY TO ADMINISTER THIS SECTION.

SECTION 21. [Section 38.022, Education Code, is amended](#) by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)

A school district may require a person who enters **PROPERTY UNDER THE DISTRICT'S CONTROL** ~~a district campus~~ to display the person's driver's license, ~~or~~ another form of identification containing the person's photograph issued by a governmental entity, **OR, IF APPLICABLE, THE PERSON'S DISTRICT EMPLOYEE OR STUDENT IDENTIFICATION CARD. THE PERSON MUST PROVIDE THE IDENTIFICATION ON REQUEST.**

(A-1)

A SCHOOL DISTRICT MAY EJECT A PERSON FROM DISTRICT PROPERTY IF:

(1)

THE PERSON REFUSES OR FAILS TO PROVIDE ON REQUEST IDENTIFICATION DESCRIBED BY SUBSECTION (A); AND

(2)

IT REASONABLY APPEARS THAT THE PERSON HAS NO LEGITIMATE REASON TO BE ON DISTRICT PROPERTY.

SECTION 22. Subchapter E, Chapter 45, [Education Code, is amended by adding Section 45.1011](#) to read as follows:

SEC. 45.1011. USE OF BOND PROCEEDS FOR SCHOOL SAFETY COMPLIANCE. (A) THE PROCEEDS OF BONDS ISSUED BY A SCHOOL DISTRICT FOR THE CONSTRUCTION AND EQUIPMENT OF SCHOOL BUILDINGS IN THE DISTRICT AND THE PURCHASE OF THE NECESSARY SITES FOR SCHOOL BUILDINGS MAY BE USED TO PAY THE COSTS ASSOCIATED WITH COMPLYING WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS FOR SCHOOL FACILITIES IN ACCORDANCE WITH SECTION 37.351.

(B)

THIS SUBSECTION APPLIES TO A SCHOOL DISTRICT THAT HAS BEEN DETERMINED BY THE AGENCY, THROUGH THE AGENCY'S MONITORING OF SAFETY AND SECURITY REQUIREMENTS UNDER SECTION 37.1083, TO NOT BE IN COMPLIANCE WITH THOSE REQUIREMENTS. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT TO WHICH THIS SUBSECTION APPLIES MUST USE THE PROCEEDS OF BONDS DESCRIBED BY SUBSECTION (A) TO ACHIEVE COMPLIANCE WITH APPLICABLE SAFETY AND SECURITY REQUIREMENTS IN ACCORDANCE WITH SECTION 37.351 BEFORE THE DISTRICT MAY USE THOSE PROCEEDS FOR ANY OTHER AUTHORIZED PURPOSE.

SECTION 23. [Section 48.115, Education Code, is amended](#) by amending Subsections (a) and (b) and adding Subsections (a-1), (b-1), (b-2), (c-1), and (e) to read as follows:

(a)

EXCEPT AS PROVIDED BY SUBSECTION (A-1), ~~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.

(A-1)

A SCHOOL DISTRICT CAMPUS THAT PROVIDES ONLY VIRTUAL INSTRUCTION OR UTILIZES ONLY FACILITIES NOT SUBJECT TO THE DISTRICT'S CONTROL IS NOT INCLUDED FOR PURPOSES OF DETERMINING A SCHOOL DISTRICT'S ALLOTMENT UNDER SUBSECTION (A).

(b)

Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1)

securing school facilities IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 37.351, including:

(A)

improvements to school infrastructure;

(B)

the use or installation of PERIMETER SECURITY FENCING CONDUCTIVE TO A PUBLIC SCHOOL LEARNING ENVIRONMENT OR physical barriers, WHICH MAY NOT INCLUDE RAZOR WIRE; ~~and~~

(C)

EXTERIOR DOOR AND WINDOW SAFETY AND SECURITY UPGRADES, INCLUDING EXTERIOR DOOR NUMBERING AND LOCKING SYSTEMS AND SECURITY FILM THAT PROVIDES RESISTANCE TO A FORCED ENTRY; AND

(D)

the purchase and maintenance of:

(i)

security cameras AND, IF THE DISTRICT HAS ALREADY INSTALLED SECURITY CAMERAS, ~~or~~ other security equipment, INCLUDING VIDEO SURVEILLANCE AS PROVIDED BY SECTION 29.022; and

(ii)

technology, including communications systems or devices, SUCH AS SILENT PANIC ALERT DEVICES, TWO-WAY RADIOS, OR WIRELESS INTERNET BOOSTER EQUIPMENT, 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 ; **AND**

(5)

EMPLOYING A SCHOOL SAFETY DIRECTOR AND OTHER PERSONNEL TO MANAGE AND MONITOR SCHOOL SAFETY INITIATIVES AND THE IMPLEMENTATION OF SCHOOL SAFETY REQUIREMENTS FOR THE DISTRICT.

