

## **BILL ANALYSIS**

C.S.H.B. 2557  
By: Rogers  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised about a declining availability of qualified school security personnel and the consequential effects of a shortage of such personnel on emergency response times for incidents involving schools, particularly in rural areas of Texas. C.S.H.B. 2557 seeks to address these concerns by allowing a public school district and an open-enrollment charter school in a county with a population of less than 150,000 to design a plan for veterans or qualified law enforcement officers who have undergone criminal history background checks to volunteer to provide campus security.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2557 amends the Education Code to authorize the board of trustees of an applicable independent school district or the governing body of an applicable open-enrollment charter school to approve a school security volunteer program under which the district or charter school provides written regulations or written authorization for eligible persons to serve as security volunteers by:

- providing security services on school grounds, including any location in which an activity sponsored by the district or school is being conducted, and in school vehicles; and
- carrying a handgun in providing such security services.

The bill applies only to a school district or open-enrollment charter school located in a county with a population of less than 150,000.

C.S.H.B. 2557 establishes that a person is eligible to serve as a school security volunteer if the person is a veteran or a qualified retired law enforcement officer, as defined by certain federal and state law for purposes of eligibility to carry a firearm, and if the board or governing body determines the person is eligible based on a criminal history background check obtained by the district or school in accordance with applicable state law. A person is not eligible if the person is any of the following:

- an employee of the district or charter school;
- a contractor providing services under a contract with the district or charter school; or
- a person who otherwise receives compensation or remuneration from the district or charter school.

C.S.H.B. 2557 provides the following:

- a district that approves such a program must include the program in the district's multihazard emergency operations plan and provide to each security volunteer a course of instruction on that plan and on the district's safety and security policies; and
- a charter school that approves a program must do the following:
  - adopt and implement measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement agencies, health departments, and fire departments in an emergency; and
  - provide to each security volunteer a course of instruction on the charter school's safety and security policies.

C.S.H.B. 2557 grants a school security volunteer immunity from civil liability to the same extent as a professional employee of a district for acts incident to or within the scope of employment, but the bill expressly does not limit the liability of a person for intentional misconduct or gross negligence.

C.S.H.B. 2557 amends the Occupations Code to exempt a school security volunteer from the Private Security Act.

C.S.H.B. 2557 applies beginning with the 2021-2022 school year.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2557 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the bill's applicability to a school district or open-enrollment charter school located in a county with a population of less than 150,000.

The substitute includes as a basis for eligibility to serve as a school security volunteer under the bill's provisions a determination by the board of trustees or governing body that the person is eligible based on a criminal history background check obtained by the district or school in accordance with applicable state law.