86th Legislative Session Updates

Other Legislative Changes

**TEC Chapter 37.108 is amended: Training Policy: School District Peace Officers and School Resource Officers**

- A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement.

- A school district with an enrollment of 30,000 or more students that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

- As soon as practicable after the effective date of this Act, the Texas Commission on Law Enforcement shall approve an active shooter response training program required under Section 37.0812, Education Code, as amended by this Act.

- A school district peace officer or school resource officer who begins employment with or begins providing law enforcement at a school district on a date occurring before the effective date of this Act shall complete the training required by Section 37.0812, Education Code, as amended by this Act, as soon as practicable after the effective date of this Act but not later than August 31, 2020.

**Occupations Code Chapter 1701.263 is amended: School District Peace Officers and School Resource Officers**

- The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district to successfully complete an education and training program described by this section before or within 180 days of the officer’s commission by or placement in the district or a campus of the district.

**TEC Chapter 37.081 is amended: School District Peace Officers and School Resource Officers**

- Board of trustees of any school district may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers.
• The jurisdiction of a peace officer, a school resource officer, or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

• The board of trustees of the school district shall determine the law enforcement duties of peace officers, school resource officers, and security personnel.

• The duties must be included in:
  1.) the district improvement plan under Section 11.252;
  2.) the student code of conduct adopted under Section 37.001;
  3.) any memorandum of understanding providing for a school resource officer; and
  4.) any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

• A school district peace officer, school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting:
  1.) The safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and
  2.) The property of the school district.

• A school district may not assign or require as duties of a school district peace officer, a school resource officer, or security personnel:
  1.) Routine student discipline of school administrative tasks; or
  2.) Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.

• This section does not prohibit a school district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:
  1.) the assigned duties of the officer or security personnel; or
  2.) an incident involving student behavior or law enforcement.

• In determining the law enforcement duties under Subsection (d), the board of trustees of the school district shall coordinate with district campus behavior coordinators and other district
employees to ensure that school district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

**Code of Criminal Procedures Article 15.27 is amended: Law Enforcement Sharing With a School District About a Person Who May be a Student**

- A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile board who the agency believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h), shall attempt to ascertain whether the person is so enrolled. If the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, the head of the agency or a person designated by the head of the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or before the next school day, whichever is earlier. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, the head of the agency or a person designated by the head of the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or before the next school day, whichever is earlier. If the individual is a student, the superintendent or the superintendent’s designee shall immediately notify all instructional and support personnel who have responsibility for supervision of the student. All personnel shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate this subsection. Within seven days after the date the oral notice is given, the head of the law enforcement agency or the person designated by the head of the agency shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. The written notification must include the facts contained in the oral notification, the name of the person who was orally notified, and the date and time of the oral notification. Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or the superintendent’s designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. The information contained in the notice shall be considered by the superintendent or the superintendent’s designee in making such a determination.

- The law enforcement agency shall provide to the superintendent or superintendent’s designee information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent’s designee shall be considered relevant.
TEC Chapter 37.006 is amended: Law Enforcement Sharing With a School District About a Person Who May be a Student

- In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent ’s designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure, other than information requested under Article 15.27(k-1), Code of Criminal Procedure

Family Code 58.008 is amended: Law Enforcement Sharing With a School District About a Person Who May be a Student

- Law enforcement records concerning a child may be inspected or copied by:
  1.) a juvenile justice agency, as defined by Section 58.101;
  2.) a criminal justice agency, as defined by Section 411.082, Government Code;
  3.) the child;
  4.) the child ’s parent or guardian; or
  5.) the chief executive officer or the officer ’s designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child.

- "Chief executive officer" includes:
  1.) the superintendent of a public school;
  2.) the director of an open-enrollment charter school; and
  3.) the chief executive officer of a private school.

TEC Chapter 37.113 is added: Notification Regarding Bomb Threat or Terroristic Threat

- A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall 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

TEC Chapter 38.030 is added: Traumatic Injury Response Protocol

- Each school district and open-enrollment charter school shall develop and annually make available a protocol for school employees and volunteers to follow in the event of a traumatic injury. The protocol under this section must:
1.) provide for a school district or open-enrollment charter school to maintain and make available to school employees and volunteers bleeding control stations, as described by Subsection (d), for use in the event of a traumatic injury involving blood loss;

2.) ensure that bleeding control stations are stored in easily accessible areas of the campus that are selected by the district ’s school safety and security committee or the charter school ’s governing body;

3.) require that agency-approved training on the use of a bleeding control station in the event of an injury to another person be provided to:
   a) each school district peace officer commissioned under Section 37.081 or school security personnel employed under that section who provides security services at the campus;
   b) each school resource officer who provides law enforcement at the campus; and
   c) all other district or school personnel who may be reasonably expected to use a bleeding control station

