

**SUBJECT:** Establishing and revising public school safety and security provisions

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 11 ayes — Buckley, Allen, Allison, Cunningham, Dutton, Cody Harris, Hefner, Hinojosa, K. King, Longoria, Talarico

1 nay — Schaefer

1 present not voting — Harrison

**SENATE VOTE:** On final passage (April 19) — 31 - 0

**WITNESSES:** For — Christy Rome, Texas School Coalition; Kelly Rhoads (*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Tricia Cave, Association of Texas Professional Educators; Guadalupe Cuellar, City of El Paso; James Parnell, Dallas Police Association; Josh Sanderson, Equity Center; Ray Hunt, Houston Police Officers' Union; Raif Calvert, Texas Association of School Boards; Paige Williams, Texas Classroom Teachers Association; Dallas Reed, Texas Municipal Police Association; Bryce Adams, Texas Public Charter Schools Association; AJ Louderback, Texas Sheriffs Regional Alliance; Steven Price, The VOICE of Our Veterans; Mary Hetrick; Bryan Holubec; Fran Rhodes)

Against — (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Anna Sciarillo, Texas Association of Behavior Analysis Public Policy Group)

On — Paige Duggins-Clay, IDRA; Barry Haenisch, Texas Association of Community Schools; HD Chambers, Texas School Alliance; Kerri Brady, Texas Society of Architects (*Registered, but did not testify*: Steven Aleman, Disability Rights Texas; Kelsey Kling, Texas AFT; Eric Marin, Mike Meyer, John Scott, Texas Education Agency; Dee Carney, Texas School Alliance)

**BACKGROUND:** Some have suggested that Texas public schools require improved safety

and security measures to help prevent future tragedies.

**DIGEST:** CSSB 11 would establish and revise provisions of the Education Code, Local Government Code, and Occupations Code pertaining to public school safety and security.

**Facilities standards.** The bill would revise provisions relating to standards for instructional facilities.

The commissioner of education would be required to adopt or amend rules to ensure that facilities standards, rather than building standards, for instructional facilities and other school district and charter school facilities provided a secure and safe environment. These standards would include construction quality, performance, operational, and other standards related to the safety and security of school facilities. By September 1 of each even-numbered year, the commissioner would be required to review all such rules. In reviewing and amending the rules, the commissioner would have to, in consultation with the Texas School Safety Center, identify and adopt any recommended changes and would require that new and existing school facilities met or exceeded the standards established under the bill.

At least once every five years, the Texas School Safety Center would be required to review the facilities standards for instructional facilities and make recommendations to the commissioner of education regarding any changes necessary to ensure that the standards reflected best practices for improving school safety through school facility design and construction. In updating such standards, the commissioner would have to incorporate input from the center and relevant stakeholders and would ensure the standards were updated as necessary to ensure compliance with any changes to state law and local building codes.

The bill would require a school district to ensure that each district facility complied with each school facilities standard. A district would be required to develop and maintain documentation of its implementation of and compliance with such standards for each district facility and provide that documentation to the district's school safety and security committee, the

district's board of trustees, and the Texas Education Agency (TEA) if requested.

The commissioner of education could authorize a district to use money provided to the district to improve school safety and security to comply with the bill's requirements.

If a school district was unable to bring a facility into compliance with a school facilities standard, the district could claim a good cause exception for certain reasons. A district that claimed a good cause exception would be required to develop an alternative performance standard for compliance.

**Fentanyl abuse prevention.** The bill would establish provisions on fentanyl abuse prevention. To educate students about the dangers of fentanyl, the governor would designate a week to be known as Fentanyl Poisoning Awareness Week in public schools. The week could include age-appropriate instruction on the prevention of the abuse of and addiction to the drug.

Each school district would be required to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12. Such instruction could be provided by certain entities and would be required to include:

- suicide prevention;
- prevention of the abuse of and addiction to the drug;
- local school and community resource awareness; and
- health education that included information about substance use and abuse.

