

88th Texas Legislature 2023

Summary of School Safety Related Bills Passed

PREPARED BY:
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June 2023

Legislation Summary

The 88th Texas Legislative session concluded on May 29, 2023. It produced the most impactful legislative changes related to school safety and security since the 86th session in 2019.

Following a major school tragedy in our State and events in other states, the Governor and other key State leaders made school security improvements one of the major focus topics for the 88th session. Many bills were enacted, addressing a wide range of topics, from school facility hardening to fentanyl abuse to safety of officials at sporting events.

House Bill 3 was the lead bill and contains far more changes than any other single bill. Its title describes it well —

“Relating to measures for ensuring public school safety, including development and implementation of purchases relating to and funding for public school safety and security requirements and for the provision of safety-related resources.”

Similar to Senate Bill 11 from four years ago, HB3 presents a multitude of provisions that require careful consideration. However, it’s important to note that several other bills have also been passed, necessitating school district leadership to stay informed and effectively implement the changes.

A significant contrast exists between this year and the years 2019 and 2021. The Texas Education Agency has demonstrated commendable initiative by implementing and amending Commissioner’s rules. Two recent actions, in particular, have attracted considerable interest in school safety.

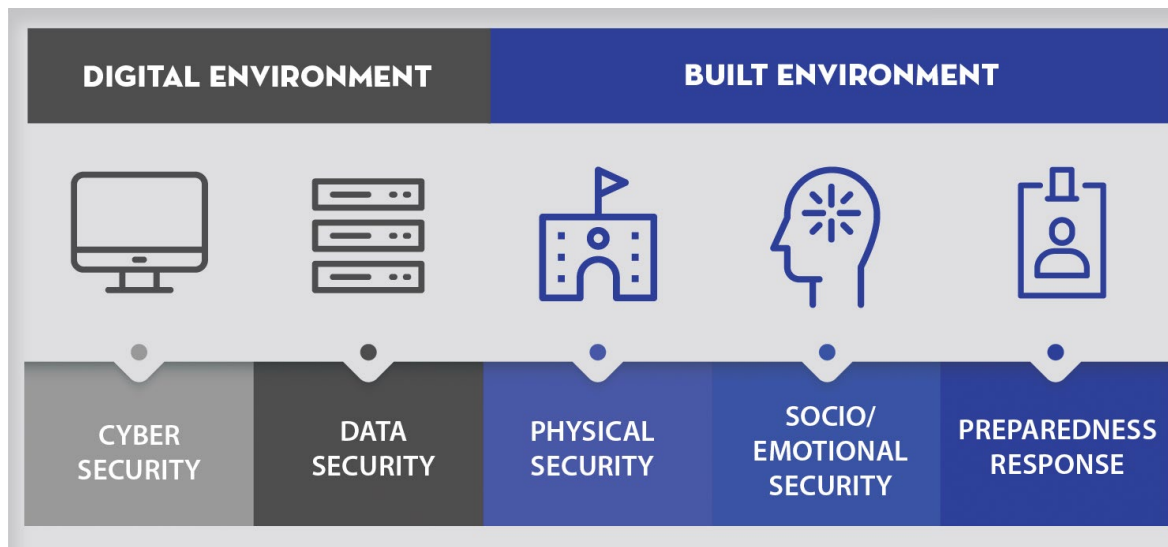
1. It amended in November 2022 its key rule on facility standards , Rule 61.1040 – School Facilities Standards for Construction on or after November 1, 2021.
2. It issued a brand-new rule, Rule 61.1031 – School Safety Requirements.

These rules implement legislation passed in the 86th and 87th (2021) Legislative sessions and are in effect now. They must be considered along with the bills passed in the 88th as school leaders create your implementation plans. We will all have to wait for the Commission’s implementing rules for the 88th session, which are not likely to be issued quickly.

These pages serve as a valuable reference guide to the extensive collection of bills and rule sections pertaining to school safety and security. The goal is to aid school officials in understanding the essential information they need. However, it is important to note that these pages do not replace the need to read the relevant bills and rules thoroughly. When in doubt, it is always advisable to consult with your legal counsel, the TEA, or other authorities for clarification.

CRUX is here to help. Let our risk management and security professionals help you think through your options and develop a strategy right for you.

Roadmap to Safer Schools



Prepared by CRUX Technology and Security Solutions, Inc., June 2023:

CRUX Solutions does not represent or warrant this list to be complete or fully explanatory of the contents of any bill or other legislative action referenced. The comments provided herein are from CRUX professional security consulting staff, based on our research, knowledge and experience. CRUX is not a law firm and does not give legal advice, nor does CRUX speak for the State of Texas, the Texas Education Agency, the Texas School Safety Center or any other organization. Readers are strongly encouraged to do their own research and consult with their legal representatives.

