

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2323
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Due to recent violence in the nation's schools, school safety has become a pressing concern for Texas citizens. More detailed and active safety planning is needed for both public schools and institutions of higher education.

Chapter 37 (Discipline; Law and Order), Education Code, establishes extensive school safety procedures for public school districts across the state, including safety audits that must be provided in a final audit report format to the Texas School Safety Center (center) and the public school district's board of trustees once every three years, multihazard emergency plans that address emergency training, drills, coordination with law enforcement, and implementation of the findings of the security audits. However, very few provisions under Chapter 37 apply to colleges and universities. The center is only required to provide institutions of higher education with on-site technical assistance and safety training, for which the center may charge a fee. This bill would apply many of the school safety provisions in Chapter 37 to institutions of higher education.

C.S.S.B. 2323 amends current law relating to the functions of the center and safety and security at public educational institutions.

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 the heading to Section 37.108, Education Code, to read as follows:

Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT.

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

(a) Requires each school district or institution of higher education to adopt and implement a multihazard emergency operations plan for use in the district's facilities or in the institution of higher education, rather than in district schools. Requires that the plan 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. Requires that the plan provide for employee, rather than district employee, training in responding to an emergency; if the plan applies to a school district, mandatory school drills and exercises to prepare district students and employees for responding to an emergency; measures to ensure coordination with the Department of State Health Services (DSHS) and local management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and the implementation of a safety and security audit as required by Subsection (b).

(b) Requires each school district or institution of higher education, rather than a school district, at least once every three years, to conduct a safety and security audit of the district's or institution's facilities. Requires a district or institution of higher education, to

the extent possible, to follow safety and security audit procedures developed by the Texas School Safety Center (center) or a comparable public or private entity.

(c) Requires a school district or institution of higher education to report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees or the institution's board of regents, as applicable, and, in the manner required by the center, to the center.

(e) Provides that notwithstanding any other provision of this section, an institution of higher education is not required to comply with this section unless sufficient funds are appropriated to the center to pay the costs of compliance, as determined by the center.

(f) Defines "institution of higher education."

SECTION 3. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.109, as follows:

Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) Requires each school district, in accordance with guidelines established by the center, to establish a school safety and security committee (committee).

(b) Requires the committee to participate on behalf of district in developing and implementing emergency plans consistent with the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plans reflect specific campus, facility, or support services needs; provide the district with any campus, facility, or support services information required in connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the center; and review each report required to be submitted by the district to the center to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center.

SECTION 4. Amends Section 37.202, Education Code, as follows:

Sec. 37.202. PURPOSE. Provides that the purpose of the center is to serve as a central location for school safety and security information, including research, training, and technical assistance related to successful school safety and security programs; a central registry of persons providing school safety and security consulting services in the state; and a resource for the prevention of youth violence and the promotion of safety in the state. Makes nonsubstantive changes.

SECTION 5. Reenacts Section 37.203(a), Education Code, as amended by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007, as follows:

(a) Provides that the center is advised by a board of directors (board) composed of:

- (1) the attorney general, or the attorney general's designee;
- (2) the commissioner of education, or the commissioner's designee;
- (3) the executive director of the Texas Juvenile 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 DSHS, or the commissioner's designee;
- (6) the commissioner of higher education, or the commissioner's designee; and

(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) two members of the public.

SECTION 6. Amends Section 37.203(b), Education Code, to provide that members of the board appointed under Subsection (a)(7), rather than (a)(6) (relating to certain members appointed by the governor with the advice and consent of the senate), serve staggered two-year terms, with the terms of the members described by Subsections (a)(7)(A)-(E), rather than Subsections (a)(6)(A)-(E), expiring on February 1 of each odd-numbered year and the terms of the members described by Subsections (a)(7)(F)-(I), rather than (a)(6)(F)-(I), expiring on February 1 of each even-numbered year. Makes conforming changes.

SECTION 7. Amends Section 37.207(a), Education Code, to require the center to develop a model safety and security audit procedure for use by school districts and institutions of higher education that includes providing each district or institution with guidelines, rather than guidelines and a training video, showing proper audit procedures; reviewing each district or institution audit and making recommendations for improvements in the state based on the audit, rather than providing the results of the review to the district; and incorporating the findings of district and institution audits in a statewide report on school safety and security made available by the center to the public.

SECTION 8. Amends Section 37.209, Education Code, as follows:

Sec. 37.209. **CENTER WEBSITE.** Requires the center to develop and maintain an interactive Internet website that includes quarterly news updates related to school safety and security and violence prevention; school crime data; a schedule of training and special events; and a list of persons who provide school safety or security consulting services in this state and are registered in accordance with Section 37.2091, rather than a list of persons approved by the board to provide school safety presentations.

SECTION 9. Amends Subchapter G, Chapter 37, Education Code, by adding Sections 37.2091 and 37.2121, as follows:

Sec. 37.2091. **REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY OR SECURITY CONSULTING SERVICES.** (a) Defines "school safety or security consulting services."