The bill would allow a school district to satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to fentanyl abuse prevention and drug poisoning awareness.

TEA, in cooperation with The University of Texas Health Science Center at San Antonio, would be required to develop an evidence-based curriculum for students in grades 6 through 12 on the dangers of fentanyl contamination for use by school employees and a professional development training program on providing the curriculum. TEA would have to distribute curriculum and training materials to each regional education service center.

TEA would be required to establish a grant program to provide funding to school districts and charter schools for community and school outreach programs on the dangers of fentanyl contamination.

**School district security personnel.** The bill would allow a school district's board of trustees to:

- employ or contract with security personnel;
- enter into a memorandum of understanding with a county or municipality that was the employing political subdivision of commissioned peace officers for the provision of school resource officers; and
- contract with a licensed security services contractor for the provision of a commissioned security officer who had completed certain training courses.

A memorandum of understanding for the provision of school resource officers would have to be established through an interlocal contract. The contract would be required to use a proportionate cost allocation methodology to address any costs or fees incurred by the district or the local law enforcement agency, county, or municipality. The cost allocation methodology could allow a local law enforcement agency, county, or municipality to recoup direct costs incurred as a result of the contract but could not allow the local entity to profit. A district, law enforcement agency, county, or municipality that entered into such a memorandum of understanding could seek funding from federal, state, and private sources to support the cost of providing school resource officers. These provisions would apply only to a memorandum of

understanding that was entered into on or after September 1, 2023.

The bill would remove the requirement that security personnel authorized to carry weapons by a school district's board of trustees be commissioned peace officers.

**School sentinel program.** The bill would define a "school sentinel" as a school district or charter school employee who was authorized to carry or possess a specified weapon to provide safety and security on the school's physical premises, certain other school grounds or buildings, or the school's passenger vehicles.

A district or charter school could establish a school sentinel program for school safety and security. The written regulation or authorization of a district or charter school that authorized a school sentinel's presence would have to require the sentinel to complete a TEA-approved training program before being permitted to carry or possess a weapon on the school's physical premises. A district or charter school that authorized the presence of a school sentinel would be required to:

- designate a marking or uniform that identified to a law enforcement agency that the person was a school sentinel;
- require each sentinel to wear a marking or uniform while providing sentinel services; and
- maintain information regarding the marking or uniform as confidential except to disclose such information to an appropriate law enforcement agency.

TEA could only approve a school sentinel 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 district or charter school would be entitled to a stipend in an amount determined by the commissioner of education of no more than \$25,000 per school year that the employee served as a sentinel after completing the required training. Such a stipend would not be considered part of the employee's compensation.

**Mental health first aid training.** A school district would have to require each district employee who regularly interacted with students to complete an evidence-based mental health first aid training program. The program would be designed to provide instruction to participants regarding the recognition and support of children and youth who experienced a mental health or substance use issue that could pose a school safety threat. A district could not require an employee who previously completed comparable training offered by a local mental health authority to complete the required training. A school district would have to require its employees to complete such training as follows:

- at least 25 percent of applicable employees by the 2025-2026 school year;
- at least 50 percent of applicable employees by the 2026-2027 school year;
- at least 75 percent of applicable employees by the 2027-2028 school year; and
- 100 percent of applicable employees by the 2028-2029 school year.

TEA would be required to provide an allotment to each 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 required training. The allotment would have to be used to reimburse the employee for the cost of travel and training fees and to compensate the employee for time spent completing the training. The State Board of Educator Certification would be required to propose rules allowing an educator to receive credit toward the educator's continuing education requirements for participation in such training.

