

SUBJECT: Improving school safety, promoting mental health in schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, Meyer, Talarico, VanDeaver

0 nays

2 absent — K. King, Sanford

SENATE VOTE: On final passage, April 29 — 29-2 (Hall, Hughes)

WITNESSES: For — Ashley Arnold, Texas Assessment of School Psychologists; Jan Friese, Texas Counseling Association; (*Registered, but did not testify:* Andrea Chevalier, Association of Texas Professional Educators; Jason Sabo, Children at Risk; Chris Masey, Coalition of Texans with Disabilities; Lindsay Lanagan, Legacy Community Health; Bill Kelly, City of Houston Mayor's Office; Rebecca Fowler, Mental Health America of Greater Houston; Annalee Gulley, MHA Houston; Greg Hansch, National Alliance on Mental Illness-Texas; Will Francis, National Association of Social Workers-Texas Chapter; Leticia Van de Putte, San Antonio Chamber of Commerce; Caroline Joiner, Sandy Hook Promise; Amanda List, Texas Appleseed; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Will Holleman, Texas Association of School Boards; Leela Rice, Texas Council of Community Centers; Mark Terry, Texas Elementary Principals and Supervisors Association; Kyle Ward, Texas PTA; John Grey, Texas School Alliance; Rebecca Harkleroad)

Against — Lee Spiller, Citizens Commission on Human Rights; Cindi Castilla, Dallas Eagle Forum; Rachel Malone, Gun Owners of America; Cindy Asmussen, Southern Baptists of Texas Convention; Lacey Hull, We the Parents Coalition; Steve Swanson; (*Registered, but did not testify:* Ashley Burke, We the Parents; Samantha Nierop; Savita Wadhvani; Eric Whittier; Richard Wood)

On — (*Registered, but did not testify*: Elizabeth Cross, Texas Charter Schools Association; David Palmer, Texas Department of Public Safety; Eric Marin and Megan Aghazadian, Texas Education Agency; Charles Puls, Texas Higher Education Coordinating Board)

BACKGROUND: Education Code ch. 37 contains requirements for the Texas School Safety Center related to the dissemination of safety and security information through research, training, and technical assistance for public schools and junior colleges. The center is housed at Texas State University.

DIGEST: CSSB 11 would revise and add to Education Code requirements regarding school safety. The bill would:

- revise requirements for school multihazard emergency operations plans;
- include substitute teachers among educators to receive safety training;
- require districts to establish threat assessment teams to incorporate best practices for school safety and school climate;
- require districts to integrate trauma-informed practices in the school environment;
- require the education commissioner to adopt standards for safe and secure school facilities; and
- establish a school safety allotment for districts to use in improving security and providing mental health personnel.

Emergency planning. CSSB 11 would revise and add requirements for the statutory multihazard emergency operations plan adopted by school districts and public junior college districts. The bill would add open-enrollment charter schools as entities required to adopt and implement a plan.

The bill would add prevention to the existing requirements for a plan to address mitigation, preparedness, response, and recovery. The Texas School Safety Center (TSSC) in conjunction with the governor's office of

homeland security would be included along with the commissioner of education or higher education, as applicable, in defining how the plan would address those issues.

Emergency training for district employees. In addition to existing statutory requirements, multihazard emergency operation plans would be required to include:

- training in responding to an emergency for district employees, including substitute teachers;
- measures that ensured district employees had classroom access to a telephone or other electronic communication device allowing for immediate contact with certain emergency services, law enforcement agencies, health departments, and fire departments;
- measures that ensured district communications technology and infrastructure adequately allowed for communication during an emergency; and
- mandatory school drills and exercises designed to prepare students and employees for responding to an emergency.

