

BILL ANALYSIS

Senate Research Center
86R13451 JES-F

S.B. 11
By: Taylor
Education
3/4/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Senate Select Committee on Violence in Schools and School Security was appointed following the tragedy that occurred at Santa Fe High School. The committee studied methods to reduce the likelihood of school violence and reduce security threats, harden facilities, and facilitate mental health resources to schools. S.B. 11 seeks revise and expand 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.

As proposed, S.B. 11 amends current law relating to policies, procedures, and measures for school safety and mental health promotion in public schools and makes an appropriation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 7.061, Education Code), SECTION 7 (Section 37.1082, Education Code), SECTION 9 (Section 37.114, Education Code), SECTION 14 (Section 38.036, Education Code), and SECTION 15 (Section 42.168, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 17 (Sections 61.9851 and 61.9857, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 7, Education Code, by adding Section 7.061, as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) Defines "instructional facility."

(b) Requires the commissioner of education (commissioner) 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. Requires the commissioner, in adopting or amending rules under this section, to include the use of best practices for the design and construction of new facilities and for the improvement, renovation, and retrofitting of existing facilities.

(c) Requires the commissioner, not later than September 1 of each even-numbered year, to review all rules adopted or amended under this section 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.

SECTION 2. Amends Chapter 8, Education Code, by adding Subchapter E, as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. Defines "local mental health authority" and "non-physician mental health professional."

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) 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 school districts located in the region served by a regional education service center and in which the local mental health authority provides services.

(b) Requires the local mental health authority that primarily operates in the county in which the center is located, if two or more mental health authorities provide services in a region served by a regional education service center, to employ the non-physician mental health professional and, in making any hiring decision, to consult with other local mental health authorities providing services in that region.

Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) Requires a local mental health authority that employs a non-physician mental health professional under Section 8.152 and the regional education service center to collaborate in carrying out this subchapter.

(b) Requires each regional education service center to provide for a non-physician mental health professional employed for the region served by the regional education service center with a space for the professional to carry out the professional's duties under Section 8.155. Requires the local mental health authority that employs the professional to pay the center a reasonable administrative cost for providing the space.

(c) Authorizes a local mental health authority and a regional education service center to enter into a memorandum of understanding for the administration of this section.

Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. Requires the local mental health authority that employs a non-physician mental health professional under Section 8.152 to supervise the professional in carrying out the professional's duties under Section 8.155 and to consult with any other local mental health authorities in the region in supervising the professional.

Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) Requires a non-physician mental health professional employed under Section 8.152 to act as a resource for school district personnel by:

(1) helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;

(2) assisting personnel to implement initiatives related to mental health or substance use under state law or agency rules;

(3) ensuring personnel are aware of the list of recommended best practice-based and research-based practices developed under Section 161.325 (Mental Health Promotion and Intervention, Substance Abuse Prevention and Intervention, and Suicide Prevention), Health and Safety Code, and other treatment programs available in the school district, including programs provided by a local mental health authority;

(4) on a bimonthly basis, providing personnel with mental health first aid training;

(5) on a bimonthly basis, providing personnel with training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to use alcohol, cigarettes, or illegal drugs or to misuse prescription drugs; and

(6) on an annual basis, providing personnel with training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma.

(b) Prohibits a non-physician mental health professional employed under Section 8.152 from treating or providing counseling to a student or providing specific advice to school district personnel regarding a student.

Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED. Provides that this subchapter does not require a school district to participate in training provided by a non-physician mental health professional or to otherwise use the professional as a resource.

Sec. 8.157. DISTRIBUTION OF FUNDING. Requires a state agency to which money is appropriated to carry out this subchapter to ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals under this subchapter.

Sec. 8.158. REPORT. (a) Requires each local mental health authority that employs and supervises a non-physician mental health professional under this subchapter, before the last business day of each calendar year, to prepare and submit a report to the Health and Human Services Commission (HHSC) regarding the outcomes for school districts resulting from services provided by the non-physician mental health professional.

(b) Requires HHSC, not later than January 31 of the following calendar year, to compile the information submitted under this section and prepare and submit a report to the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over mental health, and each standing committee of the legislature having primary jurisdiction over public education.

