

BILL ANALYSIS

Senate Research Center
81R25172 EAH-F

C.S.S.B. 1933
By: Carona
Education
4/18/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 37.108 (Multihazard Emergency Operations Plan; Security Audit), Education Code, requires each public school district to adopt and implement a multihazard emergency operations plan. Additionally, Section 37.108 requires school districts to conduct a security audit of their facilities once every three years.

Section 552.116 (Exception: Audit Working Papers), Government Code, exempts the working papers of a school district's audit from public disclosure under the Public Information Act. However, the final audit reports of the school district are not exempt. Public disclosure of a school district's facility security audit could put schools at risks.

C.S.S.B. 1933 amends current law relating to the confidentiality of information and documents collected, developed, or produced during a school district security audit.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.108, Education Code, by adding Subsections (c-1) and (c-2), as follows:

(c-1) Provides that except as provided by Subsection (c-2), any document or information collected, developed, or produced during a security audit conducted under Subsection (b) (relating to a school district conducting a security audit of the district's facilities) is not subject to disclosure under Chapter 552 (Public Information), Government Code.

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

(1) verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including local emergency services agencies, law enforcement agencies, and fire departments;

(2) verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;

(3) verify that the plan addresses the four phases of emergency management under Subsection (a) (relating to each school district adopting and implementing a multihazard emergency operations plan);

(4) verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

(5) verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

(6) verify that the district has established a plan for responding to a train derailment if required under Subsection (d) (relating to a school district including in its multihazard emergency operations plan a policy for responding to a train derailment near a district school);

(7) verify that the district has completed a security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the school board;

(8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and

(9) verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

SECTION 2. Makes application of Sections 37.108(c-1) and (c-2), Education Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.