

SUBJECT: Establishing school safety and security measures and related funding

COMMITTEE: Youth Health & Safety, Select — committee substitute recommended

VOTE: 8 ayes — S. Thompson, Hull, Allison, Capriglione, Dutton, A. Johnson, Landgraf, Lozano

0 nays

1 absent — T. King

WITNESSES: For — Todd Hunter, Texas Police Chiefs Association; Brian Woods, Texas School Alliance; Christy Rome, Texas School Coalition (*Registered, but did not testify*: Lewis Matthews, Angel Protection; Julia Grizzard, Bexar County Education Coalition; Lupe Cuellar, City of El Paso; Georgia Bates, City of Uvalde; Charles Luke, Coalition for Education Funding; Charles Ramirez, EMS ISD; David Batton, Harris County Deputies Organization FOP 39; Colby Nichols, Leander ISD; Evan Autry, Mutualink; Jennifer Rodriguez, North Texas Commission; Brian Hawthorne, Sheriffs' Association of Texas; David Hinds, Sparkcognition; Colby Nichols, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Amanda Brownson, Texas Association of School Business Officials; Jenny Andrews, Texas Catholic Conference of Bishops; Andrea Chevalier, Texas Council of Administrators of Special Education; Suzi Kennon, Texas PTA; Carnelius Gilder, West Sabine ISD and Texas Association Rural Schools; and six individuals)

Against — Paige Duggins-Clay, Intercultural Development Research Association (*Registered, but did not testify*: Maggie Stern, Children's Defense Fund - Texas; Alycia Castillo, Texas Center for Justice and Equity; and six individuals)

On — Josh Sanderson, Equity Center; Nicole Golden, Texas Gun Sense; Shannon Hoffman, The Hogg Foundation for Mental Health, The Texas Coalition for Healthy Minds; Paul Colbert (*Registered, but did not testify*:

Francesca Leahy; Louis Wichers; Steven Aleman, Disability Rights Texas; Eric Marin, TEA; Hailey McMahon, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Eric Marin, John Scott, James Terry, Hank Weikert, Texas Education Agency; Carrie Griffith, Texas State Teachers Association)

BACKGROUND: Education Code sec. 48.115 requires that the education commissioner, from funds appropriated for this purpose, provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance. Statute requires that these allocated funds be used to improve school safety and security, including costs associated with securing school facilities such as:

- improvements to school infrastructure;
- the use or installation of physical barriers; and
- the purchase and maintenance of security cameras or other security equipment and technology that facilitates communication and information sharing between students, school personnel, and first responders in an emergency.

These funds must be used to provide security for the district, including employing school security personnel and collaborating with local law enforcement agencies. Funds may be used for school safety and security training and planning, including active shooter and emergency response training, prevention and treatment programs relating to addressing adverse childhood experiences, and the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices such as:

- providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;
- providing mental health personnel and support;
- providing behavioral health services;
- establishing threat reporting systems; and
- developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing

mental health support.

Additionally, such funds may be used for providing programs related to suicide prevention, intervention, and postvention. A school district may use allocated funds for equipment or software that is used for a school safety and security purpose and an instructional purpose under certain conditions. The commissioner is required to annually publish a report regarding the use of allocated funds.

DIGEST: CSHB 13 would act as the enabling legislation for CSHJR 170 and would, among other provisions, establish certain allotments, funds, and grants to be used for school safety purposes, establish certain mental health and school safety training requirements for school employees, and amend provisions regarding multihazard emergency operations plans.

State school safety fund and grants. If the commissioner of education determined that the amount appropriated for a fiscal year for administering the Foundation School Program exceeded the amount to which districts and schools would be entitled for that year, the commissioner would be required to deposit a portion of that excess, up to 100 percent, to the credit of the state school safety fund. Money in the fund could only be used to provide grants to school districts and open-enrollment charter schools to enhance school safety.

The bill would require the Texas Permanent School Fund Corporation to hold and invest the fund with the objective of maintaining sufficient liquidity to meet the needs of the fund while striving to maximize returns. In managing the assets of the fund, the corporation could acquire, exchange, sell, supervise, manage, or retain any type of investment that a reasonable person would acquire, exchange, sell, supervise, manage, or retain in light of the fund's investment objective. The corporation could charge a fee not to exceed the amount necessary to cover the estimated costs incurred in managing and investing the fund. The fee could be assessed on the available balance of the fund each fiscal year.

The bill would require the commissioner to establish a school safety grant

program using proceeds of the fund to provide grants to districts and schools. The commissioner could only award a grant to a district or school to reimburse the district or school for expenditures required for the implementation of a school safety plan that had been approved by the Texas Education Agency (TEA).

The commissioner could award grants each school year in an amount of no more than \$10 million to a district or open-enrollment charter school and no more than \$250 million total. If the amount of grant requests under the program exceeded \$250 million in a school year, the commissioner would proportionately reduce the amount of each grant in that school year in an amount necessary to limit the total amount of grants provided to \$250 million. If excess funds were available for a school year, the commissioner could provide additional grants to districts and schools that incurred eligible expenses of more than \$10 million in the school year.

School safety allotment. The bill would amend sec. 48.115, regarding school safety allotments for school districts and charter schools, by entitling a school district to an annual allotment of \$100 for each student in average daily attendance to be used to improve school safety. The bill would remove certain provisions detailing specific uses of allotted funds.

