

BILL ANALYSIS

C.S.H.B. 3596
By: Huberty
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that school districts are responsible for providing certain campus safety measures and that part of that responsibility is cooperating with local law enforcement to develop the measures and gathering data necessary to adequately prepare them. C.S.H.B. 3596 seeks to provide the tools necessary for school districts and their partners, including local law enforcement, to coordinate in the development of campus safety measures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3596 amends the Education Code to require each school district, in addition to conducting safety and security audits once every three years, to conduct routine campus safety and security assessments throughout the school year at intervals set by the Texas School Safety Center. The bill includes among the elements for which a multihazard emergency operations plan adopted and implemented by a school district must provide the implementation of those routine campus safety and security assessments and the establishment of memoranda of understanding and mutual aid agreements with local law enforcement and other entities with jurisdiction over emergency services provided to persons residing within the attendance boundaries of the district. The bill replaces the requirement that the center develop a school safety certification program in consultation with the School Safety Task Force with the requirement that the center implement such a program. The bill changes the method by which a school district demonstrates to the center, for purposes of awarding a school safety certificate to a school district, that the district conducts at least one drill per year of specified types of drills from demonstration with current written self-audit processes to demonstration through documentation. The bill includes addressing circumstances that may be unique to the region in which the school district is located and that affect facilities and security or the safety of students among the required criteria for a school district to receive a school safety certificate from the center and removes from that criteria compliance with the requirements to conduct a safety and security audit of the district's facilities at least once every three years and report the audit's results to the district's board of trustees and the center. The bill repeals a provision abolishing the school safety certification and making related statutory provisions expire on September 1, 2017, and repeals provisions relating to the School Safety Task Force.

C.S.H.B. 3596 expands the purpose of the Texas School Safety Center to include serving as a

central location for the collection of information concerning research and best practices for threat awareness, campus safety and security assessments, and cross-jurisdictional sharing of information and includes training in those best practices among the required components of the safety training program that the center must conduct for school districts. The bill expands the members of the center's board of directors who are appointed by the governor with the advice and consent of the senate to include an individual who has experience and expertise in information technology security, a school district employee whose primary duty consists of managing transportation logistics for a public school district, and an architect with experience in school facility design. The bill requires the two public members appointed to the board by the governor with the senate's advice and consent to each be a parent or guardian of a public school student and revises the dates on which certain board members' terms expire. The bill requires the governor to appoint the new board members not later than February 1, 2016, specifies that its provisions do not affect the terms of certain board members appointed by the governor who are serving on the board immediately before the bill's effective date, and provides for the appointment of certain members who meet the bill's requirements after the members' terms expire.

C.S.H.B. 3596 amends the Government Code to include among the required characteristics of the information systems to be used by appropriate entities under the plan developed for the entities by the office of the governor the provision of threat awareness information that may affect campus security and student safety in the Texas-Mexico border region and is obtained through cross-jurisdictional sharing of information and the inclusion of school security information that may be obtained through school district incident reporting, school safety audits, and campus safety and security assessments.

C.S.H.B. 3596 applies beginning with the 2015–2016 school year.

C.S.H.B. 3596 repeals Sections 37.1081(c) and 37.1082, Education Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3596 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 37.081, Education Code, is amended by adding Subsection

(i) to read as follows:

(i) The commissioner may develop programs to assist school district peace officers in the performance of their duties, including information systems programs to promote improved collection and dissemination of information for the purpose of school safety and violence prevention, including situational awareness.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 2. Section 37.084, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The commissioner may provide access to appropriate data systems to assist in the collection of records for the purpose of school safety and violence prevention.

SECTION 3. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1031 to read as follows:

Sec. 37.1031. ASSISTANCE FOR PROTECTION OF FACILITIES. The commissioner may provide assistance to school peace officers and other law enforcement agencies for the protection of school facilities.

SECTION 4. Section 37.108, Education Code, is amended by adding Subsection (e) to read as follows:

No equivalent provision

No equivalent provision.

No equivalent provision.

SECTION 1. Section 37.108, Education Code, is amended by amending Subsection (a) and adding Subsection (b-1) 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 mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. The plan must provide for:

(1) district employee training in responding to an emergency;

(2) if the plan applies to a school district:

(A) [;] mandatory school drills and exercises to prepare district students and employees for responding to an emergency;

(B) establishment of memoranda of understanding and mutual aid agreements with local law enforcement and other entities with jurisdiction over emergency services provided to persons residing within the attendance boundaries of the district; and

(C) the implementation of routine campus safety and security assessments under Subsection (b-1);

(3) 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

(4) the implementation of a safety and security audit as required by Subsection (b).

No equivalent provision.

(e) The commissioner may provide school districts, public junior college districts, and other law enforcement agencies access to data and information management systems to aid in preparation of the multihazard emergency operations plan in such a manner as to improve school safety and violence prevention.

No equivalent provision.

(b-1) In addition to conducting safety and security audits under Subsection (b), each school district shall conduct routine campus safety and security assessments throughout the school year at intervals set by the Texas School Safety Center.

No equivalent provision.

SECTION 2. Sections 37.1081(a) and (b), Education Code, are amended to read as follows:

(a) The Texas School Safety Center~~[, in consultation with the School Safety Task Force established under Section 37.1082,]~~ shall implement ~~[develop]~~ a school safety certification program.