Other requirements. The plan also would have to include:

- a chain of command that designated the individual responsible for making final decisions in an emergency situation;
- provisions that addressed physical and psychological safety for responding to certain dangerous scenarios identified by the Texas Education Agency (TEA) or TSSC;
- provisions for ensuring the safety of students in portable buildings;
- provisions for ensuring that students and district personnel with disabilities were provided equal access to safety during certain emergency scenarios;
- provisions for providing immediate notification to parents, guardians, and other relevant persons in circumstances involving a significant threat to the health or safety of students;
- provisions for supporting the psychological safety of students,

district personnel, and the community during the response and recovery phase following certain emergency situations that were aligned with best practice-based programs;

- strategies for ensuring that professional development training for suicide prevention and grief-informed and trauma-informed care was provided to school personnel;
- training on integrating psychological safety strategies into the district's plan from an approved list of recommended training established by the education commissioner and TSSC for members of the school safety and security committee, school counselors and mental health professionals, and educators and other district personnel as determined by the district;
- strategies and procedures for integrating and supporting physical and psychological safety;
- provisions to implement trauma-informed policies;
- a policy that provided a substitute teacher access to school campus buildings and materials necessary to carry out the duties of a district employee during an emergency or emergency drill; and
- the name of each individual on the district's school safety and security committee and the date of each committee meeting during the preceding year.

Plan review and verification. TSSC would establish a random or need-based cycle for reviewing and verifying multihazard emergency operations plans. TSSC would have to provide a district with written notice describing any plan deficiencies and allowing it to correct the deficiencies and resubmit a revised plan to the center. The center could approve a plan submitted by the district that corrected the identified deficiencies.

A school district would submit their plan to TSSC on request and in accordance with the review cycle developed by TSSC. If a district failed to submit their plan for review, TSSC would provide the district with notice stating that they had failed to submit a plan and would have to submit one to the center for review and verification.

If by three months after the date of initial notification regarding plan deficiencies or failure to submit a district has not yet adequately responded, TSSC would notify the district and TEA that the district had not complied with the requirements and should comply immediately. After six months of noncompliance the school district would be required to hold a public hearing.

TSSC could require a district to submit its multihazard plan for immediate review if the district's audit results indicated that the district did not comply with applicable standards. If a district failed to report the results of its audit the center could provide notice to the district that it would have to immediately report the results to TSSC. If six months after the initial notification the district did not report the results of its audit, TSSC would notify TEA and the district of the district's responsibility to conduct a public hearing.

Public hearing. If a school board received notice of noncompliance after failing to submit a plan, failing to correct plan deficiencies, or after being initially notified of failing to report the results of the security and safety audit to TSSC, the board would have to hold a public hearing to notify the public of:

- the district's failure to submit or correct deficiencies in the multihazard emergency operations plan or report the results of safety and security audit to TSSC;
- the dates during which the district had not complied; and
- the names of each member of the board of trustees and the superintendent that served in that capacity during the dates the district had not complied.

The board would have to give members of the public a reasonable opportunity to appear before the board and to speak on the district's failure to submit or correct the operations plan or report the results of the audit.

Sanctions. If TEA received notice from TSSC of a school district's failure to submit a multihazard emergency operations plan, the commissioner of

education could appoint a conservator who could require the district to adopt, implement, and submit the operations plan. If the district failed to comply with the conservator's order, the commissioner could appoint a board of managers to oversee the operations of the district.

Security audit. In addition to reviewing a district's multihazard plan, TSSC could require a district to submit its plan for immediate review if the district's statutory safety and security audit indicated the district was not complying with applicable standards.

A district would be authorized to use the procedures developed by TSSC or school safety or security consulting services when conducting a safety and security audit. The district also would be required to certify in their safety and security audit that the district used school safety allotment funds only for authorized purposes.

School safety and security committee. CSSB 11 would add members to the statutorily required school and safety security committee. To the greatest extent practicable, a committee would have to include one or more representatives of an office of emergency management in the region where the district was located, one or more representatives of the local police department or sheriff's office, one or more representatives of the district's police department, if applicable, the president of the district's board of trustees, a member of the district's board of trustees, the district's superintendent, one or more designees of the district's superintendent, one of whom would be classroom teacher in the district, and two parents or guardians of students enrolled in the district.

