



TECHNOLOGY + SECURITY SOLUTIONS

# 86th Texas Legislative Session Summary of School Safety Bills

2019

Prepared by Crux Technology and Security Solutions

June 2019

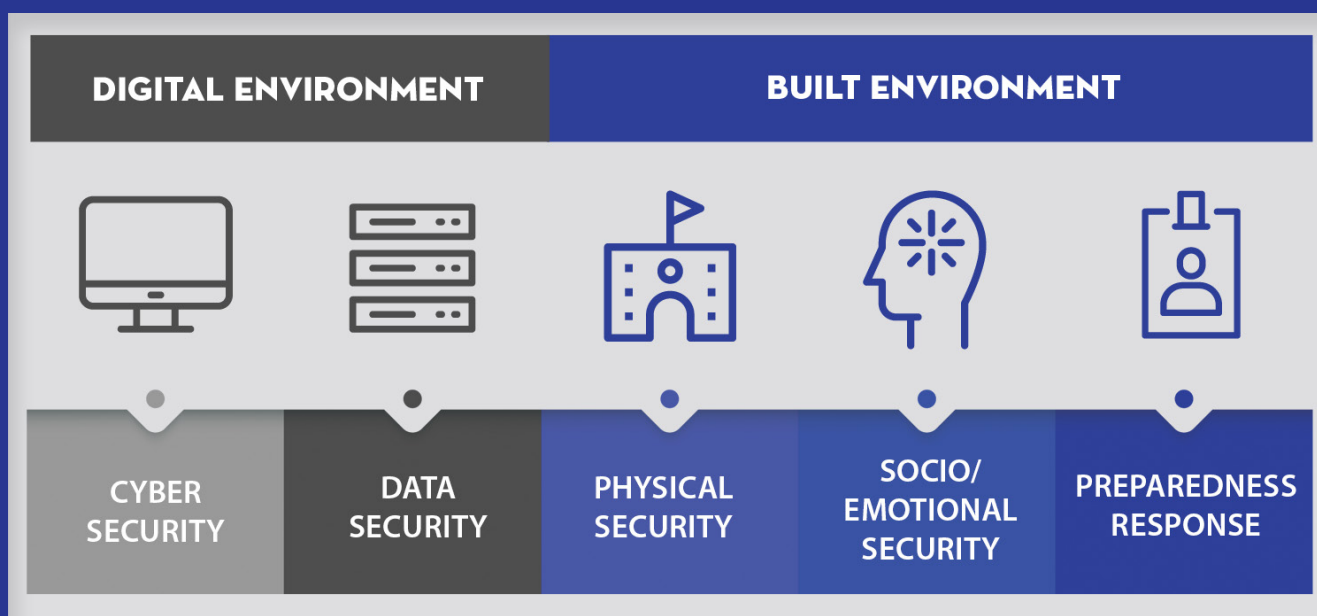
The 86th Texas Legislative session concluded on May 27, 2019. True to their promises going in, the Governor, Lieutenant Governor and Speaker of the House gave priority to school safety. Governor Greg Abbott released his School and Firearm Safety Action Plan in May 2018, following the tragedy at Santa Fe High School earlier that month. Both the Texas House and Senate then held a series of hearings covering a wide range of school safety topics.

In August 2018, the Governor issued an update report titled School Safety Action Plan Summary, which gave examples of actions taken to date by the State and by various school districts across the State to improve safety. Those reports and hearings provided a starting point for the legislative session and appeared to guide the final outcomes.

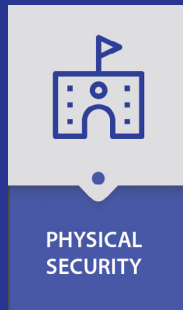
The flagship legislative action addressing school safety was Senate Bill 11 (SB 11), formally titled:

*AN ACT relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.*

It is a wide-ranging bill, affecting numerous parts of the Texas Education Code, primarily Chapter 37 (Discipline; Law and Order) and Chapter 38 (Health and Safety). It also updates the Texas Health and Safety Code by creating a new Texas Child Mental Healthcare Consortium. Numerous other bills affecting school safety were also signed into law, though none are as impactful as SB 11. Many of them coordinate changes in other parts of the existing laws to align with SB 11.

