

BILL ANALYSIS

Senate Research Center
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S.B. 996
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prompted by the 2012 Sandy Hook Elementary tragedy, the 83rd Texas Legislature passed H.B. 1009 establishing the school marshal security program for public schools and open-enrollment charter schools. The Act provides that only one school employee per 400 students may be designated as a school marshal. School marshals may act only as necessary to prevent an offense that could cause death or serious bodily injury, and are authorized to make arrests. The identity of school marshals is required, by law, to be kept confidential. The identity of a school marshal is only known to the school's head administrator and local law enforcement authorities.

The school marshal program is administered through the Texas Commission on Law Enforcement (TCOLE). After H.B. 1009's passage, *The Wall Street Journal* submitted a Freedom of Information request to TCOLE requesting the identities of the districts and more specifically, the schools participating in the program. TCOLE submitted a request to the Attorney General to deny access to this information, stating that it would subject the marshal to potential physical harm and would compromise the operational security of programs adopted by the school districts. In a decision dated October 9, 2014, the attorney general ruled against TCOLE and ordered the agency to release the information.

S.B. 996 provides that all information collected by TCOLE in regard to its administration of the school marshal program shall be kept confidential. This change would allow the agency to classify as confidential any information regarding an individual school marshal, or information regarding those school districts and campuses with an active school marshal. The bill further requires that a school disclose, in writing, if any employee is a school marshal if asked, in writing, by a parent or guardian of a student enrolled at the school.

As proposed, S.B. 996 amends current law relating to notifying a parent or guardian whether an employee of a school is appointed school marshal and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal.

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 37.0811, Education Code, by adding Subsection (h), as follows:

(h) Requires the school district or open-enrollment charter school to provide the parent or guardian written notice indicating whether any employee of the school is currently appointed a school marshal if a parent or guardian of a student enrolled at a school inquires in writing. Prohibits the notice from disclosing information that is confidential under Subsection (g) (providing that the identity of a school marshal appointed under this section is confidential, except as provided by Section 1701.260(j), Occupations Code, and is not subject to a request under Chapter 552, Government Code).

SECTION 2. Amends Section 1701.260(l), Occupations Code, as follows:

(l) Provides that all information collected or submitted under this section, rather than provides that identifying information about a person collected or submitted under this section, is confidential, except as provided by Subsection (j) (requiring the Texas Commission on Law Enforcement (TCOLE) to submit the identifying information collected under Subsection (b) for each person licensed by TCOLE under this section to certain persons), and is not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 3. Effective date: upon passage or September 1, 2015.