

SUBJECT: Establishing certain school safety and accountability measures

COMMITTEE: Youth Health & Safety, Select — committee substitute recommended

VOTE: 7 ayes — S. Thompson, Hull, Allison, Capriglione, Dutton, Landgraf, Lozano

0 nays

1 absent — T. King

1 present, not voting — A. Johnson

WITNESSES: For — Lewis Matthews, Angel Protection; Tyrone Morrow, Brazosport Independent School District; Brian Hawthorne, Sheriffs’ Association of Texas; David Hinds, Sparkcognition; Larry Taylor, Texas Conservative Coalition Research Institute; Carnelius Gilder, West Sabine ISD and Texas Association Rural Schools; Flo Rice (*Registered, but did not testify*); Lupe Cuellar, City of El Paso; David Batton, Harris County Deputies Organization FOP 39; Evan Autry, Mutualink; Jennifer Rodriguez, North Texas Commission; Karen Marshall, State Republican Executive Committee; James Brown; Michelle Evans; Thomas Parkinson; Kristofer Rasmussen; Tal Wildman)

Against — Paige Duggins-Clay, Intercultural Development Research Association; Paula Hansen, Robin Breed, Kathryn Vargas, Moms Demand Action; Molly Bursey, Moms Demand Action for Gun Sense in America; Maritza Wong, Moms Demand Action Texas Chapter; Andrew Hairston, Texas Appleseed; Alycia Castillo, Texas Center for Justice and Equity; Nicole Ma, Woori Juntos; and nine individuals (*Registered, but did not testify*): Maggie Stern, Children's Defense Fund - Texas; Dennis Borel, Coalition of Texans with Disabilities; Jolene Sanders-Foster, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Daniel Dawer, Educators in Solidarity; Lesley Rivas, Mexican American School Boards Association; Cilicia Landers, Moms Demand Action; Summer Seibert, Moms Demand Action; Amber Mills, MOVE Texas Action Fund;

Adrian Shelley, Public Citizen; Alejandro Pena, Texas American Federation of Teachers; Martin Martinez, Texas Appleseed; Amanda Afifi, Texas Association of School Psychologists; Alexis Bay, Texas Civil Rights Project; Carisa Lopez, Texas Freedom Network; Nicole Golden, Texas Gun Sense; Suzi Kennon, Texas PTA; Carrie Griffith, Texas State Teachers Association; Erin Walter, Texas Unitarian Universalist Justice Ministry; Quynh-Huong Nguyen, Woori Juntos; Steven Wu, Woori Juntos; Fabiola Barreto, Youth Rise Texas; and 55 individuals)

On — Charles Ramirez, EMS ISD; Josh Sanderson, Equity Center; Christy Rome, Texas School Coalition; Dr. Kathy Martinez-Prather, Texas School Safety Center at Texas State University; Craig Bessent, Texas School Safety Center, Texas School Marshal, Wylie ISD; Kerri Brady, Texas Society of Architects; Paul Colbert (*Registered, but did not testify*); Kate Kuhlmann, Fast Growth School Coalition; Colby Nichols, Leander ISD; Colby Nichols, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Amanda Brownson, Texas Association of School Business Officials; Andrea Chevalier, Texas Council of Administrators of Special Education; Eric Marin, TEA; Mike Meyer, John Scott, James Terry, Texas Education Agency; Dee Carney, Texas School Alliance)

BACKGROUND: Education Code sec. 7.061 requires the commissioner of education to adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. In adopting or amending rules under this section, the commissioner is required to include the use of best practices for the design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities. Not later than September 1 of each even-numbered year, the commissioner is required to review all such rules adopted or amended and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment.

DIGEST: CSHB 3 would establish various provisions related to school safety and

security. Among other provisions, the bill would authorize the hiring of armed security officers in schools, would require the Texas Education Agency to provide oversight to guarantee compliance by schools with the new safety and security measures, and would amend multihazard emergency operations plan requirements.

Armed security officer requirement. The bill would require the board of trustees of each district to determine the appropriate number of armed security officers for each district campus. The board would be required to ensure at least one armed security officer was present during regular school hours at each campus. An armed security officer would have to be a school district peace officer, school resource officer, a commissioned peace officer employed as security personnel, a school marshal, or a district employee who:

- had completed school safety training provided by a qualified handgun instructor certified in school safety; and
- carried a handgun on the employee's person while on school premises.

School safety or security consulting services. The bill would amend sec. 37.2091, on the rules for a Texas School Safety Center registry of persons providing school safety or security consulting services in the state. The bill would require a school district to confirm a person was in the registry before the district could engage the person to provide school safety or security consulting services.