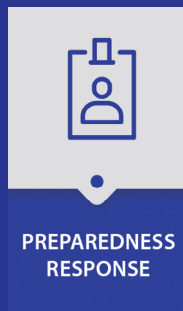


The bills are summarized below section by section. Here are the highlights of it all.



## Physical Security

- Charges the TEA and the Texas School Safety Center (TSSC) with creating safety standards for instructional facilities and portable buildings
- Provides for a school safety funding allotment and directs the TEA to create a grant program



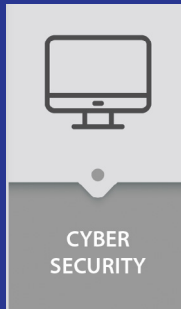
## Preparedness Response

- Applies school safety requirements to open enrollment charter schools as for public school districts
- Strengthens the requirements for emergency operations plans (EOP) and safety audits, adds consequences for noncompliance
- Expands the composition and duties of a district safety committee
- Strengthens requirements for school resource officers
- Removes some restrictions on implementation of a school marshal program
- Requires implementation of student threat assessment teams
- Requires deployment of traumatic injury (stop the bleed) treatment stations throughout school campuses



## Socio/Emotional Security

- Expands inclusion of mental health in curriculum, staff training and parent outreach
- Creates a Texas Child Mental Health Consortium



## Cyber Security

- Requires adoption of a cybersecurity policy and reporting of breaches
- Establishes cybersecurity training and certification requirements for State agencies

School districts and open enrollment charter schools across Texas face many new requirements in our ongoing endeavors to make our schools as safe and secure as possible. As it goes following adjournment and without any future date being designated for resumption, things will be confusing for a while.

The affected State agencies will need time to get it all sorted out and address the items assigned to them, yet many things go into effect with the 2019-2020 school year.

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# 86th Texas Legislature 2019 Summary of School Safety Related Bills Passed

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Bill	Section	What is Amended	Summary
<p><b>SB 11</b> AN ACT relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.</p>	1	Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061	TEA to define building standards for instructional facilities to be safe and secure
	2	Section 11.252(a), Education Code, is amended	adds the following for inclusion in the District's EOP: (10) the trauma-informed care policy required under Section 38.036
	3	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, is reenacted and amended	open enrollment charter schools are now subject to : (T) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071.
	4	Sections 21.054(d) and (d-2), Education Code, are amended	continuing education requirements for classroom teachers must include how grief and trauma affect student learning and behavior. This was optional previously.
	5	Section 25.081(a), Education Code, is amended	Sections 5 and 6 together address waivers for reducing the number of annual minutes a district must operate if time is needed for staff to attend school safety training
	6	Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0815	
	7	Section 28.002, Education Code, is amended by amending Subsection (a) and adding Subsection (z)	adds mental health and suicide prevention to the health curriculum requirements, and charges the SBOE to add digital citizenship to curriculum requirements, including cyber bullying.

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Bill	Section	What is Amended	Summary
<b>SB 11</b> AN ACT relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.	8	Section 28.004, Education Code, is amended by amending Subsection (c) and adding Subsection (o)	school health advisory council must add suicide prevention to its mental health strategies, and added a duty to create strategies for increasing parental awareness of risky behaviors, mental health, etc.
	9	Section 37.0812, Education Code, is amended	SRO training policy requirement now applies to all districts, not just 30,000+ students
	10	Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (f)	EOP must address prevention in accordance with TSSC guidelines, and calls out requirements for training substitute teachers as regular staff, and requires electronic communication devices in classrooms for reaching emergency services, and requires district communications infrastructure to be adequate for emergencies, and safety audits may either follow TSSC or someone in the registry, and requires safety audit results be signed by the Board and superintendent, and requires significant changes to the EOP
	11	Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082	establishes consequences for being out of compliance with the EOP, including requirement for holding a public hearing or (in worst case) appointment of a conservator by the TEA
	12	Section 37.109, Education Code, is amended by adding Subsections (a-1), (c), and (d) and amending Subsection (b)	substantial changes to the make-up and duties of the district safety committee
	13	Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.113, 37.114, and 37.115	requires parents to be notified as soon as possible of bomb or terroristic threats, and strengthens requirements for emergency drills, and requires establishment of threat assessment and safe and supportive school teams
	14	Section 37.207, Education Code, is amended by adding Subsections (c), (d), and (e)	toughens requirements for reporting safety audit results

