



PROPOSED NEW §61.1031 CONCERNING SCHOOL SAFETY REQUIREMENTS

The Texas State Teachers Association offers the following comments to Proposed new §61.1031 concerning school safety requirements

Educators' number one priority is ensuring student safety and well-being, and TSTA continues to advocate for a multi-pronged approach to keeping schools and students safe. This includes providing a safe and secure learning environment for all students, increasing access to mental health services, and taking meaningful action on gun violence prevention.

TSTA supports ensuring minimum school safety standards and believes that many components of the Commissioner's proposed new §61.1031 will accomplish this goal without creating excessively hardened environments, which research shows shown to have limited impact on school safety¹ and negative impact on student success². As drafted, however, two sections of the proposed new rule need to be updated to ensure greater equity for students and districts and to protect teachers from additional non-instructional duties. §61.1031 (a) (3), relating to definition of instructional facility, has the unintended consequence of protecting only some students under the minimum standards and permitting greater spending flexibility for some school systems. §61.1031 (d) (1) (A) (B) and (C), relating to the operating requirements, needs to specify that teachers cannot be assigned to the safety checks or reporting.

SECTION 61.1031 (A) (3) IS NOT EQUITABLE FOR ALL STUDENTS OR SCHOOL SYSTEMS

The definition of instructional facilities in (a) (3) creates a loophole that would exempt a school that leases property from a professional or social service provider from having to comply with the minimum safety standard rules. An unintended consequence of this loophole would be that the school environments of Texas students who attend schools in spaces leased from professional or social service providers would not be secured in a manner set forth in these rules. Some public school students, then, would not benefit equally from rules intended to provide secure environments for all students in a consistent and equitable fashion.

The language is also ambiguous on the circumstances constituting a system's "control" over a provider.

- Could a school system control the property as evidenced by its lease?
- Could a school system mandate these safety measures through its lease and thus assert "control"?

¹ <https://journals.sagepub.com/doi/abs/10.3102/0013189X09357620>

² <https://osf.io/preprints/socarxiv/rdchf/>

- For a charter school, does the school system control the provider if they are related parties? For example, if the superintendent or other official of a charter school is also related to the entity whose property is used for the school, does that constitute “control” and thus trigger mandates of school safety?
- If a school system leases the property from its charter management organization, does the school system “control” the CMO and will it need to comply with the new mandates for the instructional facility? If a charter school owns an instructional facility — and so must comply and take on added costs — but a charter school that leases from its related party or CMO does not, the rule as drafted could create a financial incentive for charter systems to offload properties onto these related entities. In addition to financial windfalls for loophole leases, it could incentivize charter schools to evade safety rules intended to protect all children.

Additionally, the eligibility criteria for the School Safety Standards formula grant are such that the school systems who would be exempt from having to comply with the minimum safety standard rules would still be eligible for an award based on 2021 per-pupil counts. Though all recipients will be obligated to spend funds on eligible security-related costs as defined in the grant program’s allowable costs, school systems not first subject to §61.1031 will be able to spend according to needs determined entirely at the local level.

SECTION 61.1031 (D) (1) (A) (B) AND (C) NEEDS LANGUAGE TO GUARD AGAINST INCREASING NON-INSTRUCTIONAL DUTIES FOR TEACHERS

While it is important to conduct inspections of any security system, requiring this to be done at least weekly is potentially excessive for already burdened campus staff. This frequency, if set in rule, should be at least monthly or at a frequency to be determined by the board of trustees. Additionally, rule language must specify that classroom teachers should not be the staff required to conduct the inspection or to report the findings to either the safety and security committee or the principal or facility leadership.

Our educators are already overburdened with non-instructional duties and are asking for less not more. Survey data of TSTA members from a longitudinal study by Sam Houston State University consistently show that a stressor for educators is the amount of work that they are required to do that is unrelated to teaching. Conversations that have come out of the Teacher Vacancy Task Force have also revealed the same. TSTA believes that school safety teams or other district personnel responsible for school facilities should be the ones responsible for these checks. Districts should be allowed at the local level to make that determination, but it is critical that rule text make clear that these checks cannot be conducted by teachers.

The Texas State Teachers Association appreciates the intent in proposed new §61.1031, and we agree that setting minimum standards that are not overly focused on hardening policies will help ensure the safety of Texas public school students and staff. However, we believe minor edits are necessary to make certain all students benefit, regardless of the terms of a lease, to make certain spending discretion does not give preference to any one system over another, and to ensure classroom teachers are not burdened with additional non-instructional duties.