

BILL ANALYSIS

C.S.S.B. 11
By: Taylor
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With the recent increase in school shootings across the nation and in Texas, there have been calls for a broad range of solutions to enhance and ensure school safety. C.S.S.B. 11 seeks to improve school emergency response and safety protocol by, among other provisions, setting out emergency notification and evacuation procedures and by requiring a regular audit and review of school multihazard emergency operations plans.

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 SECTIONS 1, 7, 12, 14, 19, and 20 of this bill, to the State Board of Education in SECTION 8 of this bill, and to the Texas Education Agency in SECTIONS 14 and 19 of this bill.

ANALYSIS

C.S.S.B. 11 amends the Education Code to require the commissioner of education to provide to a public school district an annual school safety allotment in the amount provided by appropriation for each student in average daily attendance from funds appropriated for that purpose. The bill requires that the allocated funds be used to improve school safety and security and sets out certain purposes for which the funds may be used, including securing school facilities, providing security for the district, and school safety and security training and planning. The bill authorizes a district to use the allocated funds for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software. The bill entitles a district that is required to take action to reduce its wealth per student to the equalized wealth level to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required for the district to purchase attendance credits. The bill authorizes the commissioner to adopt rules to implement the school safety allotment.

C.S.S.B. 11 requires the Texas School Safety Center, not later than January 1, 2020, 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 requires the commissioner, not later than January 1, 2020, to adopt or amend rules as necessary to ensure that building standards for instructional facilities and other district and open-enrollment charter school facilities provide a secure and safe environment and, in adopting or amending such rules, to include the use of

certain best practices. The bill requires the commissioner, not later than September 1 of each even-numbered year, to review and amend those rules as necessary to ensure that such building standards continue to provide a secure and safe environment.

C.S.S.B. 11 authorizes the governing board of an independent school district to issue bonds for the retrofitting of school buses with emergency, safety, or security equipment and for the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

C.S.S.B. 11 changes the entity that defines mitigation, preparedness, response, and recovery for purposes of multihazard emergency operations plans adopted and implemented for district facilities by public school districts and public junior college districts from the commissioner of education or commissioner of higher education to the Texas School Safety Center but specifies that the defining is done in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable. The bill requires such a plan to address prevention and specifies that the district employees for whom such a plan must provide emergency response training include substitute teachers. The bill requires the plan to provide for measures to ensure such employees have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments and for measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency.

C.S.S.B. 11 specifies that the entity whose safety and security audit procedures a district may follow in conducting such an audit as an alternative to the Texas School Safety Center procedures is a person included in the center's registry of school safety or security consulting services providers. The bill requires the center to verify the information provided by a person registering with the center as a school safety or security consulting services provider to confirm the person's qualifications and ability to provide those services before adding the person to the registry. The bill requires the report of the audit results provided to the center by a public school district or a public junior college district to be signed by the school district's board of trustees and superintendent or the junior college district's president, as applicable. The bill requires a public school district to certify in the district's safety and security audit that the district used the funds provided to the district through the school safety allotment only for the specified purposes of the allotment. The bill sets out the required components of a public school district's multihazard emergency operations plan, which include:

- a chain of command for final decision-making during a disaster or emergency situation;
- provisions for:
 - addressing physical and psychological safety for responding to certain dangerous scenarios identified by TEA or the center;
 - ensuring the safety of students in portable buildings;
 - ensuring equal access to safety for students and district personnel with disabilities during a disaster or emergency situation;
 - providing immediate notification to persons standing in parental relation to students in circumstances involving a significant threat to the health or safety of students, including identifying the individual responsible for such notification;
 - supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation in a manner that meets certain criteria established by the bill's provisions;

- a policy for providing a substitute teacher access to campus buildings and necessary materials to fulfill the duties of a district employee during an emergency or mandatory emergency drill; and
- the name of each member of the district's school safety and security committee established under the bill's provisions and the date of each committee meeting during the preceding year.