(b) Requires the center to establish a registry of persons providing school safety or security consulting services in this state.

(c) Requires each person providing school safety or security consulting services in this state to register with the center in accordance with requirements established

by the center. Requires that the requirements include provisions requiring a person registering with the center to provide information regarding the person's background, education, and experience that are relevant to the person's ability to provide knowledgeable and effective school safety or security consulting services and any complaints or pending litigation relating to the person's provision of school safety or security consulting services.

(d) Provides that the registry is intended to serve only as an informational resource for school districts and institutions of higher education. Provides that the inclusion of a person in the registry is not an indication of the person's qualifications or ability to provide school safety or security consulting services or that the center endorses the person's school safety or security consulting services.

(e) Requires the center to include information regarding the registry, including the number of persons registered and the general degree of school safety or security experience possessed by those persons, in the annual report required by Section 37.216 (Annual Report).

Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID AGREEMENTS. (a) Requires the center to identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety and security.

(b) Requires the center to develop guidelines regarding memoranda of understanding and mutual aid agreements between school districts and the entities identified in accordance with Subsection (a). Provides that the guidelines are required to include descriptions of the provisions that should customarily be included in each memorandum or agreement with a particular type of entity; are authorized to include sample language for those provisions, and are required to be consistent with the Texas Statewide Mutual Aid System established under Subchapter E-1 (Texas Statewide Mutual Aid System), Chapter 418 (Emergency Management), Government Code.

(c) Requires the center to encourage school districts to enter into memoranda of understanding and mutual aid agreements with entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

(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 certain information to the center.

(e) Requires the center to include information regarding the center's efforts under this section in the report required by Section 37.216.

SECTION 10. Amends Section 37.213, Education Code, as follows:

Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) Defines "institution of higher education."

(b) Requires the center, in cooperation with institutions of higher education and the division of emergency management in the office of the governor, to coordinate the development of standards for institutions of higher education in multihazard emergency operations plans, drills and exercises, risk assessment and hazard identification on a campus-specific and facility-specific basis to determine appropriate campus and facility information for inclusion in emergency operations plans, and required training for emergency management team members.

(c) Requires the center to make standards developed under Subsection (b) available to institutions of higher education through a variety of readily accessible methods.

(d) Requires the center to provide institutions of higher education with directed training, technical assistance, and published guidelines to ensure understanding and implementation of the standards developed under Subsection (b).

(e) Requires the center to research best practices regarding emergency preparedness of institutions of higher education and serve as a clearinghouse for that information.

(f) Requires the center to provide institutions of higher education with training, technical assistance, and published guidelines or templates, as appropriate, in multihazard emergency operations plan development, drill and exercise development and implementation, mutual aid agreements, identification of equipment and funds that are authorized to be used by institutions of higher education in an emergency, and reporting in accordance with 20 U.S.C. Section 1092(f).

(g) Provides that this section does not require an institution of higher education to take action regarding implementation of a safety or security measure unless the center determines that sufficient funds are appropriated to the center to pay the costs of implementation. Deletes existing text authorizing an institution of higher education to use any appropriate model plan developed by the center under Section 37.205(4) (relating to the requirement that the center provide assistance in developing a multihazard emergency operations plan to school districts). Deletes existing Subsection (c), authorizing the center to provide an institution of higher education with on-site technical assistance and safety training. Deletes existing Subsection (d), authorizing the center to charge a fee to an institution of higher education for assistance and training provided under Subsection (c).

SECTION 11. Amends Section 37.216, Education Code, as follows:

Sec. 37.216. New heading: BIENNIAL REPORT. (a) Requires the board, not later than January 1 of each odd-numbered year, rather than September 1 of each year, to provide a report to the governor, the legislature, the State Board of Education (SBOE), and the Texas Education Agency (TEA).

(b) Requires that the biennial, rather than annual, report include any findings made by the center regarding school safety and security and the center's functions, budget information, and strategic planning initiatives of the center.

SECTION 12. Amends Subchapter G, Chapter 37, Education Code, by adding Section 37.2161, as follows:

Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT. (a) Requires the center to periodically provide a school safety and security progress report to the governor, the legislature, SBOE, and TEA that contains current information regarding school safety and security in the school districts and institutions of higher education of this state based on each district's or institution's multihazard emergency operations plan required by Section 37.108(a); each district's or institution's safety and security audit required by Section 37.108(b); and any other report required to be submitted to the center.

(b) Requires the center to establish guidelines regarding the specific information to be included in the report required by this section.

(c) Authorizes the center to provide the report required by this section in conjunction with the report required by Section 37.216.

SECTION 13. Amends Section 418.004(10), Government Code, to redefine "local government entity."

SECTION 14. Repealer: Section 37.210 (Essay Contest), Education Code.

SECTION 15. Requires a person providing school safety or security consulting services in this state to comply with Section 37.2091, Education Code, as added by this Act, not later than January 1, 2010.

SECTION 16. Effective date: September 1, 2009.