Agency monitoring of school district safety and security requirements. CSHB 3 would require TEA to monitor school district compliance with safety and security requirements, including by annually conducting on-site audits of districts. TEA could conduct the on-site audits randomly. The on-site audits would be required to be conducted in accordance with criteria developed by TEA in consultation with the Texas School Safety Center. The bill would require monitoring to include intruder detection audits of each district. TEA would ensure that an intruder detection audit was conducted annually at each district and

included an on-site audit of no less than 25 percent of the district's campuses. TEA could establish an office of school safety and security within TEA to coordinate the agency's monitoring of school district compliance with safety and security requirements. The head of such an office would report directly to the education commissioner.

The bill would require TEA, in coordination with the Texas School Safety Center, to provide technical assistance to support implementation of safety and security audits and district multihazard emergency operations plans. TEA could use or require the use of third parties to conduct required monitoring. TEA and the Texas School Safety Center could identify, develop, and make available to districts information to assist in the implementation and operation of safety and security requirements, including relevant guidelines, techniques, blueprints, best practices, and procedures.

TEA could require a district to submit information necessary for TEA to conduct an on-site audit or otherwise monitor district compliance with safety and security requirements. Such information could include:

- notice of an event requiring a district's emergency response; and
- information on the district's response and use of emergency operations procedures during such an event.

TEA could review district records to ensure compliance with safety and security requirements. Any document or information collected, identified, developed, or produced on the monitoring of district safety and security requirements would be confidential and not subject to disclosure.

Noncompliance with safety and security requirements. The education commissioner could determine that a school district or campus was noncompliant with the safety and security requirements if the district failed to submit to required monitoring, to comply with applicable safety and security requirements, or to address issues raised by TEA's monitoring of the district in a reasonable time.

A student enrolled in a noncompliant district would be eligible to receive a public education grant to attend a school in a different district. A student would be eligible to receive a grant to attend another public school in the district if the student was assigned to attend a campus determined to be noncompliant with safety and security requirements. The bill would include this provision in Education Code sec. 29.202(a), which relates to public education grants.

If the superintendent or an administrator of a district was terminated by the district's board of trustees as a result of a noncompliance determination, the board could not make a severance payment to the superintendent or administrator. The bill would include this provision in Education Code sec. 11.201(c), on the definition and rules relating to severance payments. The provision would apply only to a superintendent or administrator employed under a contract entered into on or after the effective date of the bill.

The bill would require that a district determined to be noncompliant would be, from the date of the determination until the date the commissioner determined the district to be compliant, ineligible to receive money under any grant program administered by TEA other than money awarded for improving school safety and security.

Facility standards review. CSHB 3 would require the Texas School Safety Center, at least once every five years, to review the building standards for instructional facilities adopted under sec. 7.061 and make recommendations to the education commissioner on necessary changes to ensure student safety. The commissioner would coordinate with municipalities and counties to align building code requirements with the recommended building standards to ensure compliance.

The bill would amend sec. 7.061(c) on required reviews of facility standards rules by the education commissioner. The bill would include the requirement for the commissioner, in a biennial review of adopted and amended rules, to consult with the Texas School Safety Center and identify and adopt any recommended changes. The commissioner would

require that new, and to the extent feasible, existing school facilities meet or exceed the amended building standards.

Multihazard emergency operations plans. The bill would amend provisions for a school district's or public junior college district's multihazard emergency operations plan by including in the provisions any other requirements established by the Texas School Safety Center in consultation with the Texas Education Agency (TEA). The Texas School Safety Center and TEA would have to provide to each other on request the school safety-related data collected.

The bill would amend provisions of sec. 37.2071, on the submission requirements for a school district's or public junior college district's multihazard emergency operations plan to the Texas School Safety Center. A district would be required to submit its plan no later than the 30th day after the date the center requested the submission. Written notices provided to districts by the center would have to include specific recommendations to correct deficiencies in the multihazard emergency operations plan.

If a district, after being notified by the Texas School Safety Center, failed to submit its multihazard emergency operations plan to the center, the center would have to provide the district a written notice to hold a public hearing to notify the public of its noncompliance. The bill would revise notice timelines and would reduce from six months to three months the time a district had to correct plan deficiencies before the center provided written notice to the district requiring it to hold a public hearing on its noncompliance.