C.S.S.B. 11 requires the Texas School Safety Center to establish a random or need-based cycle for the center's review and verification of public school district and public junior college district multihazard emergency operations plans that provides for each district's plan to be reviewed at regular intervals as determined by the center. The bill requires a district to submit its plan to the center on the center's request and in accordance with the center's review cycle. The bill exempts any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans from state public information law. The bill sets out requirements for the center relating to reviewing, verifying, and suggesting corrections to a plan and relating to notifying a district that has failed to submit a plan of the requirement to do so. The bill authorizes the center to approve a plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies. The bill requires the center, if a district has not corrected the plan deficiencies or has failed to submit a plan after three months from the date of initial notification of the deficiencies or failure, to provide written notice to the district and the Texas Education Agency (TEA) that the district has not complied with the requirements and must comply immediately. If a school district still has not made the correction or submitted a plan after six months from the date of initial notification, the bill requires the center to provide written notice to the district stating that the district must hold a public hearing. The notice must state that the commissioner of education is authorized to appoint a conservator if the notice is provided based on failure to submit a plan.

C.S.S.B. 11 authorizes the commissioner to appoint a conservator for a school district whose failure to submit a plan is reported to TEA by the center and authorizes the conservator to order the district to adopt, implement, and submit a plan. The bill authorizes the commissioner to appoint a board of managers to oversee the operations of a district that fails to comply with such an order within the time frame imposed by the commissioner. The bill authorizes the commissioner to adopt rules as necessary to administer these provisions relating to the appointment of a conservator or board of managers.

C.S.S.B. 11 authorizes the Texas School Safety Center to require a school district or junior college district to submit its plan for immediate review if the district's safety and security audit results indicate that the district is not complying with applicable standards. The bill requires the center to provide a district that fails to report the results of its audit with written notice of that failure and of the requirement to immediately report the results to the center.

C.S.S.B. 11 requires the center, if a school district has still not reported the results after six months from the date of the initial notification, to notify TEA and the noncompliant district of the district's requirement to conduct a public hearing. The bill requires a district board of trustees that receives the notice of noncompliance with reporting the audit results or submitting or correcting deficiencies in a multihazard emergency operations plan to hold a public hearing to notify the public of the following:

- the district's failure to report the audit results, submit a plan, or correct plan deficiencies;
- the dates during which the district has not been in compliance; and
- the names, which must be provided by the district in writing to each person attending the hearing, of each board member and the superintendent serving in that capacity during the dates the district was not in compliance.

The bill sets out hearing-related requirements for the board and requires the district to provide written confirmation to the center that the district held the hearing.

C.S.S.B. 11 specifies the composition of a school district's school safety and security committee and requires the committee, to the greatest extent practicable, to include:

- representatives of local emergency management and law enforcement offices and departments;
- certain members of the district's board of trustees;
- certain district personnel, including the district's superintendent and at least one classroom teacher;
- a representative of a partnering open-enrollment charter school, if applicable; and
- parents or guardians of enrolled students.

C.S.S.B. 11 includes the following among a committee's duties:

- consulting with local law enforcement agencies on methods to increase law enforcement presence near district campuses; and
- periodically providing recommendations to the district board of trustees and district administrators regarding updating the district multihazard emergency operations plan in accordance with certain identified best practices.

The bill sets out provisions relating to committee meeting frequency and to the applicability of state open meetings law to a committee.

C.S.S.B. 11 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 requires the commissioner, in consultation with the Texas School Safety Center and the state fire marshal and not later than January 1, 2020, to adopt rules providing procedures for evacuating and securing school property during an emergency and rules relating to designating the number of mandatory school drills to be conducted each semester of the school year, which may not exceed eight.