SECTION 3. Amends Section 11.252(a), Education Code, as follows:

(a) Requires the district improvement plan required by this section to include provisions for:

(1)–(7) makes no changes to these subdivisions;

(8)–(9) makes nonsubstantive changes; and

(10) the trauma-informed care policy required under Section 38.036.

SECTION 4. Reenacts Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, and amends them as follows:

(b) Provides that an open-enrollment charter school is subject to:

(1) makes no changes to this subdivision; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A)–(N) makes no changes to these paragraphs;

(O) makes a nonsubstantive change to this paragraph;

(P) makes no changes to this paragraph;

(Q)–(R) makes nonsubstantive changes;

(S) creates this paragraph from existing text and makes a nonsubstantive change; and

(T) school safety requirements under Sections 37.108 (Multihazard Emergency Operations Plan; Safety and Security Audit), 37.1081, 38.1082, 37.109 (School Safety and Security Committee), 37.113, 37.114, 37.115, 38.1052, 37.207 (Model Safety and Security Audit Procedure), 37.2071, and 37.220.

SECTION 5. Amends Sections 21.054 (d) and (d-2), Education Code, as follows:

(d) Requires continuing education requirements for a classroom teacher to provide that not more than 25 percent of the training required every five years include instruction regarding:

(1)–(3) makes no changes to these subdivisions;

(4)–(5) makes nonsubstantive changes; and

(6) redesignates existing Subsection (d-2) as Subdivision (6). Requires that continuing education requirement, for a classroom teacher include instruction regarding how grief and trauma affect student learning and behavior, rather than authorizing the continuing education to provide such instruction.

(d-2) Requires the instruction required under Subsection (d)(6) to comply with the training required by Section 38.036(c)(1) and to be approved by the commissioner.

SECTION 6. Amends Section 37.108, Education Code, by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (f), as follows:

(a) Requires a multihazard emergency operations plan to address mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center (center) in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable, rather than as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. Creates Subdivision (3) from existing text, redesignates existing Subdivisions (3)–(4) as Subdivisions (4)–(5), and requires the plan to provide for:

(1) training, rather than district employee training, in responding to an emergency for district employees, including substitute teachers;

(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone or another electronic communication device allowing for immediate contact with district emergency service or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency; and

(4)–(5) makes no further changes.

(b) Requires a district in the safety and security audit required every three years, to the extent possible, to follow safety and security audit procedures developed by the center or a person included in the registry established by the center under Section 37.2091 (Registry of Persons Providing School Safety or Security Consulting Services), rather than by the center or a comparable public or private entity.

(b-1) Requires the district, in a school district's safety and security audit required under Subsection (b), to certify that the district used the funds provided to the district through the school safety allotment under Section 42.168 only for the purposes provided by that section.

(c) Requires the report provided to the center under this subsection to be signed by the district's board of trustees and superintendent. Requires the center to compile school district audit results and report them to the Texas Education Agency (TEA).

(f) Requires a school district to include in the multihazard emergency operations 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 the center;

(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;

(5) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(6) the name of each individual on the district's school safety and security committee established under Section 37.109 (School Safety and Security Committee) and the date of each committee meeting during the preceding year.

SECTION 7. Amends Subchapter D, Chapter 37, Education Code, by adding Sections 37.1081 and 37.1082, as follows:

Sec. 37.1081. PUBLIC HEARING ON MULTIHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE. (a) Requires the board of trustees of a school district, if the board receives notice of noncompliance under Section 37.207(e) or 37.2071(g), to hold a public hearing to notify the public of:

(1) the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report to the results of a safety and security audit to the center as required by law;

(2) the dates during which the district has not been in compliance; and

(3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

(b) Requires the school district to provide the information required under Subsection (a)(3) to each person in attendance at the hearing.

(c) Requires the board to give members of the public a reasonable opportunity to appear before the board and to speak on the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this section.

(d) Requires a school district required to hold a public hearing under Subsection (a) to provide a written confirmation to the center that the district held the hearing.

Sec. 37.1082. MULTIHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS. (a) Authorizes the commissioner, if TEA receives notice from the center of a school district's failure to submit a multihazard emergency operations plan, to appoint a conservator for the district under Chapter 39A (Accountability Interventions and Sanctions). Authorizes the conservator to order the district to adopt, implement, and submit a multihazard emergency operations plan.