Bills Requiring School District Action

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 3 Relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.	1	TEC section 7.028 (a)	Coordinates agency monitoring requirements with Section 14 of HB 3.
	2	TEC sections 7.061(b) and (c)	Expands language concerning instructional facilities standards.
	3	TEC Subchapter B, Chapter 8	Adds section 8.064, School Safety Support - ESCs providing school safety resources and support to districts and open-enrollment charters.
	4	TEC section 12.104 (b)	Adds references to new sections 37.1083, 37.1084, 37.1085, 37.1086 and Subchapter J, Chapter 37.
	5	TEC subchapter Z, Chapter 22	Adds section 22.904, Mental Health Training - establishes requirements for mental health training for employees
	6	TEC section 25.002 (a)	Expands requirements for student records transfer concerning discipline and threat assessments.
	7	TEC section 25.036	Adds subsection - Expands requirements for student records transfer concerning discipline and threat assessments.
	8	TEC section 37.081	Expands and amends options and requirements for contracting security personnel or school resource officers.
	9	TEC section 37.0812	Adds requirement for a school district peace officer or SRO to complete active shooter training at least once every four years.
	10	TEC subchapter C, chapter 37	Adds section 37.0814, Armed Security Officer Required - establishes requirements and allowable exceptions for armed security officers at each school district campus.
	11	TEC subchapter C, chapter 37	Adds section 37.089, Role of Persons Carrying a Firearm on School Grounds - clarifies and restricts allowable actions of an armed, non-peace officer.
	12	TEC section 37.108	Adds to required elements of an EOP; clarifies use of outside consultants on the TxSSC registry; requires cross-sharing of data between TEA and TxSSC upon request.
	13	TEC section 37.1081	Expands conditions for a board of trustees to hold a public hearing for non-compliance.
	14	TEC subchapter D, chapter 37	Adds section 37.1083, Agency Monitoring of School District Safety and Security Requirements - Agency to monitor school district implementation of safety and security requirements, creates an office of school safety and security within the Agency which will provide support to districts, perform vulnerability assessments, other related requirements. Adds section 37.1084, Regional School Safety Review Teams - Agency to establish safety review teams in each region; teams to perform annual intruder audits of school district campuses. Adds section 37.1085, Assignment of Conservator for Noncompliance with School Safety and Security Requirements. Adds section 37.1086, Guidelines for Multihazard Emergency Operations Plan Provisions for Individuals with Disabilities or Impairments. Adds section 37.1131, Notification Regarding Violent Activity - establishes requirements for standards and school district policies related to reporting violent activities.

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 3 (Continued) Relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.	15	TEC section 37.115	Adds a requirement for districts to create means at each campus for students to report concerning behavior by other students. Adds requirements for retention of threat assessment records in student's school records.
	16	TEC subchapter D, chapter 37	Adds section 37.117, Emergency Response Map and Walk-Through, requirements for creating building maps for first responders and allowing walk-throughs using the maps.
	17	TEC sections 37.2071 (b), (c), (d), (f), (g), and (h)	Amends requirements related to EOP submission, review and issues remediation.
	18	TEC section 37.2091	Adds subsection (b-1), requiring districts to confirm security consultants are on the TxSSC registry prior to engaging them.
	19	TEC subchapter G, chapter 37	Adds section 37.221, Facilities Standards Review, adding requirements for TxSSC and Agency reviews of facility standards. Adds section 37.222, Resources on Safe Firearm Storage, adds requirements for TxSSC to provide information on firearm safe storage; districts and open-enrollment charters required to provide such information to all parents/guardians.
	20	TEC chapter 37	Adds new subchapter J, Safety and Security Requirements for Facilities - which includes: Section 37.351, Facilities Standards Compliance - requirements for districts to comply with school facilities standards. Section 37.352, Purchasing Requirements - requirements for purchases related to compliance with school facilities standards. Section 37.353, Good Cause Exception - claiming exceptions from school facilities standards. Section 37.354, Funding for Facilities Standards Compliance - requirements around use of funds for compliance purposes. Section 37.355, Confidentiality - establishing confidentiality of information related to school safety or security.
	21	TEC section 38.022	Expands requirements for visitors to show identification upon school district request
	22	TEC subchapter E, chapter 45	Adds section 45.1011, Use of Bond Proceeds for School Safety Compliance
	23	TEC section 48.115	Requirements for calculating school safety funding allotments and appropriate use of those funds; allows the Agency to create Statewide purchasing contracts and approved vendors of school safety technologies.
	24	Government Code subchapter Z, chapter 411	Adds section 411.951, Confidentiality of iWatchTexas Community Reporting System Reports
25	Local Government Code subchapter B, chapter 85	Adds section 85.024, School Safety Meetings - creates a requirement for the sheriff of a county with fewer than 350,000 population to call semiannual school safety meetings, sets requirements for topics, attendance, reporting.	
26		Establishes timing for the Agency to establish the office of school safety and security, per new section 37.1083 (see section 14 of this bill).	

