

## Submitted Bills – Texas Legislature 2019

With the Texas Legislature ramping up for 2019, we are following the early filings to track bills that relate to safety or otherwise impact schools. Below you'll find a summary of currently submitted bills for the House and Senate to review in committee. This list is as of 2 January 2019 and will be updated as appropriate.

Note that any opinions stated are just that – opinions. We have made a concerted effort to raise thoughtful questions where possible and point out potential issues where we see them. As security professionals, we may see a cause for concern where a layperson may not.

Bills beginning with \*\*\* are ones we found of particular interest.

Each summary has #tags for your convenience. For bills that add new sections or subsections, search for #addition. For bills that change existing language, search for #amendment.

**Other searchable tags:** #activeshooter #schoolsecurity #disaster #budget #funding #discipline #SRO #parentalconsent #training #SantaFe #mentalhealth #ISD #charter #privateschool #firearms #marshal #trafficking #curricula #schooladmin #teachers #legal #followup #planning (and \*\*\* for highlighted bills)

### HOUSE BILLS

\*\*\* **HB 58:** Relating to public and private school searches of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search.

**Summary:** Adds two subsections to Texas Education Code section 37 (Law & Order).

37.0014 states that with parental consent, school officials including the principal, behavior coordinators and peace officers, etc. may search a student and their possessions if there is suspicion of illegal or harmful conduct that could harm the student or other students in the school. If illicit material is found it will be seized and turned over to law enforcement.

37.0015 provides alternate education options including youth boot camp, alternative school programs and substance abuse programs if during the parental-consented search, evidence of illegal activity is discovered. The bill states that students may not be expelled for these violations.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** 37.0014 allows broader permission for searches than currently exists. School officials are not legally able to search students or their possessions right now, however law enforcement can. This subsection allows School Resource Officers and school administration to have more “local” control. We’d like to know why section 37.0015 specifically states that despite legal violations of indication of intent to harm self or others precludes expulsion. Given that the shooter at Parkland was expelled and

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should have been banned from campus, we aren't clear what the benefit is of permitting a known threat to continue to have access to a Texas school campus.

**Notes:** We have contacted Rep Raymond, the bill's author, to get clarification on why expulsion is not permitted and will update if we get a response.

**Tags:** #schoolsecurity #SRO #parentalconsent #discipline #addition #ISD #charter #activeshooter #followup

**HB 111:** Relating to training for employees of school districts and open-enrollment charter schools on the prevention of sexual abuse, sex trafficking, and other maltreatment of certain children.

**Summary:** Adds required training for all ISD and charter staff including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities in both educational and noneducational settings.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** While the general requirement for this training exists, this bill adds an additional training requirement related to abuse of children with *significant cognitive disabilities*. Ensuring the safety of all children is critical and especially those with exceptional challenges.

**Tags:** #mentalhealth #training #ISD #charter #amendment

**HB 204:** Relating to the inclusion of instruction about mental health in the required curriculum for public school students.

**Summary:** Changes Section 28 of the Education Code to require health curriculum for students include mental health and the connection between physical and mental health.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** Small change to existing health curriculum for students. It's unclear who will lead this training and what lesson plans will need to include. Until that is hammered out, the value of this bill is unknown.

**Tags:** #amendment #mentalhealth #ISD #charter #curricula #budget

**\*\*\* HB 257:** Relating to a policy requiring public and private primary and secondary schools and public junior colleges to provide local law enforcement agencies certain information regarding certain individuals authorized to carry a handgun on a campus.

**Summary:** Adds section (37.0814, 51.221) that requires any school (public, charter, private or junior college) that has designated persons on campus who are carrying a firearm to provide local law enforcement with the following information: location/campus where firearm is carried and identification of those armed individuals.

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**Effective Date:** Sept 1 2019

**Analysis:** Straightforward bill that assists law enforcement in identifying who on campus is authorized to carry a weapon on school campuses. We don't see any downside to this bill as it improves safety for schools affected and reduces risk.

**Tags:** #schoolsecurity #firearms #charter #ISD #private #amendment #addition #marshal #activeshooter

**HB 316:** Relating to a public awareness campaign on firearm safety and suicide prevention.

**Summary:** Requesting that TX Department of Public Safety create an awareness campaign to address firearm accident prevention involving children; suicide prevention; safe storage of firearms. The campaigns can include printed media, social media campaigns and public service announcements. Funding can be identified from existing budgets, or through donations.

**Effective Date:** Sept 1 2019

**Analysis:** General safety awareness campaign. It may create some benefit to schools by reducing risk but that will be really difficult if not impossible to track.