(b) Authorizes the commissioner, if a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, to appoint a board of managers under Chapter 39A to oversee the operations of the district.

(c) Authorizes the commissioner to adopt rules as necessary to administer this section.

SECTION 8. Amends Section 37.109, Education Code, by adding Subsections (a-1), (c), and (d) and amending Subsection (b), as follows:

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

- (1) one or more representatives of an office of emergency management of a county or city in which the district is located;
- (2) one or more representatives of the local police department or sheriff's office;
- (3) one or more representatives of the district's police department, if applicable;
- (4) one or more representatives of a municipality with territory included within the boundaries of the district;
- (5) the president of the district's board of trustees;
- (6) a member of the district's board of trustees other than the president;
- (7) the district's superintendent;
- (8) one or more designees of the district's superintendent, one of whom must be a classroom teacher in the district;
- (9) if the district partners with an open-enrollment charter school to provide instruction to students, a member of the open-enrollment charter school's governing body or a designee of the governing body; and
- (10) two parents or guardians of students enrolled in the district.

(b) Requires the committee to:

- (1) makes no changes to this subdivision;
- (2) periodically provide recommendations to the district's board of trustees and district administrators regarding updating the district multihazard emergency operations plan required by Section 37.108(a) in accordance with best practices identified by TEA, the center, or a person included in the registry established by the center under Section 37.2091;
- (3) creates this subdivision from existing text and makes a nonsubstantive change;
- (4) redesignates existing Subdivision (3) as Subdivision (4) and makes a nonsubstantive change; and
- (5) consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses.

(c) Requires the committee, except as otherwise provided by this subsection, to meet at least once during an 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, and is authorized to meet in executive session as provided by that chapter. Requires notice of a committee meeting to be posted in the same manner as notice of a meeting of a district's board of trustees.

SECTION 9. Amends Subchapter D, Chapter 37, Education Code, by adding Sections 37.113, 37.114, and 37.115, as follows:

Sec. 37.113. 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 a 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.

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. Requires the commissioner, in accordance with the center and the state fire marshal, to adopt rules providing procedures for evaluating and securing school property during an emergency and rules designating the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills, including designating the number of evacuation fire exit drills and the number of lockdown, lockout, shelter-in-place, and evacuation drills.

Sec. 37.115. THREAT ASSESSMENT TEAMS. (a) Defines "threatening behaviors."

(b) Requires the board of trustees of each school district to establish threat assessment teams to serve at each campus of the district and to adopt policies and procedures for the teams. Provides that the threat assessment team is responsible for determining the appropriate method for the assessment and intervention of individuals who make threats of violence or exhibit threatening behaviors on the campus. Requires the policies and procedures adopted under this section to:

(1) be consistent with the model policies and procedures developed by the center under Section 37.220;

(2) require threat assessment teams to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; and

(3) require each threat assessment team established under this section to report the information required under Subsection (b) regarding the team's activities to TEA.

(c) Requires the superintendent of the district to appoint members to each threat assessment team with expertise in counseling, classroom instruction, school administration, and law enforcement. Authorizes a threat assessment team to serve more than one campus of a school district, provided that each school district campus is assigned a threat assessment team.

(d) Requires a threat assessment team to assess and report individuals who make threats of violence or exhibit threatening behavior in accordance with the policies and procedures adopted under Subsection (b) and to provide guidance to students and school employees regarding recognizing threatening behavior that may pose a threat to the community, school, or individual and regarding reporting potential threats, including providing information regarding to whom potential threats should be reported.

(e) Requires a threat assessment team, on a determination that a student or other individual poses a serious risk of threat of violence to others, to immediately report the team's determination to the superintendent. Requires the superintendent, if the individual is a student, to immediately attempt to inform the parent or person standing in parental relation to the student. Provides that the requirements of this section do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

(f) Requires a threat assessment team identifying a student at risk of suicide to act in accordance with the district's suicide prevention program. Requires the threat assessment team, if the student at risk of suicide also makes a threat of violence on others, to conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

(g) Requires a threat assessment team identifying a student using or possessing tobacco, drugs, or alcohol to act in accordance with district policies and procedures related to substance abuse prevention and intervention.