C.S.S.B. 11 requires TEA, in coordination with the center, to adopt rules to establish a safe and supportive school program and requires the rules to incorporate research-based best practices for school safety. The bill requires each district board of trustees to establish a threat assessment and safe and supportive school team to serve at each district campus and to adopt policies and procedures for the teams. The bill sets out requirements for such policies and procedures. The bill requires a district superintendent to ensure that the members appointed to each team have expertise in specified areas and authorizes a superintendent to establish a committee, or assign to an existing district committee, the duty to oversee the operations of district teams. The bill establishes that a committee with oversight responsibility must include members with expertise in specified areas. The bill makes a team responsible for developing and implementing the safe and supportive school program at the district campus served by the team and authorizes a team to serve more than one district campus, provided that each district campus is assigned a team. The bill requires each team to conduct a threat assessment that includes specified components; to provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and to support the district in implementing the district's multihazard emergency operations plan.

C.S.S.B. 11 requires a team, on a determination that a student or other individual poses a serious risk of violence to self or others, to immediately report that determination to the superintendent of the district. The bill requires the superintendent to immediately attempt to inform the parent or person standing in parental relation to the individual if the individual is a student. The bill expressly does not prevent an employee of a school from acting immediately to prevent an

imminent threat or respond to an emergency. The bill requires a team identifying a student at risk of suicide to act in accordance with the district's suicide prevention program and requires the team to conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program if the at-risk student also makes a threat of violence to others. The bill requires a team identifying a student using or possessing tobacco, drugs, or alcohol to act in accordance with district policies and procedures related to substance use prevention and intervention.

C.S.S.B. 11 requires a team to report to TEA certain information regarding the team's activities and other information for each district campus the team serves, including:

- the occupation of each team member;
- certain information relating to the number and type of threats reported to the team and the outcome of threat assessments made by the team;
- certain student statistics in connection with an assessment or reported threat by the team; and
- statistics relating to the training of school personnel in specified safety-related programs.

The bill authorizes the commissioner to adopt rules to implement the bill's provisions relating to a threat assessment and safe and supportive school program and team.

C.S.S.B. 11 requires the Texas School Safety Center, in coordination with TEA, to develop model policies and procedures to assist school districts in establishing and training threat assessment teams and sets out procedures that must be included in the model policies and procedures, including procedures for:

- referral of a student to certain health care providers for evaluation or treatment;
- referral of a student for an initial evaluation for special education services; and
- anonymous reporting by a student or school personnel of certain dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

C.S.S.B. 11 requires each school district to adopt and implement a policy requiring the integration of trauma-informed practices in each school environment and to include the policy in the district improvement plan. The bill requires the policy to address available counseling options for students affected by trauma or grief and methods, using resources developed by TEA, for increasing staff and parent awareness of trauma-informed care and for implementation of trauma-informed practices and care by district and campus staff. The bill requires those methods to include certain training specified by the bill, including training for new district educators and training provided to existing district educators on a schedule adopted by TEA rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field. The bill requires each district to maintain records that include the name of each district staff member who participated in the training and to report certain information relating to training completion annually to TEA. The bill authorizes a district to partner with a community mental health organization to provide training that meets the requirements specified by the bill at no cost to the district if the district determines that it does not have sufficient resources to provide the training. The bill authorizes the commissioner to adopt rules as necessary to administer the bill's provisions relating to a trauma-informed care policy.

C.S.S.B. 11 replaces the authorization for classroom teacher continuing education instruction to include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma with a requirement for such instruction to be included.

The bill requires such instruction to comply with certain trauma-informed care training specified by the bill and be approved by the commissioner.

C.S.S.B. 11 subjects a charter school to the school safety requirements under the bill and certain related statutory provisions.

C.S.S.B. 11 requires a local mental health authority to employ a non-physician mental health professional to serve as a mental health and substance use resource for districts located in the region served by a regional education service center and in which the authority provides services. The bill requires an authority to consult with the service center in making a hiring decision regarding the employment of such a professional. The bill provides for the designation of the authority required to employ such a mental health professional if two or more authorities provide services in a region served by a service center and requires the authority, in making any hiring decision, to consult with other local mental health authorities and the regional education service center providing services in that region.