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<p style="text-align: center;"><b>SB 11</b> AN ACT relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.</p>	15	Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.2071	TSSC will begin periodic reviews of district EOPs to ensure compliance to section 37.108. Includes consequences for inadequate plans. (see section 10)
	16	Section 37.2091(d), Education Code, is amended	Strengthens requirements for adding school security consultants to the TSSC registry.
	17	Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.220	TSSC to provide model threat assessment team policies. (see section 13)
	18	Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036	District shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment and must include the policy in the district improvement plan required under Section 11.252.
	19	Chapter 38, Education Code, is amended by adding Subchapter F	Contains the following subsections: Sec. 38.251. RUBRIC TO IDENTIFY RESOURCES Sec. 38.252. REGIONAL INVENTORY OF MENTAL HEALTH RESOURCES Sec. 38.253. STATEWIDE INVENTORY OF MENTAL HEALTH Sec. 38.254. STATEWIDE PLAN FOR STUDENT MENTAL HEALTH Sec. 38.255. AGENCY USE OF STATEWIDE PLAN Sec. 38.256. REPORTS TO LEGISLATURE
	20	Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.168	Provides for a school safety funding allotment and sets conditions for use of the funds.
	21	Section 45.001(a), Education Code, is amended	Permits bond funds to be used for retrofitting buses with security equipment, and for purchasing or retrofitting other vehicles used for safety and emergency purposes.
	22	Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 113	Creates a Texas Child Mental Health Consortium, defines its membership and purpose. Includes provisions for telemedicine and telehealth programs.
	23	Section 161.325(d), Health and Safety Code, is amended	Adds language for providing mental health education resources to parents.

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Bill	Section	What is Amended	Summary
<b>SB 11</b> AN ACT relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.	24	Section 1701.263(b), Occupations Code, is amended <sup>1</sup>	SRO training policy requirement now applies to all districts, not just 30,000+ students. (see section 9)
	25	directive to TEA	“...the commissioner of education shall establish and administer a grant program to award grants to local education agencies to improve and maintain student and school safety.”
	26	directive to TSSC	TSSC will create best practice recommendations for safety of portable buildings.
	27	directive to TEA	Requires TEA to distribute to the service centers the mental health rubric and resource information required by Section 38.251. (see section 19)
	28	directive to HHSC	Sets a timeline for making the appointments required in section 113.0101. (see section 22)
	29	clarification to 1701.263(b)	Sets a timeline for SROs in districts under 30,000 students to complete the required training.(see section 24)
	30	clarification to 28.002 and 28.004( c)	These changes shall take effect beginning with the 2019-2020 school year. (see sections 7, 8)
	31	clarification to TEA, TSSC	The duty to implement the provisions of this act are subject to the Legislature actually allocating the funding.
	32	clarification	This act supercedes other acts of the 86th Legislature in the event of conflicts.
	33	clarification	Standard bill language about passage requirements.