If the district partnered with an open-enrollment charter school to provide student instruction, a member of the charter school's governing body or a designee also would have to be included on the committee.

Committee duties. The committee would periodically have to recommend to district trustees and administrators updates to the multihazard emergency operation plan in accordance with best practices identified by TEA, TSSC, or a safety or security consulting service. The committee also

would be required to consult with local law enforcement agencies on methods to increase law enforcement presence near campuses.

The committee would be required to meet at least once during each academic semester and once during the summer. Committees in year-round schools or in accordance with an alternative schedule would meet at least three times during the calendar year. Meetings would be subject to open-meetings laws, and notice of a committee meeting would have to be posted in the same manner as a board of trustees meeting.

Notification of bomb or terroristic threat. School districts that received a bomb threat or terroristic threat related to their campus at which students were present would have to provide notification of the threat as soon as possible to the parents or guardian of each student who was assigned to the campus or who regularly used the facility.

Evacuations and school drills. The commissioner, in consultation with TSSC and the state fire marshal, would have to adopt rules that provided procedures for evacuating and securing school property during an emergency. The commissioner and the consulting entities also would designate the number of mandatory school drills to be conducted each school semester, not to exceed eight drills counting fire, lockdown, lockout, shelter-in-place, and evacuation drills.

Threat assessment. CSSB 11 would require school districts to develop policies for schools to identify students who posed a serious risk of violence to themselves or others and report that determination to the superintendent. The superintendent would have to notify the student's parents and follow established procedures for referring the student to a local mental health authority or health care provider for evaluation and treatment.

Definitions. CSSB 11 would define "harmful, threatening, or violent behavior" as behaviors such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault by a

student that could result in certain mental health interventions, in- or out-of-school suspension, or the student's expulsion, removal to a disciplinary alternative education program, or a juvenile justice program.

Rules. TEA, in coordination with TSSC, would have to adopt rules to establish a safe and supportive school program. The rules would incorporate research-based best practices for school safety including practices for:

- providing for physical and psychological safety;
- a multiphase and multihazard approach to prevention, mitigation, preparedness, response, and recovery in a crisis situation;
- a systemic and coordinated multitiered support system that addresses school climate, the social and emotional domain and mental health; and
- collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of teams.

Model policies. TSSC, in coordination with TEA, would be required to develop model policies and procedures to assist school districts in establishing and training threat assessment teams. The model policies and procedures would include procedures for:

- the referral of a student to a local mental health authority or health care provider for evaluation or treatment;
- the referral of a student for a full individual and initial evaluation for special education services; and
- students and school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

District teams. The bill would require district trustees to establish a threat assessment and safe and supportive school team to serve at each district campus and would adopt policies and procedures for the teams. The policies and procedures adopted for the team would have to:

- be consistent with the model policies and procedures developed by TSSC;
- require each team to complete training provided by TSSC or a regional education service center on evidence-based threat assessment programs; and
- require that each team report to the TEA information on the team's activities.

Team members. The district superintendent would have to ensure that team members had expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team could serve on more than one campus of a school district.

A district superintendent also could establish a committee or assign to an existing committee the duty to oversee the threat assessment team operations. The oversight committee would have to include members with the required expertise of the established teams.

Team duties. Teams would be required to:

- conduct a threat assessment that included assessing and reporting individuals who made threats of violence or exhibited harmful, threatening, or violent behavior;
- gather and analyze data to determine the level of risk and appropriate intervention including referring a student for mental health assessment and implementing an escalation procedure if appropriate;
- provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that could pose a threat to the community, school, or individual; and
- support the district in the implementation of the district's multihazard emergency operations plan.