Use of bond proceeds for school safety compliance. The proceeds of bonds issued by school districts for the construction and equipment of school buildings and the purchase of necessary sites for school buildings could be used to pay the costs associated with complying with school safety and security requirements for school facilities. A district determined by TEA to be noncompliant with school safety and security requirements would be required to use the bond proceeds to achieve

compliance before the district could use those proceeds for any other authorized purpose. The bill would apply only to a bond authorized to be issued at an election held on or after the effective date of the bill.

School safety allotment. CSHB 3 would amend sec. 48.115, with respect to an annual allotment for school safety. A district would be entitled to such an allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

- \$10 for each student in average daily attendance, plus \$1 for each student in average daily attendance per every \$50 by which the district's maximum basic allotment exceeds \$6,160, prorated as necessary; and
- \$15,000 per campus.

Other persons authorized by a district's board of trustees and permitted by law to carry a weapon on school grounds would be included in the list of those allowed to be employed by a district to provide school security using these funds. Allocated funds could pay for employing a school safety director and other personnel to manage and monitor school safety initiatives and the implementation of school safety requirements for a district.

TEA and the Texas School Safety Center would be required to coordinate to designate certain technologies that a district could purchase with allocated funds and only from an approved vendor. If TEA, in coordination with the center, determined that a statewide contract with a vendor would result in cost savings to districts, TEA could contract with that vendor to provide technology to each district that used allocated funds to purchase that technology, after receiving approval from the Legislative Budget Board and the office of the governor.

School safety meetings. The bill would require the sheriff of a county of less than 350,000 people to call and conduct semiannual meetings to discuss school safety, coordinated law enforcement response to school violence incidents, law enforcement agency capabilities, available

resources, emergency radio interoperability, chain of command planning, and other related subjects proposed by a person in attendance at the meeting. The bill would require the following persons to attend such a meeting:

- the sheriff or the sheriff's designee;
- the police chief of a municipal police department in the county of the chief's designee;
- each selected constable in the county or their designees;
- each police chief of a school district's police department or school district security coordinator from each district in the county;
- a representative of the Department of Public Safety assigned to the county;
- a representative of each other state agency with commissioned peace officers assigned to the county;
- a person appointed to a command staff position at an emergency medical service in the county;
- a person appointed to a command staff position at a municipal emergency medical service in the county;
- a person appointed to a command staff position at a fire department in the county;
- the superintendent or the superintendent's designee of each school district in the county; and
- any other person the sheriff considered appropriate.

The sheriff would be required to invite any federal law enforcement official serving in the county to attend the meeting. The bill would require the sheriff, as soon as practicable after such a meeting, to submit a report to the Texas School Safety Center identifying the meeting attendees and the subjects discussed. The center would be required to maintain the report and make it publicly available on its website and would redact any parts that the center determined could expose a safety vulnerability.

Other provisions. To the extent of any conflict, the bill would prevail over another act of the 88th Legislature relating to nonsubstantive

additions to and corrections in enacted codes.

The bill would make conforming language changes throughout.

Amendments made by the bill to Education Code sec. 7.028 , sec. 29.202, and ch. 37 would apply beginning with the 2023-2024 school year.

The bill, except as otherwise provided, 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, 2023.

**SUPPORTERS
SAY:**

CSHB 3 would address inadequate school safety and security standards that currently exist in Texas by providing public schools with improved emergency preparedness and response measures and allocating more school safety allotment funding for districts to ensure they could meet and implement the new standards. Poor safety procedures, a lack of communication during an emergency response, and outdated or unenforced emergency operation standards have contributed to the severity of incidents of violence in Texas public schools. CSHB 3 would address this issue by establishing a new standard of emergency preparedness and response while ensuring adequate funding for school safety. New requirements for district multihazard emergency operations plans established by the bill would help schools to be more prepared for possible emergency incidents. TEA also would be allowed to conduct safety audits to test if schools were compliant, and the bill would provide measures to address noncompliant schools that would encourage those schools to prioritize the safety of their students.

**CRITICS
SAY:**

CSHB 3 would not necessarily make schools safer and could even lead to making them more dangerous by increasing the presence of armed adults in schools. The regular presence of police in schools may not reduce school violence and can undermine student success and feelings of safety and belonging if officers become more involved in student discipline for ordinary misbehavior. Funding should instead be used to provide more teachers and support professionals, including counselors, for students, as well as better de-escalation training and threat assessment processes. The

bill should focus on the root causes of targeted violence in schools and provide more robust mental health support for students. Non-compliant schools should not have grant funding withheld, as this could hurt a school's ability to operate and may not make it safer.

NOTES:

According to the Legislative Budget Board, the cost to the state of the bill for the biennium would be \$292,978,263 in general revenue related funds.