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Bill	Section	What is Amended	Summary
<b>SB 372</b> AN ACT relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.	1	Section 12.104, Education Code, is amended by adding Subsections (a-1) and (a-2)	Open enrollment charter schools may employ or arrange for peace officers, SROs or security personnel in the same manner as public school districts.  2 This act is effective immediately
	2		
<b>SB 820</b> AN ACT relating to a requirement that a school district adopt a cybersecurity policy.	1	Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.175	School districts must adopt a cybersecurity policy, appoint a district coordinator, and report breaches from cyber attacks.  This act takes effect September 1, 2019
	2	timing	
<b>SB 1707</b> AN ACT relating to the duties of school district peace officers, school resource officers, and security personnel.	1	Section 30.052(l), Education Code, is amended	Allows the Texas School for the Deaf to enter into an MOU with a local law enforcement agency for SROs.  Adds School Resource Officers to the title.  Adds language allowing districts to enter into MOUs with local law enforcement agencies for SROs. Requires the board of trustees to determine the duties of the SRO. Clarifies what an SRO may and may not do related to law enforcement vs. routine student discipline.  Standard bill language about passage requirements.
	2	The heading to Section 37.081, Education Code, is amended	
	3	Section 37.081, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (d-1), (d-2), (d-3), and (d-4)	
	4	clarification	

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Bill	Section	What is Amended	Summary
<b>SB 2135</b> AN ACT relating to information a law enforcement agency is required to share with a school district about a person who may be a student.	1	Article 15.27, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (k-1)	Adds language to support threat assessment teams. (see SB 11, section 13)
	2	Section 37.006(e), Education Code, is amended	Adds language to support threat assessment teams. (see SB 11, section 13)
	3	Section 58.008, Family Code, is amended by amending Subsection (d) and adding Subsection (d-1)	Adds language to support threat assessment teams. (see SB 11, section 13)
	4	clarification	Clarifies timing of implementation of this act.
	5	clarification	Clarifies timing of implementation of this act.
<b>HB 3</b> AN ACT relating to public school finance and public education; creating a criminal offense; authorizing the imposition of a fee.	several	Numerous changes	Many changes involving hiring or discharge of employees, employee misconduct and criminal behavior, criminal background checks, etc.
<b>HB 496</b> AN ACT relating to traumatic injury response protocol and the use of bleeding control stations in public schools.	1	Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.030	Requires deployment of traumatic injury treatment stations, and training for appropriate staff and volunteers in bleeding control. Provides legal immunity for good faith use by district employees and volunteers.  The Texas Education Agency shall approve a course of instruction on the use of a bleeding control station by October 1, 2019. This act is effective immediately.
	2		
	3		
<b>HB 1143</b> AN ACT relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.	1	Section 37.0815(a), Education Code, is amended	Adds that a district may not regulate the manner in which a firearm is stored in a private vehicle in school parking areas.
	2	clarification	This act is effective at the start of the 2019-2020 school year.
	3	clarification	Standard bill language about passage requirements.

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<b>HB 1387</b> AN ACT relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.	1	Section 37.0811(a), Education Code, is amended	Drops the restriction on the number of school marshals who may be appointed.
	2	Section 37.0813(a), Education Code, is amended	Drops the restriction on the number of school marshals who may be appointed
<b>HB 2952</b> AN ACT relating to the establishment of an emergency radio infrastructure grant program.  <i>(Ed. Note - this is not a school safety item per se, but many communities struggle with emergency communications infrastructure, which could affect response to a school emergency)</i>	1	Subchapter N, Chapter 411, Government Code, is amended by adding Section 411.4015	Requires the Governor to establish a grant program to fund emergency radio infrastructure improvements.
	2	Section 411.402, Government Code, is amended	Wording changes to support the new grant funding mechanism.
	3	Sections 411.403(b) and (c), Government Code, are amended	Wording changes to support the new grant funding mechanism.
	4	clarification	Standard bill language about passage requirements
<b>HB 3834</b> AN ACT relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the Department of Information Resources.  <i>(Ed. Note - this does not apply to school districts directly, but contains ideas and requirements that may be applied to them in future)</i>		Section 2054 of the Government Code	Numerous new requirements for cybersecurity training and certification for certain personnel and contractors in State agencies

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