Threat assessment reporting. If a team determined that a student or other individual posed a serious risk of violence to self or others, the team would be required to immediately report that determination to the superintendent. If the individual were a student, the superintendent would have to contact the parent or guardian of the student. An employee would still be authorized to act immediately to prevent an imminent threat or to respond to an emergency.

Teams that identified a student at risk of suicide would have to act in accordance with the district's suicide prevention program. If the student at risk were to also make a threat of violence to others, the team would be required to conduct a threat assessment in addition to actions taken related to the suicide prevention program.

Teams that identified a student using or in possession of tobacco, drugs, or alcohol would have to act in accordance with district policies and procedures related to substance use prevention and intervention.

Report to TEA. Teams would be required to report to TEA the following information about their activities:

- the occupation of each person appointed to the team;
- the number of threats and a description of the type of threats reported;
- the outcome of each assessment made by the team including any disciplinary action taken, any action taken by law enforcement, or a referral to or change in counseling, mental health, special education, or other services;
- the total number, disaggregated by certain demographics, at-risk, and disadvantaged statuses, of actions taken as specified in the bill in connection with an assessment or reported threat by the team;
- the number and percentage of school personnel trained under a best-practice or research-based practice, including personnel trained in suicide prevention and trauma-informed practices; and
- the number and percentage of school personnel trained in mental health or psychological first aid for schools, training relating to the

safe and supportive school program, or any other program relating to safety.

School safety consultants. TSSC would be required to verify the information provided by persons providing school safety or security consulting services in Texas to confirm the person's qualifications and ability to provide school safety or security consulting services before it added the person to the registry.

Trauma-informed care policy. School districts would be required to adopt and implement a policy requiring the integration of trauma-informed practices in each school environment and in the district's improvement plan.

A trauma-informed care policy would have to address methods for increasing staff and parent awareness of trauma-informed care and the implementation of trauma-informed practices and care by district and campus staff. The policy also would address available counseling options for students affected by trauma and grief.

The methods for increasing awareness and implementing trauma-informed care would have to include training through a program selected from the list of recommended best practices and research-based programs. It would have to be offered during new employee orientation and to existing educators on a schedule adopted by TEA.

School districts would have to maintain records that included the name of each district staff member who participated in the training and report annually to TEA the number of teachers, principals, and counselors who completed the training and the total number of teachers, principals and counselors employed by the district.

If a school district determined it did not have resources to provide the training, the district could partner with a community mental health organization to provide the training at no cost to the district.

A district would have to include its trauma-informed care policy in its statutorily required district improvement plan.

School facility standards. CSSB 11 would require the education commissioner to adopt or amend rules to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provided a secure and safe environment. The commissioner's rules would have to include the use of best practices for design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities. The commissioner would have to review the rules and amend them as necessary by September 1 of each even-numbered year.

School safety allotment. From funds appropriated for that purpose, the education commissioner would have to provide districts with an annual allotment in the amount provided by appropriation for each student in average daily attendance.

A district would have to use the funds to improve school safety and security, including costs associated with:

- securing school facilities, including improvements to school infrastructure and the use or installation of physical barriers;
- the purchase and maintenance of security cameras or other security equipment and technology including certain communications systems or devices;
- providing security for the district, including employing school district peace officers, private security officers, and school marshals;
- collaborating with local law enforcement agencies, including entering into a memorandum of understanding for the assignment of school resource officers; and
- school safety and security training and planning, including active shooter and emergency response training, prevention and treatment programs relating to addressing adverse childhood experiences, and the prevention, identification, and management of emergencies and

threats.

The training and planning could include providing mental health personnel and support, providing behavioral health services, and establishing threat reporting systems.

School districts could use allocated funds for equipment or software that was used for school safety and security purposes and instructional purposes, provided the instructional use did not compromise the safety and security purposes of the equipment or software.

A school district required to reduce its wealth per student to the equalized wealth level, would be entitled to a credit in the amount of the allotments appropriated to the district against the total amount required.