**Active shooter training.** The bill would require certain law enforcement officers to complete training on responding to an active shooter. A school district peace officer, school resource officer, or other law enforcement officer as part of minimum curriculum requirements would be required to complete a one-time training program on active shooter response. This

training would be provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University - San Marcos, or a similar organization approved by TCOLE. A school district peace officer or school resource officer would have to complete the program before or within two years of beginning to provide law enforcement services at a school. Other law enforcement officers would have to complete the program by the second anniversary of the date the officer was licensed. Completion of the training program would satisfy any other requirement for the officer to complete a training program on responding to active shooters, including the requirement that a school district peace officer or school resource officer would complete a Texas Commission on Law Enforcement (TCOLE)-approved active shooter response training program at least once every four years.

An officer who held a peace officer license on September 1, 2023, would have to complete the required training program by September 1, 2025. Minimum curriculum requirements would apply only to an officer who first began to satisfy those requirements on or after January 1, 2024.

**Multihazard emergency operations plans.** The bill would revise provisions on multihazard emergency operations plans that each school district and public junior college district were required to adopt and implement.

The bill would require that a multihazard emergency operations plan provide for:

- documentation related to the district's compliance with certain safety and security standards;
- certain evidence-based strategies to create a positive and safe school environment; and
- any other requirements established by the Texas School Safety Center in consultation with TEA.

A district or a person included in the Texas School Safety Center registry who was engaged to conduct a safety and security audit, as required every

three years, would have to follow procedures developed by the Texas School Safety Center in coordination with the commissioner of education or the commissioner of higher education.

A school district would be required to include in its plan certification that the district had provided the Department of Public Safety, local law enforcement agencies, and emergency first responders with an accurate map for all district campuses and school buildings. The plan also would have to include an active shooter preparedness appendix. Such an appendix would be required to include the district's certification that it had provided information regarding the identity and uniform or marking of the school sentinel, an accurate map of each district campus, and an opportunity to conduct a walk-through of each district facility using the provided map to each relevant law enforcement agency. The bill would remove the requirement for such a plan to include a policy for responding to an active shooter emergency.

The Texas School Safety Center and TEA would have to provide school safety-related data collected by the center or TEA to each other on request.

The bill would require a school district or public junior college district to submit its multihazard emergency operations plan to the Texas School Safety Center by the 30<sup>th</sup> day after the date the center requested the submission.

**Texas Education Agency monitors.** If TEA received notice from the Texas School Safety Center of a school district's failure to submit a multihazard emergency operations plan, the bill would allow the commissioner of education to appoint an agency monitor, rather than a conservator, for the district. The agency monitor could participate in and report to TEA on the district's adoption, implementation, and submission of such a plan. If a district failed to comply with an agency monitor's requests regarding the district's adoption, implementation, and submission of a plan within the time frame imposed by the commissioner, the commissioner could appoint a conservator or board of managers to



oversee the district's operations.

*TEA monitoring of school district safety and security requirements.* The bill would require TEA to monitor school district compliance with safety and security requirements, including by annually conducting on-site audits. TEA could conduct audits using a random selection cycle. Audits would have to be conducted in accordance with criteria developed by TEA in consultation with the Texas School Safety Center. Monitoring would have to include intruder detection audits of each district to determine whether an intruder could gain unsecured, unauthorized access to a campus. TEA would ensure that an intruder detection audit was conducted annually for each district and that the audit included an on-site audit of at least 25 percent of the district's campuses.

TEA would establish a school safety and security office within TEA that consisted of individuals with substantial relevant expertise and experience to coordinate TEA's monitoring of school district safety and security requirements. The director of the office would be appointed by the governor and confirmed by the Senate and would be required to report directly to the commissioner of education.

TEA would be required to, in coordination with the Texas School Safety Center, provide technical assistance to support the implementation of district multihazard emergency operations plans and safety and security audits, and other related requirements. TEA could use or require the use of third parties to conduct such monitoring. TEA and the Texas School Safety Center could identify, develop, and make available to school districts information to assist in the implementation and operation of safety and security requirements.

The bill would allow TEA to require a district to submit certain information necessary for TEA to conduct an on-site audit or otherwise monitor district compliance with safety and security requirements. TEA could review district records as necessary to ensure compliance. Any document or information collected, identified, developed, or produced relating to the monitoring of such requirements would be confidential and

not subject to disclosure.