4.) require the district or charter school to annually offer instruction on the use of a bleeding control station from a school resource officer or other appropriate district or school personnel who has received the training under Subdivision (3) to students enrolled at the campus in grade seven or higher

   • A district ’s school safety and security committee or the charter school ’s governing body may select, as easily accessible areas of the campus at which bleeding control stations may be stored, areas of the campus where automated external defibrillators are stored

   • A bleeding control station required under this section must contain all of the following required supplies in quantities determined appropriate by the superintendent of the district or the director of the school:

   1.) tourniquets approved for use in battlefield trauma care by the armed forces of the United States;

   2.) chest seals;

   3.) compression bandages;

   4.) bleeding control bandages;

   5.) space emergency blankets;

   6.) latex-free gloves;

   7.) markers;

   8.) scissors; and
9.) Instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a traumatic event.

- A school district or open-enrollment charter school may also include in a bleeding control station any medical material or equipment that:

  1.) may be readily stored in a bleeding control station;
  2.) may be used to adequately treat an injury involving traumatic blood loss; and
  3.) is approved by local law enforcement or emergency medical services personnel. (f)

- The agency may approve a course of instruction that has been developed or endorsed by:

  1.) the American College of Surgeons or a similar organization; or
  2.) the emergency medicine department of a health-related institution of higher education or a hospital.

- The course of instruction for training described under Subsection (f) may not be provided as an online course. The course of instruction must use nationally recognized, evidence-based guidelines for bleeding control and must incorporate instruction on the psychomotor skills necessary to use a bleeding control station in the event of an injury to another person, including instruction on proper chest seal placement.

- The course of instruction described under Subsection (f) may be provided by emergency medical technicians, paramedics, law enforcement officers, firefighters, representatives of the organization or institution that developed or endorsed the training, educators, other public school employees, or other similarly qualified individuals. A course of instruction described under Subsection (f) is not required to provide for certification in bleeding control. If the course of instruction does provide for certification in bleeding control, the instructor must be authorized to provide the instruction for the purpose of certification by the organization or institution that developed or endorsed the course of instruction.

- The good faith use of a bleeding control station by a school district or open-enrollment charter school employee to control the bleeding of an injured person is incident to or within the scope of the duties of the employee’s position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511, and a school district or open-enrollment charter school and the employees of the district or school are immune from civil liability, as provided by that section, from damages or injuries resulting from that good faith use of a bleeding control station. A school district or open-enrollment charter school volunteer is immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control station to the same extent as a professional employee of the district or school, as provided by Section 22.053.
Nothing in this section limits the immunity from liability of a school district, open-enrollment charter school, or district or school employee or volunteer under:

1.) Sections 22.0511 and 22.053;

2.) Section 101.051, Civil Practice and Remedies Code; or

3.) any other applicable law.

This section does not create a cause of action against a school district or open-enrollment charter school or the employees or volunteers of the district or school

Not later than October 1, 2019, the Texas Education Agency shall approve a course of instruction on the use of a bleeding control station that is appropriate to satisfy the requirement under Section 38.030, Education Code, as added by this Act

As soon as practicable after the effective date of this Act, and not later than January 1, 2020, each school district and open-enrollment charter school shall develop and implement the traumatic injury response protocol required by Section 38.030, Education Code, as added by this Act

TEC Chapter 37.0811 is amended: School Marshals

The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint one or more school marshals for each campus

TEC Chapter 37.0813 is amended: School Marshals

The governing body of a private school may appoint one or more school marshals

This Act applies beginning with the 2019-2020 school year

TEC Chapter 7.061 is added: Facilities Standards

"Instructional facility" has the meaning assigned by Section 46.001

The commissioner shall 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. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

1.) the design and construction of new facilities; and

2.) the improvement, renovation, and retrofitting of existing facilities.
• Not later than September 1 of each even-numbered year, the commissioner shall 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.

**TEC Chapter 25.0815 is added: Operation and Instructional Time Waivers For School Safety Training**

• The commissioner shall provide a waiver allowing for fewer minutes of operation and instructional time than required under Section 25.081(a) for a school district that requires each educator employed by the district to attend an approved school safety training course.

• A waiver under this section:

  1.) must allow sufficient time for the school district's educators to attend the school safety training course; and

  2.) may not:

    a) result in an inadequate number of minutes of instructional time for students; or
    b) reduce the number of minutes of operation and instructional time by more than 420 minutes.

• To be approved under this section, a school safety training course must apply to the Texas School Safety Center. The Texas School Safety Center may approve a training course if the course satisfies the training requirements as determined by the center.

• The commissioner may adopt rules to implement this section.

**SB 11: Mental Health-TX Child Mental Health Consortium**

• TxSSC is working with TEA and other mental health agencies to ensure that our procedures, best practices, and guidance align with the resources developed under SB 11. See entire legislative mandate included with this series.