

BILL ANALYSIS

Senate Research Center

C.S.S.B. 2078
By: Taylor, Larry
Education
5/1/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2078 is an attempt to think proactively about school safety and provide certain requirements on school districts, with the intent of ensuring Texas public schools remain safe.

The bill provides specific requirements in statute for the Multihazard Emergency Operations Plans (MEOP). It requires the Texas Education Agency (TEA) to adopt a model MEOP with assistance from the Texas School Safety Center and a cycle of review for MEOPs. Schools districts are to submit MEOPs to TEA and TEA will then post online any schools that have failed to comply.

S.B. 2079 also requires the School Safety and Security Committee to include representatives from emergency services, a local police department, municipality, the president of the school board, district's superintendent, and two additional members chosen by the superintendent. Furthermore, the committee will provide recommendations on updating the MEOP, meet at least three times during the year, and is subject to the Open Meetings Act.

The bill also requires parents to be notified of a terroristic threat and makes charter school subject to certain sections of the Education Code. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2078 amends current law relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 37.1083, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.104(b), Education Code, to include a prohibition, restriction, or requirement, as applicable, imposed by this title (Public Education) or a rule adopted under this title relating to school safety requirements under Sections 37.108 (Multihazard Emergency Operations Plan; Safety and Security Audit), 37.1083, 37.109 (School Safety and Security Committee), 37.112, 37.207 (Model Safety and Security Audit Procedure) in the list of provisions to which an open-enrollment charter school is subject.

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

(b) Requires a school district, to the extent possible, to follow safety and security audit procedures developed by the Texas School Safety Center (TSSC) or a person included in the registry established by the TSSC under Section 37.2091 (Registry of Persons Providing School Safety or Security Consulting Services), rather than TSSC or a comparable public or private entity.

(c) Requires TSSC to compile school district audit results and report them to the Texas Education Agency TEA.

(e) Requires a school district to include in its multihazard emergency operations plan (plan):

(1) a chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

(2) provisions for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by TEA or TSSC;

(3) provisions for ensuring the safety of students in portable buildings;

(4) provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(5) a statement of the amount per student expended by the district on school safety; and

(6) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

(f) Requires TSSC, in coordination with TEA, to develop the method to be used by a school district in determining the amount per student expended by the district on school safety for purposes of the statement required under Subsection (e)(5). Requires that the method include variable components that reflect a district's size and geographic location.

SECTION 3. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.1083, as follows:

Sec. 37.1083. AGENCY DUTIES REGARDING SCHOOL SAFETY MEASURES. (a) Requires TEA to adopt a model plan that school districts are authorized to use in developing district-specific plans as required by Section 37.108. Requires TEA, to the extent possible, to solicit input from TSSC before adopting the model plan.

(b) Requires TEA to adopt a cycle for TEA's review and approval of school district plans adopted under Section 37.108.

(c) Requires a school district to submit its plan to TEA in accordance with the cycle adopted under Subsection (b) and provide any additional information required by TEA in connection with TEA's review of the plan.

(d) Requires TSSC to participate in TEA's review and approval of school district plans and authorizes TSSC to provide a recommendation to TEA regarding whether a plan complies with applicable standards.

(e) Requires TEA, regardless of whether TSSC provides a recommendation under Subsection (d) and regardless of the content of any recommendation provided, to make an independent final determination of whether a school district's plan complies with applicable standards.

(f) Requires TEA to post information on TEA's Internet website that identifies each school district that failed to submit the district's plan for TEA review and approval in accordance with the cycle adopted under Subsection (b), submitted a

plan that did not comply with an applicable standard, or failed the school safety and security audit required to be conducted under Section 37.108(b).

(g) Authorizes the commissioner of education (commissioner) to adopt rules necessary to implement this section.

SECTION 4. Amends Section 37.109, Education Code, by adding Subsections (a-1), (c), and (d) and amending Subsection (b), as follows:

(a-1) Requires that the school safety and security committee (committee) include:

- (1) a representative of a local fire department, emergency services agency, or other emergency services provider;
- (2) a representative of a local police department;
- (3) a representative of a municipality with territory included within the boundaries of the district;
- (4) the president of the district's board of trustees (board);
- (5) a member of the district's board other than the president;
- (6) the district's superintendent; and
- (7) two additional members designated by the district's superintendent.

(b) Requires the committee to:

- (1) makes no changes to this subdivision;
- (2) periodically provide recommendations regarding updating the district plan required by Section 37.108(a) in accordance with best practices identified by TEA, TSSC, or a person included in the registry established by TSSC under Section 37.2091;
- (3) creates this subdivision from existing text and makes no further changes to this subdivision; and
- (4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision.

(c) Requires the committee, except as otherwise provided by this subsection, to meet at least once during each academic semester and at least once during the summer. Requires a committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule to meet at least three times during each calendar year, with an interval of at least two months between each meeting.

(d) Provides that the committee is subject to Chapter 551 (Open Meetings), Government Code. Requires that notice of a committee meeting be posted in the same manner as notice of a meeting of the district's board.

SUBCHAPTER 5. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.112, as follows:

Sec. 37.112. NOTIFICATION REGARDING BOMB THREAT OR TERRORISTIC THREAT. Requires a school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present to provide notification of the threat as soon as possible to the parent or guardian of or other person

standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable.

SECTION 6. Amends Section 37.207, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires each school district to report the results of its audits to TSSC in the manner required by TSSC and TEA, in accordance with commissioner rule.

(c) Requires TEA to provide assistance to TSSC in developing the model safety and security audit procedure.

SECTION 7. Requires TSSC to, not later than January 1, 2018, develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings and provide information regarding the list of best practices to school districts using portable buildings for student instruction.

SECTION 8. Provides that the commissioner is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes the commissioner, if the legislature does not appropriate money specifically for that purpose, to, but is not required to, implement this Act using other appropriations available for that purpose.

SECTION 9. Effective date: September 1, 2017.