

BILL ANALYSIS

S.B. 2078
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that some public school districts and open-enrollment charter schools lack organization in times of emergency and that improvements need to be made to the framework intended to ensure that districts and schools are following specific procedures in times of emergency. S.B. 2078 seeks to strengthen this framework by revising and expanding 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 3 of this bill.

ANALYSIS

S.B. 2078 amends the Education Code to replace a public or private entity comparable to the Texas School Safety Center with a person included in the registry of persons providing school safety or security consulting services in Texas established by the center as an entity whose safety and security audit procedures a public school district or public junior college district are required to follow, to the extent possible. The bill requires the center to compile school district audit results and report them to the Texas Education Agency (TEA) and requires a school district to include the following in its multihazard emergency operations plan:

- 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;
- provisions for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of the plan by TEA or the center;
- provisions for ensuring the safety of students in portable buildings;
- 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;
- a statement of the amount per student expended by the district on school safety; 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.

S.B. 2078 requires the center, 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 required statement. The method must include variable components that reflect a district's size and geographic location.

S.B. 2078 requires TEA to adopt a model multihazard emergency operations plan that school districts may use in developing district-specific multihazard emergency operations plans, to solicit input from the center before adopting the model plan to the extent possible, and to adopt a cycle for TEA review and approval of school district multihazard emergency operations plans. The bill requires a school district to submit its multihazard emergency operations plan to TEA in accordance with the adopted cycle and to provide any additional information required by TEA in connection with the TEA review of the plan. The bill requires the center to participate in the TEA review and approval of school district multihazard emergency operations plans and authorizes the center to provide a recommendation to TEA regarding whether a plan complies with applicable standards. The bill requires TEA, regardless of whether the center provides a recommendation and regardless of the content of any recommendation provided, to make an independent final determination of whether a school district's multihazard emergency operations plan complies with applicable standards.

S.B. 2078 requires TEA to post information on the TEA website that identifies each school district that failed to submit the district's multihazard emergency operations plan for TEA review and approval in accordance with the adopted cycle, that submitted a multihazard emergency operations plan that did not comply with an applicable standard, or that failed the required school safety and security audit. The bill authorizes the commissioner of education to adopt rules necessary to implement the bill's provisions relating to TEA duties regarding school safety measures.

S.B. 2078 requires a school district's school safety and security committee to include a representative of a local fire department, emergency services agency, or other emergency services provider; a representative of a local police department; a representative of a municipality with territory included within the boundaries of the district; the president of the district's board of trustees; a member of the district's board of trustees other than the president; the district's superintendent; and two additional members designated by the district's superintendent. The bill requires the committee to periodically provide recommendations regarding updating the district multihazard emergency operations plan in accordance with best practices identified by TEA, the center, or a person included in the registry established by the center. The bill also requires the committee to meet at least once during each academic semester and at least once during the summer, with the exception of a committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule, which is required to meet at least three times during each calendar year, with an interval of at least two months between each meeting. The bill subjects a school safety and security committee to state open meetings law and requires notice of a committee meeting to be posted in the same manner as notice of a meeting of the district's board of trustees.

S.B. 2078 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. The bill includes TEA as a recipient of each school district's safety and security audits, in accordance with commissioner rule, and requires TEA to provide assistance to the center in developing the center's model safety and security audit procedure.

S.B. 2078 subjects an open-enrollment charter school to a prohibition, restriction, or requirement, as applicable, imposed by public education law or a rule adopted under that law relating to the school safety requirements set out by the bill and those relating to a multihazard

operations plan, safety and security audits, the school safety and security committee, and the center's model safety and security audit procedure, as amended by the bill.

S.B. 2078 requires the center, not later than January 1, 2018, to develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings and to provide information regarding the list of best practices to school districts using portable buildings for student instruction. The bill establishes that the commissioner is required to implement the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner of education may, but is not required to, implement the bill using other appropriations available for the purpose.

EFFECTIVE DATE

September 1, 2017.