

By: Patrick, et al.
(Fletcher)

S.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to the training in school safety of certain educators of a school district or an open-enrollment charter school authorized to carry a concealed handgun on school premises.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. SAFETY TRAINING FOR CERTAIN EMPLOYEES

Sec. 37.321. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Public Safety.

(2) "Training center" means the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos.

Sec. 37.322. SAFETY TRAINING PROGRAM FOR EMPLOYEES LICENSED TO CARRY CONCEALED HANDGUN. (a) Except as provided by Section 37.325(e), the department shall, with technical assistance based on the best practices developed for law enforcement officers by the training center, establish and maintain a training program in school safety and the protection of students for employees of a school district or an open-enrollment charter school who:

(1) hold a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code;

(2) are authorized by the school district or

1 open-enrollment charter school to carry a concealed handgun under
2 Section 46.03(a)(1), Penal Code; and

3 (3) are selected by the board of trustees of the school
4 district or governing body of the open-enrollment charter school to
5 attend the training program.

6 (b) Each school year, the department shall provide the
7 training program under Subsection (a) at no charge for two
8 employees at a school campus that does not have security personnel
9 or a commissioned peace officer assigned full-time to the school
10 campus.

11 (c) The department may provide the training program under
12 Subsection (a) to school employees in addition to those attending
13 the training under Subsection (b) on payment of a fee by the school
14 district or open-enrollment charter school employing the person.

15 (d) A school district or open-enrollment charter school may
16 not require an employee to involuntarily participate in the
17 training program under Subsection (a). An employee may not be
18 subject to any penalty or disciplinary action for refusing to
19 participate in the training program.

20 (e) Nothing in this section prohibits a school district or
21 open-enrollment charter school from revoking authorization for an
22 employee to carry a concealed handgun under Section 46.03(a)(1),
23 Penal Code, if the employee refuses to participate in the training
24 program under Subsection (a).

25 Sec. 37.3221. AUTHORIZATION TO CARRY CONCEALED HANDGUN AT
26 CERTAIN SCHOOL EVENTS. Notwithstanding Section 46.035(b)(2),
27 Penal Code, an employee who has met the requirements of Section

1 37.322(a) and who has successfully completed the training program
2 under Section 37.322 may, pursuant to written regulation or written
3 authorization by the school district or open-enrollment charter
4 school, carry a concealed handgun on premises owned or controlled
5 by the employing school district or open-enrollment charter school
6 during a high school event or interscholastic event in which
7 students from the employing school district or open-enrollment
8 charter school are participating.

9 Sec. 37.323. LIMITATION OF LIABILITY. (a) This subchapter
10 does not waive any rights, privileges, immunities, or defenses of:

11 (1) a school district, an open-enrollment charter
12 school, Texas State University--San Marcos, or the Texas State
13 University System;

14 (2) the board of trustees of a school district, the
15 governing body of an open-enrollment charter school, or the board
16 of regents of the Texas State University System; or

17 (3) an officer or employee of a school district, an
18 open-enrollment charter school, or the Texas State University
19 System.

20 (b) This subchapter does not create any liability for or a
21 cause of action against:

22 (1) a school district, an open-enrollment charter
23 school, Texas State University--San Marcos, or the Texas State
24 University System;

25 (2) the board of trustees of a school district, the
26 governing body of an open-enrollment charter school, or the board
27 of regents of the Texas State University System; or

1 (3) an officer or employee of a school district,
2 open-enrollment charter school, or the Texas State University
3 System.

4 (c) A court may not hold the department or the training
5 center or an officer or employee of the department or the training
6 center liable for damages caused by:

7 (1) an action authorized under this subchapter or a
8 failure to perform a duty imposed by this subchapter; or

9 (2) the actions of a district or charter school
10 employee that occur after the employee has received training or has
11 been denied training under this subchapter.

12 (d) A cause of action for damages may not be brought against
13 the department or the training center or an officer or employee of
14 the department or the training center for any damage caused by the
15 actions of a district or charter school employee under this
16 subchapter.

17 (e) The department or the training center is not responsible
18 for any injury or damage inflicted on any person by a district or
19 charter school employee arising or alleged to have arisen from an
20 action taken by the department or the training center under this
21 subchapter.

22 (f) The department or the training center or an officer or
23 employee of the department or the training center is immune from
24 liability and from suit for any act or failure to act arising under
25 this subchapter.

26 Sec. 37.324. CONFIDENTIALITY OF RECORDS. (a) The
27 department and the board of trustees of a school district or

governing body of an open-enrollment charter school shall disclose to a criminal justice agency information contained in its files and records regarding whether a named employee or any employee named in a specified list has attended training under this subchapter. Information on an employee subject to disclosure under this section includes the employee's name, date of birth, zip code, and telephone number. Except as otherwise provided by this section, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code.

(b) A school district or open-enrollment charter school employee who has attended training may be furnished a copy of disclosable records regarding the employee on request.

(c) The department and the board of trustees of a school district or governing body of an open-enrollment charter school shall make available on request by an employee the name of the criminal justice agency requesting information relating to the employee under this section.

Sec. 37.325. FUNDS. (a) The school safety training fund is created as a special fund in the state treasury. The fund consists of gifts, grants, and donations.

(b) The department may solicit and accept a gift, grant, or donation from any source, including a foundation or private entity, for the training program under Section 37.322(a) and shall deposit money accepted under this subsection to the credit of the school safety training fund.

(c) The department must use funds collected under

1 Subsection (b) before using any state funds to establish and
2 maintain the training program under Section 37.322.

3 (d) The amount of state funds allocated in any state fiscal
4 biennium for the training program under Section 37.322 may not
5 exceed \$1 million.

6 (e) The department must establish and maintain the training
7 program under Section 37.322 only if sufficient funds under
8 Subsection (b) and state funds allocated for the training program
9 are available.

10 SECTION 2. This Act applies beginning with the 2013-2014
11 school year.

12 SECTION 3. This Act takes effect September 1, 2013.