(h) Requires a threat assessment team to report to TEA in accordance with guidelines developed by TEA the following information regarding the team's activities for each school district campus the threat assessment team services:

(1) the occupation of each person appointed to the team;

(2) the number of threats and the description of the type of the threats reported to the team;

(3) the outcome of each assessment made by the threat assessment team, including any disciplinary action taken, including a change in school placement, any action taken by law enforcement, or a referral to or change in counseling, mental health, special education, or other services; and

(4) the total number, disaggregated by student gender, race, and status as receiving special education services, of citations issued for Class C misdemeanor offenses, arrests made in connection with reported threats, and incidents of uses of restraint in connection with a threat assessment or reported threat.

(i) Authorizes the superintendent of a school district to establish a committee, or assign to an existing committee established by the district the duty, to oversee the operations of threat assessment teams established for the district. Requires a committee with oversight responsibility under this subsection to include members with expertise in human resources, education, school administration, mental health, and law enforcement.

SECTION 10. Amends Section 37.207, Education Code, by adding Subdivisions (c), (d), and (e), as follows:

(c) Authorizes the center, in addition to a review of a district's multihazard emergency operations plan under Section 37.2071, to require a district to submit its plans for immediate review if the district's audit results indicate that the district is not complying with applicable standards.

(d) Requires the center, if a district fails to report the results of its audit as required by Subsection (b), to provide the district with written notice that the district has failed to report its audit results and is required to immediately report the results to the center.

(e) Requires the center, if six months after the date of the initial notification required by Subsection (b) the district has still not reported the results of its audit to the center, to notify TEA and the district of the district's requirement to conduct a public hearing under Section 37.1081. Provides that this subsection applies only to a school district.

SECTION 11. Amends Subchapter G, Chapter 37, Education Code, by adding Section 37.2071, as follows:

Sec. 37.2071. DISTRICT MULTIHAZARD EMERGENCY OPERATIONS PLAN REVIEW AND APPROVAL. (a) Requires the center to establish a need-based cycle for the center's review and approval of school district and public junior college district multihazard emergency operations plan adopted under Section 37.108. Requires the cycle to provide for each district's plan to be reviewed at least once every three years.

(b) Requires a school district or public junior college district to submit its multihazard emergency operations plan to the center on request of the center and in accordance with the center's review cycle developed under Subsection (a).

(c) Requires the center to review each district's multihazard emergency operations plan submitted under Subsection (b) and;

(1) approve the plan; or

(2) provide the district with written notice describing the plan's deficiencies and written notice stating that the district is required to correct the deficiencies in its plan and resubmit the revised plan to the center.

(d) Requires the center, if a district fails to submit its multihazard emergency operations plan to the center for review, to provide the center with written notice stating that the district has failed to submit a plan and is required to submit a plan to the center for approval.

(e) Authorizes the center to approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

(f) Requires the center, if three months after the date of initial notification of a plan's deficiencies under Subsection (c)(2) or failure to submit a plan under Subsection (d) a district has not corrected the plan deficiencies or has failed to submit a plan, to provide written notice to the district and TEA that the district has not complied with the requirements of this section and is required to comply immediately.

(g) Requires the center, if a school district still has not corrected the plan deficiencies or has failed to submit a plan six months after the date of initial notification under Subsection (c)(2) or (d), to provide written notice to the school district stating that the district is required to hold a public hearing under Section 37.1081.

(h) Requires the notice required by Subsection (g), if a school district has submitted a plan, to state that the commissioner is authorized to appoint a conservator under Section 37.1082.

(i) Provides that any document or information collected, developed, or produced during the review and approval of multihazard emergency operations plan under this section is not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 12. Amends Section 37.2091(d), Education Code, as follows:

(d) Requires the center to verify the information provided by a person under Subsection (c) to confirm the person's qualifications and ability to provide school safety or security consulting services before adding the person to the registry. Deletes existing text relating to the registry being intended to serve only as an informational resource for school districts and institutions of higher education. Deletes existing text providing that the inclusion of a person in the registry is not an indication of the person's qualifications or ability to provide school safety or security consulting services or that the center endorses the person's school safety or security consulting services. Makes nonsubstantive changes.

SECTION 13. Amends Subchapter G, Chapter 37, Education Code, by adding Section 37.220, as follows:

Sec. 37.220. MODEL THREAT ASSESSMENT TEAM POLICIES AND PROCEDURES. (a) Requires the center to develop model policies and procedures to assist school districts in establishing and training threat assessment teams.