**Tags:** #activeshooter #amendment #addition #firearms

**HB 366:** Relating to healthy relationships education in public schools.

**Summary:** Creates a requirement for "healthy relationships" training for all school students at age appropriate levels. Requirements for curricula will be established at the state level and required by all ISD and charter schools. Curricula must "promote relationship, communication, and decision-making skills, including strategies to: (1) develop healthy, age-appropriate relationships; (2) develop healthy life skills, including critical thinking, problem solving, effective communication, and responsible decision making about relationships; and (3) promote effective communication between adolescents and their parents, legal guardians, or other family members about relationships."

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** If passed, the coursework could be an opportunity to support or shore up guidance counselor and mental health initiatives. However, at this time there is no explanation on how this would be funded, who would be responsible for facilitating it, the number of hours required, and who will create the curricula. Charter schools are required per the bill to deliver this training.

**Tags:** #addition #mentalhealth #training #curricula #budget #ISD #charter

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\*\*\* [HB 403](#): Relating to training requirements for a member of the board of trustees and the superintendent of an independent school district regarding sexual abuse, human trafficking, and other maltreatment of children.

**Summary:** Updates Education Code to require all board of trustee members and superintendents to complete one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children every 2 years. Adds a Continuing Professional Education (CPE) requirement for superintendents of 2.5 hours every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

**Effective Date:** Sept 1 2019

**Analysis:** We believe that anyone working for a school should have this training. Texas is #2 or #3 in the country for human trafficking depending on the source, and trafficking has increased in DFW since 2010 with no indications of slowing down. Trafficking is generally misunderstood but occurs in higher frequencies than expected even within our schools. To improve safety and welfare of kids across our communities, this sort of awareness training is very important.

*Our first concern* is in the requirement of only one hour. First Defense Solutions offers this training and it is a large volume of information that can't be easily addressed in 60 minutes. The 2.5 hours of training for superintendents is more realistic for the amount of information and resources that must be covered to properly address this critical issue, but it needs to be more frequent than every five years. That doesn't even keep up with technological changes, let alone other shifts in behaviors that lead to trafficking. *Our second concern* is that this bill only addresses ISDs and does not include charter schools at this time. Charter schools should be required to comply with this training along with ISDs.

Funding is not addressed in this bill, however the training is generally inexpensive especially considering the requirement is over multiple years.

**Notes:** We have contacted Rep Thompson about our stated concerns and will update if we get a response.

**Tags:** #mentalhealth #safety #training #ISD #trafficking #schooladmin #amendment #addition #followup

\*\*\* [HB 414](#): Relating to a defense to prosecution for and the civil liability of an educator who uses force to protect the educator's person, students of the school, or property of the school and the suspension of a student who assaults an employee of a school.

**Summary:** Adds a section to the Education Code called Teacher's Protection Act. Justifies use of force by an educator under the [Penal Code Chapter 9](#) if the educator believes, under that chapter, that they or their students are in danger. This covers action on school property, school buses and at school-sponsored events, doesn't preclude use of any other defense in a court trial, and provides educators civil immunity, meaning they are not responsible for personal injury in such an event. The final portion of the bill gives schools the right to suspend students who assault others as defined [here](#).

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

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**Analysis:** This bill is specifically designed to broaden the strength of educators to protect themselves, their students and the school against a physical threat. While this may not be a critical factor for all schools, we expect this will be particularly relevant to rural districts where security personnel is lacking or unavailable in the event of a threat or assault. If we are going to demand that teachers are security officers in addition to being educators, it's reasonable to provide this type of legal defense.

**Notes:** We have contacted Rep Flynn and asked for clarification on whether this covers all educators regardless of private, charter, or public.

**Tags:** #ISD #teachers #addition #legal #schoolsecurity #discipline #activeshooter #followup

**HB 420:** Relating to corporal punishment in public schools.

**Summary:** Bans any use of corporal punishment by school employees or contractors including hitting, spanking, paddling, or deliberately inflicting physical pain by any means to a student as a form of punishment.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** Straightforward bill that amends the existing law by specifically banning corporal punishment.

**Tags:** #ISD #charter #schoolsecurity #legal #discipline #amendment

**HB 422:** Relating to annual reporting regarding the establishment of certain school district planning and decision-making committees.

**Summary:** Simply adds a subsection that requires school boards to annually certify that they have established committees at the district and school level for [improvement plans](#).

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** While this only relates to the improvement plan section of the Texas Education Code, we would like to see this also attributed to the Safety and Security Committee section found [here](#).