*Actions based on noncompliance with safety and security requirements.*

The commissioner of education could determine that a school district or a campus was noncompliant with safety and security requirements if the district failed to submit to required monitoring, comply with applicable safety and security requirements, or address issues raised by TEA's monitoring in a reasonable time period. A student of a noncompliant district would be eligible to receive a public education grant to attend a school in a different district. If a school district's superintendent or an administrator was terminated by the district's board of trustees as a result of the district being determined noncompliant, the board could not make a severance payment to the superintendent or administrator. The bill would apply only to a superintendent or other administrator employed under a contract entered into on or after the bill's effective date.

*Assignment of conservator for noncompliance.* The bill would allow the commissioner of education to assign a conservator if a school district failed to submit to the required monitoring, comply with applicable safety and security requirements, or address issues raised by TEA's monitoring of the district in a reasonable time period. A conservator assigned to such a district could exercise the powers and duties of a conservator only to correct such a failure.

*Notification regarding violent activity.* TEA would be required to develop model standards for providing notice to parents or guardians regarding violent activity that had occurred or was being investigated at a district campus or other facility or at a district-sponsored activity. Such standards would be required to include electronic notification through text messaging and email, provide an option for real-time notification, and protect student privacy.

**State school safety fund and grants.** CSSB 11 would provide for the administration of the state school safety fund and certain grants. Money in the fund could be used only to provide grants to school districts and charter schools to enhance school safety. Provisions regarding the fund

would apply beginning with the 2024-2025 school year.

The bill would establish provisions for the responsible management of the fund. The Texas Permanent School Fund Corporation could charge a fee not to exceed the amount necessary to cover the costs estimated to be incurred by the corporation in managing and investing the fund. The fee could be assessed on the fund's available balance each fiscal year.

If the commissioner of education determined that the amount appropriated to administer the Foundation School Program for a fiscal year exceeded the amount to which school districts and charter schools were entitled that year, the commissioner would be required to deposit all or a portion of that excess to the fund's credit.

The commissioner would be required to establish a school safety grant program using the proceeds of the state school safety fund. The commissioner could only award a grant to a district or school to reimburse or provide funding for expenditures required to implement TEA-approved school safety standards and requirements. The commissioner could award grants each school year in an amount not to exceed \$10 million to a district or school and not to exceed \$500 million in total. If excess funds were available for a school year, the commissioner could provide additional grants to district and charter schools that incurred eligible expenses of more than \$10 million in the school year.

If excess funds were available, the commissioner would transfer an amount not to exceed \$25 million from the fund to the Communities In Schools program each year. The bill also would require TEA to establish a grant program with funds appropriated or otherwise available for that purpose to assist school districts and charter schools with any costs identified by a district or school to enhance campus infrastructure to meet TEA safety standards.

**School safety allotment.** The bill would entitle a school district to an annual allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

- \$100 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 exceeded \$6,160; and
- \$15,000 per campus.

The bill would remove the requirement for the commissioner of education to provide the annual allotment to a district only from appropriated funds.

A district campus that provided only virtual instruction or used only facilities not subject to the district's control would not be included when determining a district's allotment.

Funds allocated under the bill would have to be used to improve school safety and security, including the following costs associated with securing school facilities:

- the use or installation of perimeter security fencing conducive to a public school learning environment, which could not include razor wire fencing;
- exterior door and window safety and security upgrades; and
- the purchase and maintenance of security cameras and other technology, such as silent panic alert devices, two-way radios, or wireless internet booster equipment.

Such allocated funds also would be required to be used to cover costs associated with:

- providing security for the district, including employing school district peace officers, private security officers, school marshals, and other persons authorized by the district's board of trustees and permitted by law to carry a weapon on school campus grounds; and
- employing a school safety director and other personnel to manage and monitor school safety initiatives and the implementation of school safety requirements.