(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.

(B-2)

IF THE AGENCY, IN COORDINATION WITH THE TEXAS SCHOOL SAFETY CENTER, DETERMINES THAT ENTERING INTO A STATEWIDE CONTRACT WITH A VENDOR FOR THE PROVISION OF A TECHNOLOGY DESIGNATED UNDER SUBSECTION (B-1) WOULD RESULT IN COST SAVINGS TO SCHOOL DISTRICTS, THE AGENCY MAY, AFTER RECEIVING APPROVAL FROM THE LEGISLATIVE BUDGET BOARD AND OFFICE OF THE GOVERNOR, ENTER INTO A CONTRACT WITH A VENDOR TO PROVIDE THE TECHNOLOGY TO EACH DISTRICT THAT USES FUNDS ALLOCATED UNDER THIS SECTION TO PURCHASE THAT TECHNOLOGY.

(C-1)

THE AGENCY, OR IF DESIGNATED BY THE AGENCY, THE TEXAS SCHOOL SAFETY CENTER, SHALL ESTABLISH AND PUBLISH A DIRECTORY OF APPROVED VENDORS OF SCHOOL SAFETY TECHNOLOGY AND EQUIPMENT A SCHOOL DISTRICT MAY

SELECT FROM WHEN USING FUNDS ALLOCATED UNDER THIS SECTION. IF A SCHOOL DISTRICT USES FUNDS ALLOCATED UNDER THIS SECTION TO PURCHASE TECHNOLOGY OR EQUIPMENT FROM A VENDOR THAT IS NOT INCLUDED IN THE DIRECTORY, THE DISTRICT MUST SOLICIT BIDS FROM AT LEAST THREE VENDORS BEFORE COMPLETING THE PURCHASE.

(E)

NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT MAY USE FUNDS ALLOCATED UNDER THIS SECTION TO PROVIDE TRAINING TO A PERSON AUTHORIZED BY THE DISTRICT TO CARRY A FIREARM ON A DISTRICT CAMPUS.

SECTION 24. Subchapter Z, Chapter 411, *Government Code*, is amended by adding Section 411.951 to read as follows:

SEC. 411.951. CONFIDENTIALITY OF IWATCHTEXAS COMMUNITY REPORTING SYSTEM REPORTS. ALL SUSPICIOUS ACTIVITY REPORTS AND SCHOOL SAFETY REPORTS INCLUDED IN THE IWATCHTEXAS COMMUNITY REPORTING SYSTEM OPERATED BY THE DEPARTMENT ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER CHAPTER 552.

SECTION 25. Subchapter B, Chapter 85, *Local Government Code*, is amended by adding Section 85.024 to read as follows:

SEC. 85.024. SCHOOL SAFETY MEETINGS. (A) THE SHERIFF OF A COUNTY WITH A TOTAL POPULATION OF LESS THAN 350,000 IN WHICH A PUBLIC SCHOOL IS LOCATED SHALL CALL AND CONDUCT SEMIANNUAL MEETINGS TO DISCUSS:

(1)

SCHOOL SAFETY;

(2)

COORDINATED LAW ENFORCEMENT RESPONSE TO SCHOOL VIOLENCE INCIDENTS;

(3)

LAW ENFORCEMENT AGENCY CAPABILITIES;

(4)

AVAILABLE RESOURCES;

(5)

EMERGENCY RADIO INTEROPERABILITY;

(6)

CHAIN OF COMMAND PLANNING; AND

(7)

OTHER RELATED SUBJECTS PROPOSED BY A PERSON IN ATTENDANCE AT THE MEETING.

(B)

THE SHERIFF OF A COUNTY TO WHICH THIS SECTION APPLIES IN WHICH MORE THAN ONE PUBLIC SCHOOL IS LOCATED IS ONLY REQUIRED TO HOLD ONE SEMIANNUAL MEETING DESCRIBED BY SUBSECTION (A). THIS SUBSECTION DOES NOT REQUIRE PUBLIC SCHOOLS LOCATED WITHIN THE SAME COUNTY TO ADOPT THE SAME SCHOOL SAFETY POLICIES.