**Tags:** #planning #schooladmin #followup

**HB 500:** Relating to reimbursement for disaster remediation costs of certain school districts.

**Summary:** In case of disaster in a school district, previously funds for remediation costs had to be designated as such. The goal of this bill is to change the wording so that funding can be identified or drawn from other sources in order to help schools that have faced a disaster, regardless of whether there was a budgetary set-aside available specifically for disasters.

**Effective Date:** Sept 1 2019.

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**Analysis:** It's a brief change, less than two pages and pretty straightforward. After the tragedy at Santa Fe High School in May 2018, Governor Abbott directed funding to assist the school district in repairs and security hardening. This is a good change that will allow school districts to resume activity faster. Getting to a "new normal" after a crisis is highly beneficial to the community overall.

**Tags:** #schoolsecurity #disaster #activeshooter #SantaFe #budget #funding #amendment #ISD #charter

## SENATE BILLS

\*\*\* **SB 142:** Relating to the availability of school counselors at public middle, junior high, and high school campuses.

**Summary:** For every middle, junior high or high school campus with more than 350 students in regular enrollment, a full time counselor must be available on campus. State financial aid is available to accommodate this new requirement.

**Effective Date:** Sept 1 2019

**Analysis:** Not a particularly strong bill, excludes elementary schools and special/alternative schools. The latter already has counselors on staff but beefing up those programs would be beneficial as in many cases, kids return to regular schools once completing the program. Unclear why charter schools are not included in this requirement.

**Tags:** #mentalhealth #amendment #ISD #budget #funding #addition

**SB 158:** Relating to increasing criminal penalties for the offense of making a firearm accessible to a child.

**Summary:** Increases the penalty for allowing a child access to a firearm from a Class C Misdemeanor to a Class B Misdemeanor. If that firearm is discharged by a child, causing death or serious injury to the child or others, this is a state jail felony (currently Class A Misdemeanor) for the person(s) making the firearm accessible.

**Effective Date:** Sept 1 2019

**Analysis:** In the wake of recent mass shootings, this is a way to encourage responsible firearm storage without imposing specific requirements on gun owners. Twenty seven (27) states have Child Access Protection ("CAP") laws including Texas. This change keeps Texas in the moderate range of gun safety laws. It is a law we are following as [research](#) showed that 65% of school shootings from 1974-2000 were perpetrated with guns from the shooter's family home. That is consistent with more recent school shootings.

**Tags:** #activeshooter #firearms

\*\*\* **SB 243:** Relating to the carrying or storage of a handgun by a school marshal.

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**Summary:** This bill removes the more restrictive language on disposition of a firearm carried by a school marshal. As the law is currently written, if the school marshal has regular direct contact with students – for example, a classroom teacher – the firearm must be stored in a locked safe. SB 243 **removes** that language and replaces with the simple word “possess”. The requirement for frangible ammunition only (ammunition that does not penetrate walls) remains intact.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** Parents and teachers should be aware that if this bill passes, it sounds as if school marshals will be able to carry conceal on their person regardless of whether they are in direct contact with students. What is the guidance on holstering the weapon to ensure it is not removed by a student or a threatening person? Considering the training requirement is [two weeks](#) for a school marshal to carry a handgun on a school campus, is this appropriate action? Note that this bill applies to school marshals only and does not address school guardians, which have even less training hours and no set curricula for that training and can currently carry concealed on campus.

**Tags:** #activeshooter #firearms #schoolsecurity #amendment #marshal #ISD #charter

\*\*\* **SB 244:** Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

**Summary:** Removes population requirement of number of school marshals that can be appointed to a school campus. Currently the law states 1 school marshal per 200 students or 1 per classroom building.

**Effective Date:** With 2/3 vote, effective immediately. If less than 2/3 vote, effective Sept 1 2019.

**Analysis:** In keeping with Gov Abbott’s goal of expanding the school marshal program. However, we have not seen any bills that increase qualifications nor training related to the [program](#). There is a place for school marshals, especially in remote or rural areas where law enforcement support is remote or very small. The net effect of this bill will likely be small, however there will be training costs associated with increases, and additional compliance of gun maintenance, inspection, access inventory, etc must be considered. Note that both SB 243 and 244 were authored by the same Senator, Brandon Creighton who sits on the recently created Select Committee on School Safety and Security. This is part of the Governor’s mandate. We hope to see a bill increasing requirements and training for the program if this is going to move forward.

**Tags:** #schoolsecurity #marshal #budget #firearms #activeshooter #amendment #ISD #private #charter