

BILL ANALYSIS

Senate Research Center
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S.B. 2078
By: Taylor, Larry
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2078 is an attempt to think proactively about school safety and provide certain requirements on school districts, with the intent of ensuring Texas public schools remain safe.

The bill provides specific requirements in statute for the Multihazard Emergency Operations Plans (MEOP). It requires the Texas Education Agency (TEA) to adopt a model MEOP with assistance from the Texas School Safety Center and a cycle of review for MEOPs. Schools districts are to submit MEOPs to TEA and TEA will then post online any schools that have failed to comply.

S.B. 2079 also requires the School Safety and Security Committee to include representatives from emergency services, a local police department, municipality, the president of the school board, district's superintendent, and two additional members chosen by the superintendent. Furthermore, the committee will provide recommendations on updating the MEOP, meet at least three times during the year, and is subject to the Open Meetings Act.

The bill also requires parents to be notified of a terroristic threat and makes charter school subject to certain sections of the education code.

As proposed, S.B. 2078 amends current law relating to the duties of school districts, open-enrollment charter schools, and the Texas Education Agency regarding multihazard emergency operations plans and other school safety measures.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 37.1083, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.104(b), Education Code, to include a prohibition, restriction, or requirement, as applicable, imposed by this title (Public Education) or a rule adopted under this title relating to school safety requirements under Sections 37.108 (Multihazard Emergency Operations Plan; Safety and Security Audit), 37.1083, 37.109 (School Safety and Security Committee), 37.112, 37.207 (Model Safety and Security Audit Procedure) in the list of provisions to which an open-enrollment charter school is subject.

SECTION 2. Amends Section 37.108, Education Code, by amending Subsections (b) and (c) and adding Subsection (e), as follows:

(b) Requires a school district, to the extent possible, to follow safety and security audit procedures developed by the Texas School Safety Center (TSSC) or a school safety services provider on the list maintained by the Texas Education Agency (TEA) under Section 37.1083(e), rather than TSSC or a comparable public or private entity.

(c) Requires a school district to also report the results of the safety and security audit conducted under Subsection (b) to TEA.

(e) Requires a school district to include in its multihazard emergency operations plan (plan):

(1) 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;

(2) provisions for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by TEA or TSSC;

(3) provisions for ensuring the safety of students in portable buildings;

(4) 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, including identification of the individual with responsibility for overseeing the notification; and

(5) a statement of the amount per student expended by the district on school safety.

SECTION 3. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.1083, as follows:

Sec. 37.1083. AGENCY DUTIES REGARDING SCHOOL SAFETY MEASURES. (a) Requires TEA, with assistance from TSSC, to adopt a model plan that school districts are authorized to use in developing district-specific plans as required by Section 37.108.

(b) Requires TEA to adopt a cycle for TEA's review and approval of school district plans adopted under Section 37.108. Requires that the cycle be organized so that every six months TEA reviews the plans of approximately one-fourth of the school districts in this state.

(c) Requires a school district to submit its plan to TEA in accordance with the cycle adopted under Subsection (b) and provide any additional information required by TEA in connection with TEA's review of the plan.

(d) Requires TEA to post information on TEA's Internet website that identifies each school district that failed to submit the district's plan for TEA review and approval in accordance with the cycle adopted under Subsection (b), submitted a plan that did not comply with an applicable standard, or failed the school safety and security audit required to be conducted under Section 37.108(b).

(e) Requires TEA to maintain a list of school safety service providers approved by TEA.

(f) Authorizes the commissioner of education (commissioner) to adopt rules necessary to implement this section.

SECTION 4. Amends Section 37.109, Education Code, by adding Subsections (a-1), (c), and (d) and amending Subsection (b), as follows:

(a-1) Requires that the school safety and security committee (committee) include:

(1) a representative of a local fire department, emergency services agency, or other emergency services provider;

(2) a representative of a local police department;

- (3) a representative of a municipality with territory included within the boundaries of the district;
- (4) the president of the district's board of trustees (board);
- (5) a member of the district's board other than the president;
- (6) the district's superintendent; and
- (7) two additional members designated by the district's superintendent.

(b) Requires the committee to:

- (1) makes no changes to this subdivision;
- (2) periodically provide recommendations regarding updating the district plan required by Section 37.108(a) in accordance with best practices identified by TEA, TSSC, or a school safety service provider on the list maintained by TEA under Section 37.1083(e);
- (3) creates this subdivision from existing text and makes no further changes to this subdivision; and
- (4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision.

(c) Requires the committee, except as otherwise provided by this subsection, to meet at least once during each academic semester and at least once during the summer. Requires a committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule to meet at least three times during each calendar year, with an interval of at least two months between each meeting.

(d) Provides that the committee is subject to Chapter 551 (Open Meetings), Government Code. Requires that notice of a committee meeting be posted in the same manner as notice of a meeting of the district's board.

SUBCHAPTER 5. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.112, as follows:

Sec. 37.112. NOTIFICATION REGARDING BOMB THREAT OR TERRORISTIC THREAT. 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.

SECTION 6. Amends Section 37.207, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires each school district to report the results of its audits to TSSC in the manner required by TSSC and TEA, in accordance with commissioner rule.

(c) Requires TEA to provide assistance to TSSC in developing the model safety and security audit procedure.

SECTION 7. Requires TSSC to, not later than January 1, 2018, 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 school districts using portable buildings for student instruction.

SECTION 8. Effective date: September 1, 2017.