(C)

THE FOLLOWING PERSONS SHALL ATTEND A MEETING CALLED UNDER SUBSECTION

(A):

(1)

THE SHERIFF OR THE SHERIFF'S DESIGNEE;

(2)

THE POLICE CHIEF OF A MUNICIPAL POLICE DEPARTMENT IN THE COUNTY OR THE POLICE CHIEF'S DESIGNEE;

(3)

EACH ELECTED CONSTABLE IN THE COUNTY OR THE CONSTABLE'S DESIGNEES;

(4)

EACH POLICE CHIEF OF A SCHOOL DISTRICT'S POLICE DEPARTMENT OR SCHOOL DISTRICT SECURITY COORDINATOR FROM EACH SCHOOL DISTRICT LOCATED IN THE COUNTY;

(5)

A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY ASSIGNED TO THE COUNTY;

(6)

A REPRESENTATIVE OF EACH OTHER STATE AGENCY WITH COMMISSIONED PEACE OFFICERS ASSIGNED TO THE COUNTY;

(7)

A PERSON APPOINTED TO A COMMAND STAFF POSITION AT AN EMERGENCY MEDICAL SERVICE IN THE COUNTY;

(8)

A PERSON APPOINTED TO A COMMAND STAFF POSITION AT A MUNICIPAL EMERGENCY MEDICAL SERVICE IN THE COUNTY;

(9)

A PERSON APPOINTED TO A COMMAND STAFF POSITION AT A FIRE DEPARTMENT IN THE COUNTY;

(10)

THE SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE OF EACH SCHOOL DISTRICT LOCATED IN THE COUNTY;

(11)

THE PERSON WHO SERVES THE FUNCTION OF SUPERINTENDENT, OR THAT PERSON'S DESIGNEE, IN EACH OPEN-ENROLLMENT CHARTER SCHOOL LOCATED IN THE COUNTY; AND

(12)

ANY OTHER PERSON THE SHERIFF CONSIDERS APPROPRIATE.

(D)

THE SHERIFF SHALL INVITE ANY FEDERAL LAW ENFORCEMENT OFFICIAL SERVING IN THE COUNTY TO ATTEND THE MEETING.

(E)

AS SOON AS PRACTICABLE AFTER A MEETING UNDER SUBSECTION (A), THE SHERIFF SHALL SUBMIT A REPORT TO THE TEXAS SCHOOL SAFETY CENTER IDENTIFYING THE ATTENDEES OF THE MEETING AND THE SUBJECTS DISCUSSED. THE TEXAS SCHOOL SAFETY CENTER SHALL MAINTAIN THE REPORT AND MAKE IT PUBLICLY AVAILABLE ON THE CENTER'S INTERNET WEBSITE. THE CENTER MAY NOT MAKE PUBLICLY AVAILABLE AND SHALL REDACT ANY PARTS OF A REPORT THAT THE CENTER DETERMINES MAY EXPOSE A SAFETY VULNERABILITY OF A SCHOOL DISTRICT FACILITY.

SECTION 26.

(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 27. [Section 45.1011, Education Code, as added](#) by this Act, applies only to a bond authorized to be issued at an election held on or after the effective date of this Act.

SECTION 28. 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 29.

(a)

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

(b)

Notwithstanding [Section 22.904, Education Code, as added](#) by this Act, a school district must require the district's employees to complete the mental health training required under that section as follows:

(1)

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

(2)

at least 50 percent of the applicable district employees before the beginning of the 2026-2027 school year;

(3)

at least 75 percent of the applicable district employees before the beginning of the 2027-2028 school year; and

(4)

100 percent of the applicable district employees before the beginning of the 2028-2029 school year.

SECTION 30.

(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.

History

H.B. NO. 3

Sponsor(s)

Burrows

Classification

Subject: EDUCATION & TRAINING (59%); EDUCATION FUNDING (59%); EDUCATION SYSTEMS & INSTITUTIONS (59%); PUBLIC SCHOOLS (59%); SAFETY (59%); SAFETY, ACCIDENTS & DISASTERS (59%); SCHOOL SAFETY & SECURITY (59%)

Load-Date: June 15, 2023

THE STATE OF TEXAS BILL TEXT
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