(b) Requires the model policies and procedures developed under Subsection (a) to include procedures, when appropriate, for the referral of a student to a local mental health authority or health care provider for evaluation or treatment and for the referral of a student for a full individual and initial evaluation for special education services under Section 29.004 (Full Individual and Initial Evaluation).

SECTION 14. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.036, as follows:

Sec. 38.036. TRAUMA-INFORMED CARE POLICY. (a) Requires each school district to adopt and implement a policy requiring the integration of trauma-informed policies in each school environment.

(b) Requires a policy required by this section to address:

(1) using resources developed by TEA, methods for increasing staff and parent awareness of trauma-informed care and for implementation of trauma-informed practices and care by district and campus staff; and

(2) available counseling options for students affected by trauma or toxic stress.

(c) Requires the methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care to include training as provided by this subsection. Requires the training to be provided through an evidence-based, evidence-informed, or promising practices training program that addresses the effects of trauma and is approved by TEA, and to be provided as part of any new employee orientation for all new school district educators or coaches, and authorizes the training to be included in staff development provided by Section 21.451 (Staff Development Requirements).

(d) Requires each school district, for any training provided under Subsection (c), to maintain records that include the name of each school district staff member who participated in the training.

(e) Requires a district, if a school district determines that the district does not have sufficient resources to provide the training required under Subsection (c), to make reasonable efforts to collaborate with a community organization to provide training that meets the requirements under Subsection (c) at no cost to the district.

(f) Requires the commissioner to adopt rules as necessary to administer this section.

SECTION 15. Amends Subchapter C, Chapter 42, Education Code, by adding Section 42.168, as follows:

Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) Entitles a school district to an annual allotment of \$50, or a greater amount approved by appropriation, for each student in average daily attendance.

(b) Requires funds allocated under this section to be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including improvements to school infrastructure, the use or installation of physical barriers, and the purchase and maintenance of security cameras or other security equipment;

(2) providing security for the district, including employing school district peace officers, private security officers, and school marshals and including collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district; and

(3) school safety and security training and planning, including active shooter and emergency response training and prevention and treatment programs relating to addressing adverse childhood experiences.

(c) Entitles a school district that is required to take action under Chapter 41 (Equalized Wealth Level) 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 entitled under this section, against the total amount required under Section 41.093 (Cost) for the district to purchase attendance credits.

(d) Authorizes the commissioner to adopt rules to implement this section.

SECTION 16. Amends Section 45.001(a), Education Code, as follows:

(a) Authorizes the governing board of an independent school district, including the city council or commission that has jurisdiction over a municipality controlled independent school district, the governing board of a rural high school district, and the commissioners court of a county, on behalf of each common school district under its jurisdiction, to:

(1) issue bonds for:

(A)-(B) makes no changes to these paragraphs;

(C) makes a nonsubstantive change;

(D) makes no changes to this paragraph;

(E) the retrofitting of school buses with emergency, safety, or security equipment; and

(F) the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes; and

(2) makes a nonsubstantive change.

SECTION 17. Amends Chapter 61, Education Code, by adding Subchapter LL, as follows:

SUBCHAPTER LL. REPAYMENT OF CERTAIN SCHOOL COUNSELOR EDUCATION LOANS

Sec. 61.9851. **LOAN REPAYMENT ASSISTANCE AUTHORIZED.** Requires the Texas Higher Education Coordinating Board (THECB) to provide, in accordance with this subchapter and THECB rules, assistance in the repayment of eligible student loans for eligible student counselors who apply and qualify for the assistance.

Sec. 61.9852. **ELIGIBILITY.** Requires a school counselor, to be eligible to receive loan repayment assistance under this subchapter, to:

(1) apply annually for the repayment assistance in a manner prescribed by THECB;

(2) be a United States citizen or permanent resident alien;

(3) have earned at least a master's degree related to counseling from any public or accredited private institution of higher education;

(4) be certified as a school counselor under Subchapter B (Certification of Educators), Chapter 21; and

(5) have completed one, two, three, four, or five years of consecutive employment by a school district in this state:

(A) all or part of which is located in a federally designated mental health care health professional shortage area; or

(B) at a school that receives federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.).