(b) The Texas School Safety Center shall award a school safety certificate to a school district that:

(1) has adopted and implemented a multihazard emergency operations plan as required under Section 37.108 and that includes in that plan:

(A) measures for security of facilities and grounds;

(B) measures for communication with parents and the media in the event of an emergency; and

(C) an outline of safety training for school employees;

(2) demonstrates to the center through documentation ~~[with current written self-audit processes]~~ that the district conducts at least one drill per year for each of the following types of drills:

(A) a school lockdown drill;

(B) an evacuation drill;

(C) a weather-related emergency drill;

(D) a reverse evacuation drill; and

(E) a shelter-in-place drill;

(3) addresses circumstances that may be unique to the region in which the district is located and that affect:

(A) facilities and security; or

(B) the safety of students ~~[is in compliance]~~

~~with Sections 37.108(b) and (c)]; and~~
(4) meets any other eligibility criteria [as] recommended by the former School Safety Task Force.

No equivalent provision.

SECTION 3. Section 37.202, Education Code, is amended to read as follows:

Sec. 37.202. PURPOSE. The purpose of the center is to serve as:

- (1) a central location for school safety and security information, including research, training, and technical assistance related to successful school safety and security programs;
- (2) a central registry of persons providing school safety and security consulting services in the state; ~~and~~
- (3) a resource for the prevention of youth violence and the promotion of safety in the state; and
- (4) a central location for the collection of information concerning research and best practices for threat awareness, campus safety and security assessments, and cross-jurisdictional sharing of information.

No equivalent provision.

SECTION 4. Sections 37.203(a) and (b), Education Code, are amended to read as follows:

(a) The center is advised by a board of directors composed of:

- (1) the attorney general, or the attorney general's designee;
- (2) the commissioner, or the commissioner's designee;
- (3) the executive director of the Texas Juvenile Justice Department [~~Probation Commission~~], or the executive director's designee;
- (4) ~~[the executive commissioner of the Texas Youth Commission, or the executive commissioner's designee;~~
- ~~[(5)]~~ the commissioner of the Department of State Health Services, or the commissioner's designee;
- ~~(5)~~ ~~[(6)]~~ the commissioner of higher education, or the commissioner's designee; and
- ~~(6)~~ ~~[(7)]~~ the following members appointed by the governor with the advice and consent of the senate:
 - (A) a juvenile court judge;
 - (B) a member of a school district's board of trustees;
 - (C) an administrator of a public primary school;

- (D) an administrator of a public secondary school;
- (E) a member of the state parent-teacher association;
- (F) a teacher from a public primary or secondary school;
- (G) a public school superintendent who is a member of the Texas Association of School Administrators;
- (H) a school district police officer or a peace officer whose primary duty consists of working in a public school; ~~[and]~~
- (I) an individual who has experience and expertise in information technology security;
- (J) a school district employee whose primary duty consists of managing transportation logistics for a public school district;
- (K) an architect with experience in school facility design; and
- (L) two members of the public who are a parent or guardian of a public school student.

(b) Members of the board appointed under Subsection (a)(6) ~~[(a)(7)]~~ serve staggered two-year terms, with the terms of the members described by Subsections (a)(6)(A)-(F) ~~[(a)(7)(A)-(E)]~~ expiring on February 1 of each odd-numbered year and the terms of the members described by Subsections (a)(6)(G)-(L) ~~[(a)(7)(F)-(I)]~~ expiring on February 1 of each even-numbered year. A member may serve more than one term.

No equivalent provision.

SECTION 5. Section 37.205, Education Code, is amended to read as follows:

Sec. 37.205. SAFETY TRAINING PROGRAMS. The center shall conduct for school districts a safety training program that includes:

- (1) development of a positive school environment and proactive safety measures designed to address local concerns;
- (2) school safety courses for law enforcement officials, with a focus on school district police officers and school resource officers;
- (3) discussion of school safety issues with parents and community members; ~~[and]~~
- (4) assistance in developing a multihazard emergency operations plan for adoption under Section 37.108; and
- (5) training in best practices for threat awareness, implementation of campus safety and security assessments, and cross-jurisdictional sharing of information.

No equivalent provision.

SECTION 6. Section 421.901, Government

Code, is amended to read as follows:

Sec. 421.901. INTEROPERABILITY OF CRITICAL INFORMATION SYSTEMS. The office of the governor shall develop a plan for appropriate entities to use information systems that:

(1) employ underlying computer equipment and software required to establish interoperable communication between computer systems used by local, state, and federal agencies and first responders; ~~and~~

(2) provide a single point of entry to disseminate information, applications, processes, and communications;

(3) provide threat awareness information that may affect campus security and student safety in the Texas-Mexico border region and is obtained through cross-jurisdictional sharing of information; and

(4) include school security information that may be obtained through school district incident reporting, school safety audits, and campus safety and security assessments.

No equivalent provision.

SECTION 7. Sections 37.1081(c) and 37.1082, Education Code, are repealed.

No equivalent provision.

SECTION 8. (a) Not later than February 1, 2016, the governor shall appoint new members to the board of directors of the Texas School Safety Center as required by Sections 37.203(a)(6)(I)-(K), Education Code, as added by this Act.

(b) Section 37.203, Education Code, as amended by this Act, does not affect the term of the member appointed under Section 37.203(a)(6)(F), Education Code, as amended by this Act, and serving on the board immediately before the effective date of this Act. After the term of that member expires on February 1, 2016, the governor shall appoint a member who meets the requirements under Section 37.203(a)(6)(F), Education Code, as amended by this Act, to a term expiring February 1, 2017.

(c) Section 37.203, Education Code, as amended by this Act, does not affect the terms of the members appointed under Section 37.203(a)(6)(L), Education Code, as amended by this Act, and serving on the board immediately before the effective date of this Act. After the terms of those members expire, the governor shall appoint members who meet the requirements under Section 37.203(a)(6)(L), Education Code, as amended

by this Act.

No equivalent provision.

SECTION 5. This Act takes effect September 1, 2015.

SECTION 9. This Act applies beginning with the 2015-2016 school year.

SECTION 10. 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, 2015.