Bonds. Certain governing entities specified in the bill could issue bonds for the retrofitting of school buses or the purchase or retrofitting of vehicles used for emergency, safety, or security purposes.

Instructional minutes. The commissioner of education would be required to provide a waiver allowing for fewer minutes of operation and instructional time than the required 75,600 minutes to allow a district's educators to attend an approved school safety training course. The waiver could not result in an inadequate number of minutes of instructional time for students or reduce the number of operation and instructional time by more than 420 minutes. To be approved for the waiver, the school safety training course would be required to apply to TSSC for approval, and TSSC could approve the course if the center determined it satisfied their requirements.

Digital citizenship. The State Board of Education by rule would have to require that school districts incorporate into their curriculum instruction in digital citizenship, defined as the standards of appropriate, responsible, and healthy online behavior, and the potential criminal consequences of cyberbullying, or bullying done through the use of any electronic communication device.

Local school health advisory council. CSSB 11 would add to the duties of a school district's local health advisory council to recommend:

- policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to address mental health concerns including suicide;
- appropriate grade levels and methods of instruction for healthy, age-appropriate relationship education;
- strategies to increase parental awareness regarding risky behaviors and early warning signs of suicide risks and certain behavioral health concerns; and
- strategies to increase parental awareness on available community programs and services that addressed risky behaviors, suicide risks, and behavioral health concerns.

A district board of trustees and the governing body of an open-enrollment charter school, with the advice of the health advisory council, would determine the specific content of the district's healthy relationships curriculum. The curriculum would be required to:

- be supported by research that was peer-reviewed;
- be compliant with accepted scientific methods;
- be recognized as accurate by leading and relevant organizations and agencies; and
- promote certain strategies to develop relationship, communication, and decision-making skills.

Training for district peace officers. CSSB 11 would remove an exemption for school districts with an enrollment of 30,000 or fewer from statutory requirements for certain training for district-commissioned peace or resource officers. The training would have to be successfully completed within 180 days of the officer's commission by or placement in the district or campus. Resource officers in districts of fewer than 30,000 students would have to complete the training by August 31, 2020.

Availability of funds. TEA and TSSC would be required to implement a provision of the bill only if the Legislature appropriated funds specifically for that purpose. If the Legislature did not appropriate the necessary funds, TEA or TSSC could implement provisions of the bill using other appropriations available for that purpose.

Mental health promotion and intervention. School districts that developed practices and procedures for certain mental health promotion and intervention programs could include a procedure for providing educational materials to all parents and families in the district that contained information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus.

Not later than January 1, 2020, TSSC would 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 schools using portable buildings.

Mental health resources. A local mental health authority would be required to employ and supervise a non-physician mental health professional to serve as a mental health and substance use resource for school districts served by a regional education service center (ESC) and in which the local mental health authority provided services. The authority would have to consult with the ESC when making a hiring decision and enter into a memorandum of understanding for administering the bill's requirements.

School districts would not be required to use the professional as a resource or participate in training provided by the professional.

The professional would have to act as a resource for ESC and school district personnel by helping them understand mental health and substance abuse disorders and how to address those issues. The professional would have to ensure that ESC and district personnel were aware of resources from the Health and Human Services Commission to support mental

health. The professional would have to facilitate monthly mental health first aid training, provide support to children with intellectual or development disabilities who suffered from grief or trauma, and carry out other duties as specified in the bill.

The local mental health authority that employed the professional would have to pay the ESC a reasonable negotiated cost recovery fee for providing the professional with space to carry out the professional's duties. The fee could not exceed \$15,000 unless a larger fee was agreed to by the authority and center.

A state agency to which funding was appropriated to carry out the requirements would have to ensure that the money was distributed equally among the local mental health authorities that employed and supervised the mental health professionals.

Charter schools. CSSB 11 would require open-enrollment charter schools to:

- require their governing board to determine specific content and curriculum of the school's healthy relationships education with the advice of the local health advisory council;
- adopt and implement a multihazard emergency operations plan for use in the school's facilities;
- establish a school safety and security committee; and
- develop a model safety and security audit procedure.