**Other provisions.** The bill would establish various other provisions related to school safety and security.

*School safety support.* The bill would require a regional education service center to act as a school safety resource for school districts and charter schools in the region served by the center. The center could assist a district or charter school directly or in collaboration with the Texas School Safety Center and local law enforcement agencies by providing guidance on developing and implementing a multihazard emergency operations plan, establishing a school safety and security committee, conducting emergency school drills, addressing security deficiencies, and on any other matter relating to school safety and security.

*Threat assessments.* The bill would revise the requirement for each school district's board of trustees to establish a threat assessment and safe and supportive school team to serve at each district campus and to adopt policies and procedures for the team. Such policies and procedures 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. Materials and information provided to or produced by a team during such an assessment would have to be maintained in the student's school record until the student's 24<sup>th</sup> birthday. If a person destroyed such material or information before the maintenance period had expired, the district's board of trustees could not renew the person's employment contract.

*Provision of student disciplinary records and threat assessments.* If the child's parent or guardian enrolled the child in a public school, the parent, guardian, or the school district in which the child most recently attended school would furnish to the new school district, among other documents, a copy of the child's records from the school the child most recently attended. For a child who most recently attended a Texas public school, these documents would have to include a copy of the child's disciplinary record and any threat assessment involving the child's behavior. In the case of a transfer, a child's school district of residence would provide the receiving district with the child's disciplinary record and any relevant

threat assessment.

*Registry of persons providing school safety or security consulting services.* A school district would be required to confirm that a person was included in the registry of persons providing school safety or security consulting services established by the Texas School Safety Center before the district could engage the person to provide school safety or security consulting services.

*Resources on safe firearm storage.* The Texas School Safety Center, in collaboration with the Department of Public Safety, would be required to provide each school district and charter school with certain information and resources regarding the safe storage of firearms for distribution by the district or school. Each district and charter school would be required to provide such information and resources to each enrolled student's parent or guardian.

*School visitors.* A school district could require a person who entered any property under the district's control, rather than only a campus, to display certain identification documents on request, including the person's district employee or student identification card. A district could eject a person from district property if the person refused or failed to provide such identification, and it reasonably appeared that the person had no legitimate reasons to be on the property.

*Use of bond proceeds for school safety compliance.* The bill would allow a school district to use the proceeds of bonds issued for constructing and equipping school buildings and the purchase of necessary sites for such buildings to be used to pay the costs associated with complying with school safety and security requirements. This provision would apply to a school district that had been determined by TEA to be noncompliant. An applicable district would be required to use a sufficient amount of such bond proceeds to achieve compliance before using the proceeds for any other purpose. The bill would apply only to a bond authorized to be issued at an election held on or after the bill's effective date.

*School safety meetings.* The sheriff of a county in which a public school was located would be required to call and conduct semiannual meetings to discuss school safety and coordinated law enforcement response to school violence incidents, among other safety-related subjects. The bill would not require public schools within the same county to adopt the same school safety policies. Certain municipal officials, agency and professional representatives, and school district administrators would be required to attend such a meeting. The sheriff also would have to invite any federal law enforcement official serving in the county to attend. As soon as practicable after such a meeting, the sheriff would be required to submit a report to the Texas School Safety Center identifying the attendees and the subjects discussed. The center would have to maintain the report and make it publicly available on the center's website. The center could not make publicly available and would have to redact any parts of a report that could expose a safety vulnerability of a school district facility.

To the extent of any conflict, the bill would prevail over another bill of the 88<sup>th</sup> Legislature relating to nonsubstantive additions to and corrections in enacted codes.

Except as otherwise provided, the bill would apply beginning with the 2023-2024 school year.

The bill, except for certain provisions, 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. Provisions on the school safety allotment would take effect September 1, 2023.

Education Code ch. 47A, as added by the bill, would take effect January 1, 2024, but only if the constitutional amendment proposed by HJR 170 creating the state school safety fund was approved by voters.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$2,002,610,161 to general revenue related funds for the 2024-2025 biennium.