The bill would require TEA, or the Texas School Safety Center if designated by TEA, to establish and publish a directory of approved vendors of school safety technology and equipment from which a district could select when using allocated funds. If a district used funds to purchase technology or equipment from an unapproved vendor, the district would be required to solicit bids from at least three vendors before completing the purchase. These provisions would not apply to a vendor of behavioral health services or programming or a vendor used by a third party engaged by a district to improve school safety or security.

Local revenue levels in excess of entitlement. The bill would amend sec. 48.257, regarding the reduction of certain districts' tier one revenue levels. The bill would include the provision that such a district would not be required to reduce its tier one revenue level by an amount necessary for

the district to employ an off-duty peace officer as school security personnel.

School safety infrastructure grant program. The bill would require TEA, with appropriated or otherwise available funds, to establish a grant program to assist districts and schools with any cost identified by a district or school as necessary for enhancing the infrastructure of each district or school campus to meet TEA safety standards.

Mental health first aid training. CSHB 13 would require a school district to require each employee who regularly interacted with students 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 could pose a threat to school safety. TEA would provide an allotment to each district to reimburse employees for travel and training fee costs.

School guardian training and stipend. The bill would define “school guardian” as a school district or open-enrollment charter school employee who, pursuant to written regulations or authorization of the district or school, was authorized to carry or possess a specified weapon to provide safety and security on the physical premises of the school, any grounds or building on which a school sponsored activity was conducted, or a passenger transportation vehicle of the school.

The written regulation or authorization of a school district or open-enrollment charter school that authorized the presence of a school guardian would have to require the guardian to complete a school guardian training program approved by TEA before being permitted to carry or possess a weapon at the school. TEA could only approve a school guardian training program if the program required completion of all training required for a school marshal and included instruction in mental health first aid and trauma-informed care.

A school district or charter school employee would be entitled, from

appropriated or otherwise available funds, to a stipend in an amount determined by the commissioner of education of not more than \$25,000 per school year that the employee served as a school guardian after completing the training. The stipend would not be considered a part of the employee's compensation, including for the purposes of determining whether a district was paying an employee the minimum monthly salary.

Threat assessment and safe and supportive school team. The bill would amend certain provisions regarding the establishment of threat assessment and safe and supportive school programs. The bill would include that the policies and procedures adopted for such programs would have to 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.

Multihazard emergency operations plans. The bill would remove the requirement that multihazard emergency operations plans include a policy for responding to an active shooter emergency and the resources a school district could use to develop the policy, instead requiring that such plans included an active shooter preparedness appendix. The appendix would be required to include a certification by the district that the district had provided to each law enforcement agency with jurisdiction in the district or geographic area served by the district:

- an accurate map of each district campus that was oriented to true north; and
- an opportunity to conduct a walk-through of each district facility.

Other provisions. The bill would apply beginning with the 2023-2024 school year, except for provisions regarding the creation of the state school safety fund, which would apply beginning with the 2024-2025 school year.

The bill would establish that a school district must require its employees to complete the mental health first aid training mandated by the bill as follows:

- At least 25 percent of the applicable district employees before the beginning of the 2025-2026 school year;
- At least 50 percent of such employees before the beginning of the 2026-2027 school year;
- At least 75 percent of such employees before the beginning of the 2027-2028 school year; and
- 100 percent of such employees before the beginning of the 2028-2029 school year.

This bill, except as otherwise provided, would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

Amendments to Education Code secs. 48.115 and 48.257, regarding a school district's entitled allotment and a district's tier one revenue level, would take effect September 1, 2023.

Provisions on the state school safety fund and grant program would take effect January 1, 2024 only if the constitutional amendment proposed in CSHJR 170 creating the state school safety fund was approved by the voters. If the amendment was not approved, these provisions would have no effect.

**SUPPORTERS
SAY:**

CSHB 13 would improve the safety of Texas students by expanding mental health first aid training for school employees, enhancing various school safety measures, and providing significant financial support to schools to improve school safety infrastructure and implement school safety plans. The bill would increase the school safety allotment to \$100 per student, which would help schools cover the minimum costs associated with implementing school safety measures. In addition to providing for a school guardian training program, the bill would include a \$25,000 school guardian stipend to ensure that guardians participated in the necessary training and had the tools they needed to work in a school environment. The stipend as a monetary incentive could encourage more people to take on this important additional work. By removing the list of

specific approved uses for allocated funds, the bill would expand, rather than restrict, the possible uses of the funds and provide greater flexibility to districts in determining how to best use the school safety allotment. The bill's training requirements for employees would not create an additional burden for school districts, as it would allow them to roll out the training gradually over several years.

CRITICS
SAY:

By removing specific references to mental and behavioral health resources as an appropriate use of school safety allotment funds, the bill could lead some school districts to believe that funding should no longer be directed toward mental or behavioral health programs and to prioritize school security measures. In addition to approved vendors of school safety technology and equipment, the bill should include other types of providers that contribute to positive school climate. The bill could increase the presence of armed school guardians in schools, which may not prevent or reduce school violence and could negatively impact school climate.

NOTES:

CSHB 13 is the enabling legislation for CSHJR 170, which is on the Constitutional Amendments Calendar for second reading consideration today.

According to the Legislative Budget Board, the bill would have a negative impact to general revenue related funds through the biennium of \$1,665,008,000. This estimate does not include the cost of mental health first aid grants and state school safety grants under the bill, which cannot be determined at this time.