C.S.S.B. 11 requires a local mental health authority that employs a non-physician mental health professional and the appropriate regional education service center to collaborate in carrying out the bill's provisions relating to mental health and substance use resources for district personnel and requires the authority and the service center to enter into a memorandum of understanding for the administration of such collaboration. The bill sets out provisions relating to the working space and provides for the authority's payment to the service center of a reasonable negotiated cost recovery fee for providing work space and administrative support for the professional. The bill requires the authority, in the supervision of such a professional, to consult with the appropriate service center and other local mental health authorities in the region and seek the service center's input regarding the professional's performance.

C.S.S.B. 11 sets out provisions relating to the duties of a non-physician mental health professional, including the duties of acting as a resource for the service center and district personnel in:

- matters concerning awareness and better understanding by personnel of mental health and co-occurring mental health and substance use disorders and assisting personnel to implement initiatives related to mental health or substance use under applicable state law, state agency rules and agreements, and related programs;
- matters concerning awareness by personnel of certain treatments, programs, practices, and resources related to mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, including, among other things, prevention, treatment, and recovery programs available in the school district from private and public providers; and
- facilitating periodic training related to mental health first aid, grief and trauma, and support for children with intellectual or developmental disabilities suffering from grief and trauma, and certain prevention and intervention programs for assisting student in coping with pressures to use or misuse certain substances and drugs.

The bill prohibits such a professional from treating or providing counseling to a student or providing specific advice to district personnel regarding a student. The bill expressly does not require a district to participate in training provided by the professional or otherwise use the professional as a resource.

C.S.S.B. 11 requires a state agency to which money is appropriated to carry out the bill's provisions relating to mental health and substance use resources for district personnel to ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals. The bill requires each authority that employs and supervises such a professional, before the last business day of each calendar year, to prepare and submit a report regarding outcomes for districts and students to the Health and Human Services Commission (HHSC) and requires HHSC, not later than January 31 of the

following calendar year, to compile the information submitted and prepare and provide a preliminary report to TEA for review and input. The bill requires HHSC, after receiving TEA's recommendations on the preliminary report, to prepare and submit a final report to TEA, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over mental health or primary jurisdiction over public education.

C.S.S.B. 11 requires the commissioner of education to provide a waiver allowing for fewer minutes of operation and instructional time than required by law for a district that requires each educator employed by the district to attend an approved school safety training course. The bill establishes that the waiver must allow sufficient time for the district's educators to attend the school safety training course and may not result in an inadequate number of minutes of instructional time for students or reduce the number of minutes of operation and instructional time by more than 420 minutes. A school safety training course must apply to the Texas School Safety Center to be approved for purposes of such a waiver. The bill authorizes the center to approve a training course if the course satisfies the training requirements as determined by the center. The bill authorizes the commissioner to adopt rules to implement the bill's provisions relating to the waiver.

C.S.S.B. 11 requires the State Board of Education by rule to require each district to incorporate instruction in the standards of appropriate, responsible, and healthy online behavior into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. This requirement applies beginning with the 2019-2020 school year.

C.S.S.B. 11 revises the duty of a local school health advisory council to make certain recommendations as follows:

- by specifying that the mental health concerns for which the council is required to recommend certain policies, procedures, strategies, and curriculum include suicide;
- by including among the duties recommending appropriate grade levels and methods of instruction for healthy relationships education; and
- by including among the duties recommending strategies to increase parental awareness regarding:
 - risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

These revisions apply beginning with the 2019-2020 school year, except for the revision relating to healthy relationships education, which applies beginning with the 2020-2021 school year.