Sec. 61.9853. **LIMITATIONS.** Authorizes a school counselor to receive loan payment assistance under this subchapter for not more than five years.

Sec. 61.9854. **ELIGIBLE LOANS.** (a) Authorizes THECB to provide loan replacement assistance under this subchapter for the repayment of any student loan for education at an institution of higher education, a private or independent institution of higher education, or a public or private out-of-state institution of higher education accredited by a recognized accrediting agency, including loans for undergraduate education, received by an eligible person through any lender.

(b) Prohibits THECB from providing repayment assistance for a student loan that is in default at the time of the person's application.

(c) Requires THECB, in each state fiscal biennium, to attempt to allocate all funds appropriated to THECB for the purpose of providing loan repayment assistance under this subchapter.

Sec. 61.9855. REPAYMENT. (a) Requires THECB to deliver any repayment under this subchapter in a lump sum payable to both the lender or other holder of the loan and the school counselor or payable directly to the lender or other holder of the loan on the school counselor's behalf.

(b) Authorizes a repayment under this subchapter to be applied to any amount due in connection with the loan.

Sec. 61.9856. AMOUNT OF REPAYMENT ASSISTANCE. (a) Authorizes a school counselor to receive loan payment assistance under this subchapter for each year the school counselor establishes eligibility for the assistance in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the school counselor under Subsection (b):

(1) for the first year, 10 percent;

(2) for the second year, 15 percent;

(3) for the third year, 20 percent;

(4) for the fourth year, 25 percent; and

(5) for the fifth year, 30 percent.

(b) Prohibits the total amount of repayment assistance received by a school counselor under this subchapter from exceeding \$80,000, for assistance received by a school counselor who holds a doctoral degree related to counseling, and from exceeding \$40,000, for assistance received by a school counselor who holds a master's degree related to counseling.

(c) Prohibits the total loan repayment assistance provided under this subchapter from exceeding the sum of the total amount of gifts and grants accepted by THECB for the repayment assistance, legislative appropriations for the repayment assistance, and other funds available to THECB for the repayment assistance.

(d) Authorizes THECB to adjust in an equitable manner the distribution amounts that school counselors would otherwise receive under Subsection (a) for a year as necessary to comply with Subsection (c).

Sec. 61.9857. RULES; ADMINISTRATION. (a) Requires THECB to adopt rules necessary to administer this subchapter.

(b) Requires THECB to distribute to each institution of higher education or private or independent institution of higher education and to any appropriate state agency and professional association copies of the rules adopted under this section and other pertinent information relating to this subchapter.

(c) Requires THECB to administer the program under this subchapter in a manner that maximizes any matching funds available through other sources.

Sec. 61.9858. SOLICITATION AND ACCEPTANCE OF FUNDS. Authorizes THECB to solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

SECTION 18. Provides that the amount of \$_____ is appropriated from the economic stabilization fund to the foundation school fund for use by the commissioner to make grants to school districts and open-enrollment charter schools in accordance with this Act and

commissioner rule during the state fiscal biennium beginning September 1, 2019, for improvements in the security of the school facilities.

SECTION 19. Requires the commissioner of education, from among school districts and open-enrollment charter schools that apply in the time and manner established by the commissioner for a grant of money under this Act to pay for school security improvements, to select those school districts and open-enrollment charter schools that best meet the criteria adopted for the purpose by the commissioner. Requires the criteria to include:

- (1) a school district's or open-enrollment charter school's need for improvements in the security of district or school facilities;
- (2) a school district's or open-enrollment charter school's ability to pay for the improvements without the grant; and
- (3) the school security improvement plan provided by the school district or open-enrollment charter school and the likely effectiveness of that plan in improving school security.

SECTION 20. Requires that, not later than January 1, 2020:

- (1) the center 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;
- (2) the commissioner adopt or amend rules as required by Section 7.061, Education Code, as added by this Act; and
- (3) the commissioner, in consultation with the center and the state fire marshal, adopt rules as required by Section 37.114, Education Code, as added by this Act.

SECTION 21. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and correction in enacted codes.

SECTION 22. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2019.

(b) Effective date, Sections 18 and 19 of this Act: September 1, 2019, but only if the Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.