Effective date. Unless specified otherwise by the bill, certain provisions of the bill would apply beginning with 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS
SAY:

CSSB 11 would implement multidisciplinary school safety strategies designed to prevent school violence and protect Texas children. The bill

would better prepare and equip schools to handle security threats and provide resources to support the mental health of students and staff. Following a tragic school shooting in 2018, the governor and legislative committees developed recommendations to address school violence, several of which are included in the bill.

Emergency planning. CSSB 11 would improve the ability of teachers and school personnel to respond to a school shooting or other emergency by requiring better emergency response planning and training. The training would be extended to substitute teachers, who have been victims of school violence in Texas. Local officials would be held accountable if they failed to follow the bill's requirements for stronger emergency operations plans.

Threat assessment. CSSB 11 would recognize the need to prevent security threats through early identification of students who are in crisis and the provision of services to help those students. The proposed threat assessment teams would bring together multiple people with relevant expertise to identify student behaviors that could signal the desire of students to harm themselves or others.

Concerns that a student could receive mental health treatment without a parent consenting are unfounded because existing laws require parental consent for school-based health care. Federal and state laws protecting student educational privacy would ensure that a student who was identified through the bill's threat assessment processes would not be subjected to future consequences involving the right to own a gun.

Healthy relationships education. The bill could improve school climates by permitting local school health advisory councils to recommend age-appropriate instruction on healthy relationships. One of the best ways to keep schoolchildren safe is to have a positive school climate based on strong, healthy relationships and interpersonal communication.

Facilities and funding. School building codes would be updated to ensure best practices were used in designing and retrofitting school

facilities. It is important that schools have security features that make them a harder target for a person desiring to cause harm to the students and staff inside.

The bill would provide a funding mechanism that recognizes the ongoing costs of securing school facilities and providing mental health resources. Local school officials would have flexibility to decide how to use the funding for ongoing costs of making schools safer.

OPPONENTS
SAY:

CSSB 11 could lead to the profiling of students who act differently from other students as being a possible threat to school safety.

Threat assessment. The bill could result in students being wrongly identified as having mental health issues, which could lead to unnecessary treatment and medication that could pose a risk to adolescents. The bill also could have unintended consequences for students with special needs who could be viewed as a threat because they had an outburst or a bad day. The bill should provide stronger provisions for notifying parents if their child is subject to a threat assessment.

Some experts who have studied school shootings have concluded it is difficult to predict if a student will become violent. In some situations, mental health treatment and medications have failed to prevent young persons from committing violent acts.

In addition, the bill includes the use of tobacco, alcohol, and drugs as being a component in assessing whether a student presents a threat. The bill makes an unfounded connection between the use of such substances, which should be discouraged, and a propensity for violence.

The bill could result in students being tagged as a threat, which could carry consequences for the future, such as hindering them from legally owning a gun. The bill should clarify that students should not be targeted solely because they legally own weapons that are kept away from school property.

Healthy relationships education. It is the role of parents, not schools, to teach children about healthy relationships. Parents are in the best position to ensure that their family's values are followed when discussing sensitive topics.

OTHER
OPPONENTS
SAY:

Although CSSB 11 would take a comprehensive approach to increasing school safety, the bill would fail to address the shortage of school counselors and licensed school psychology specialists. Schools need these professionals to help students dealing with issues such as bullying and family concerns. School psychology specialists could be especially critical in assessing whether a student poses a risk to self or others. The bill should allow schools to use their safety allotment funding to hire counselors and should establish a grant program to repay student loans for counselors and for licensed school psychology specialists to build the pipeline of students going into these fields.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$530.6 million to general revenue related funds through fiscal 2020-21. The analysis assumes that the school safety allotment would be set at \$50 per student in average daily attendance. The bill would make no appropriation but could provide the legal basis for an appropriation.