C.S.S.B. 11 requires a district board of trustees to determine the specific content of the district's healthy relationships education with the advice of the local school health advisory council. The bill sets out criteria that the curriculum must satisfy and the skills and strategies that the curriculum must promote. The bill subjects a charter school to these requirements relating to healthy relationships education. The requirements apply beginning with the 2020-2021 school year.

C.S.S.B. 11 amends the Health and Safety Code to include among the procedures a district may develop concerning specified areas relating to mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus.

C.S.S.B. 11 amends the Occupations Code to revise the requirement that the Texas Commission on Law Enforcement by rule require a district peace officer or school resource officer who is commissioned by or provides law enforcement at a district with an enrollment of 30,000 or more to successfully complete an education and training program before or within 120 days of the officer's commission by or placement in the district or a district campus as follows:

- by removing the condition limiting the requirement to an officer at a district with an enrollment of 30,000 or more students; and
- by extending the period in which the officer may complete the program from before or within 120 days of the officer's commission by or placement in the district or a campus of the district to before or within 180 days of such date.

The bill requires an officer who commences employment with or commences providing law enforcement at a district with an enrollment of fewer than 30,000 students on a date occurring before September 1, 2019, to complete the training as soon as practicable and not later than August 31, 2020, unless the officer is exempt from the training because the officer has completed the advanced training course conducted by the National Association of School Resource Officers or its equivalent. The bill requires a district with an enrollment of fewer than 30,000 students, not later than October 1, 2019, to adopt the training policy requiring an applicable officer to complete the education and training program.

C.S.S.B. 11 establishes that TEA and the Texas School Safety Center are required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, TEA or the center may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 11 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a requirement for the commissioner of education to provide to a school district an annual school safety allotment and sets out related provisions that do the following:

- restrict the use of the allocated funds;
- entitle a district required to take action to reduce its wealth per student to the equalized wealth level to a credit against the total amount required to purchase attendance credits;
- authorize the commissioner to adopt rules to implement the allotment; and
- require a district to certify in the district's safety and security audit that the district used the funds provided through the allotment only for the purposes prescribed by the bill.

The substitute includes provisions relating to the employment by a local mental health authority of a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services. The provisions included in the substitute address:

- interagency collaboration between a local mental health authority and the regional education service center;
- the supervision and duties of a non-physician mental health professional;

- participation by a school district in training provided by a non-physician mental health professional;
- distribution of funding among applicable local mental health authorities; and
- reporting by applicable local mental health authorities and HHSC.

The substitute includes among the duties of a local school health advisory council recommending appropriate grade levels and methods of instruction for healthy relationships education. The substitute requires a district board of trustees to determine the specific content of the district's healthy relationships education, sets out related curriculum requirements, and subjects a charter school to the healthy relationships education requirements. The provisions relating to the healthy relationships education apply beginning with the 2020-2021 school year.

The substitute revises the statutory requirement for the Texas Commission on Law Enforcement to require by rule that a district peace officer or school resource officer who is commissioned by or provides law enforcement at a district with an enrollment of 30,000 or more students to successfully complete an education and training program before or within 120 days of the officer's commission by or placement in the district or a campus of the district as follows:

- by removing the condition limiting the requirement to an officer at a district with an enrollment of 30,000 or more students; and
- by extending the period in which the officer may complete the program.

The substitute includes a requirement for a district with an enrollment of fewer than 30,000 students, not later than October 1, 2019, to adopt a training policy requiring an applicable officer to complete the education and training program. The substitute includes a requirement for a district peace officer or school resource officer who commences employment with or commences providing law enforcement at such a district on a date occurring before September 1, 2019, to complete the required training not later than August 31, 2020, unless the officer is exempt from the training on certain grounds.

The substitute does not include provisions requiring the Texas Higher Education Coordinating Board to provide assistance in the repayment of eligible student loans for certain school counselors.

The substitute does not include a requirement for the commissioner to establish and administer a grant program to award grants to local education agencies to improve and maintain student and school safety.