

BILL ANALYSIS

Senate Research Center
87R28308 MWC-F

C.S.H.B. 3597
By: Metcalf (Paxton)
Education
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns about the statutory language relating to the implementation of a school safety plan and emergency management procedures in Texas public schools. H.B. 3597 seeks to address this concern by updating language regarding a school safety plan to protect against a train derailment, requiring school safety and security memoranda of understanding to be shared with the Texas School Safety Center, and providing for Texas State University access to certain criminal history record information.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3597 amends current law relating to policies, procedures, and measures for school safety in public schools.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 2 (Section 37.114, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.108(c-2) and (d), Education Code, as follows:

(c-2) Provides that a document relating to a school district's or public junior college district's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

(1)-(2) makes no changes to these subdivisions;

(3) verify that the plan addresses the five phases, rather than four phases, of emergency management under Subsection (a) (relating to requiring each school district or public junior college district to adopt and implement a multihazard emergency operations plan for use in the district's facilities);

(4)-(9) makes no changes to these subdivisions.

(d) Provides that a school district is only required to adopt the policy for responding to a train derailment described by this subsection if a school district facility, rather than a district school, is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line.

SECTION 2. Amends Section 37.114, Education Code, as follows:

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. Requires the commissioner of education (commissioner), in consultation with the Texas School Safety Center (center) and the state fire marshal, to adopt certain rules, including rules designating the number and type of mandatory school drills to be conducted each semester of the school year, not to exceed a total of eight drills.

Deletes existing text requiring the commissioner, in consultation with the center and the state fire marshal, to adopt rules designating the number of evacuation fire exit drills and lockdown, lockout, shelter-in-place, and evacuation drills.

SECTION 3. Amends Section 37.115(d), Education Code, as follows:

(d) Requires the superintendent of the district to ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement.

SECTION 4. Amends Section 37.207(e), Education Code, as follows:

(e) Requires the center to notify the Texas Education Agency and the district of the district's requirement to conduct a public hearing under Section 37.1081 (Public Hearing on Multihazard Emergency Operations Plan Noncompliance) if three months, rather than six months, after the date of the initial notification required by Subsection (d) (relating to requiring the center to provide written notice to a district if the district fails to report the results of its model safety and security audit) the district has still not reported the results of its audit to the center.

SECTION 5. Amends Section 37.2121, Education Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security, at the center's request, to provide a copy of the memorandum or agreement to the center.

Deletes existing text requiring each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security at the center's request, to provide certain information to the center, including the name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement, the effective date of each memorandum or agreement, and a summary of each memorandum or agreement.

(d-1) Provides that a copy of a memorandum of understanding or mutual aid agreement provided to the center under Subsection (d) is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 6. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.14055, as follows:

Sec. 411.14055. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL SAFETY CENTER. Entitles the Texas School Safety Center at Texas State University to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is registering with the center to provide school safety or security consulting services under Section 37.2091 (Registry of Persons Providing School Safety or Security Consulting Services), Education Code.

SECTION 7. Effective date: upon passage or September 1, 2021.