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 3 (Continued) Relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.	27		Establishes timing of section 22 of this bill.
	28		Establishes primacy of this bill over another act of the 88th Legislature in the event of conflict
	29		Establishes timing of section 22 of this bill.
			Establishes timing of changes to section 7.028 (see section 1 of this bill) as beginning with the 2023-2024 school year. Establishes timing of chapter 37 amendments in this bill as beginning with the 2023-2024 school year. Establishes phased timing of section 22.904 (see section 5 of this bill) beginning with the 2026-2027 school year.
	30		Establishes timing of HB 3 as not later than September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 114 Relating to the possession, use, or delivery of marijuana or e-cigarettes on or near public school property or at certain school events.	1	TEC section 37.006(a)	Amends the requirements for placement of a student in a disciplinary alternative education program for certain actions involving drugs or e-cigarettes.
	2	TEC section 37.007(a)	Minor wording changes to coordinate with section 37.009(a) changes (see section 4 of this bill).
	3	TEC section 37.008(k)	Adds e-cigarettes to the list along with drugs and alcohol.
	4	TEC section 37.009	Adds subsections (a-1) and (a-2) concerning options for disciplinary alternative education program placement.
	5		Establishes timing of HB 114 to take effect September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 473 Relating to parental rights regarding a threat assessment of a student conducted by a public school's threat assessment and safe and supportive school team.	1	TEC section 37.115	Adds subsections (f-1) and (f-2) concerning parental rights related to a threat assessment team activities related to their student.
	2		Establishes timing of HB 473 to take effect beginning with the 2023-2024 school year.
	3		"Establishes timing of September 1, 2023 if the act receives two-thirds votes in both houses. (note - It DID pass with sufficient votes to meet this requirement)

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BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 1720 Relating to the confidentiality of the identity of a public school employee who reports a potential threat to the school's threat assessment and safe and supportive school team.	1	TEC section 37.115(c)	Amends the requirements of the policies and procedures for a threat assessment team, adding that they must provide for anonymity of an employee who reports a potential threat if the employee wishes to do so.
	2		Establishes timing of SB 1720 to be the beginning of the 2023-2024 school year.
	3		Establishes timing of SB 1720 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 2484 Relating to the safety of a referee, judge, or other official at certain public school extracurricular activities and competitions and prohibiting certain conduct by a spectator related to those officials' safety.	1	TEC section 33.081	Adds subsections (f-1), (f-2) and (f-3), establishes school district requirements related to a spectator of an extracurricular athletic event who causes bodily injury to referee, judge or other official of the athletic event. Amends language regarding appeals to the commissioner.
	2	TEC subchapter D, chapter 33	Adds section 33.099, Safety of Official - establishes requirements related to safety of event officials for school districts and open enrollment charter schools holding extracurricular or UIL athletic events.
	3		Establishes timing of HB 2484 to be the beginning of the 2023-2024 school year.
	4		Establishes timing of the act to be immediate if it receives two-thirds votes in both houses. (note - It DID pass with sufficient votes to meet this requirement)

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 3908 Relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.	1		This Act may be cited as Tucker's Law.
	2	TEC 28.004(c)	Adds requirements for the local school health advisory council to recommend instruction regarding the dangers of opioids, including fentanyl.
	3	TEC subchapter Z, chapter 29	Adds section 29.9074, Fentanyl Poisoning Awareness Week - requires the Governor to designate a Fentanyl Poisoning Awareness Week in public schools.
	4	TEC subchapter A, chapter 38	Adds section 38.040, Fentanyl Abuse Prevention and Drug Poisoning Awareness Education - adds requirements for school districts to annually provide fentanyl abuse prevention and drug poisoning awareness training to grades 6 through 12.
	5	TEC 38.351	Adds subsection (g-1), optional means for meeting the substance abuse instruction requirements.
	6		Establishes timing of HB 3908 to be the beginning of the 2023-2024 school year.
	7		Establishes timing of HB 3908 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 4375 Relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator in public schools.	1	TEC 7.026	Amends the definition of donations by adding automated external defibrillators (AED) instruction.
	2	TEC 7.026(a)	Amends the definition of donations by adding AEDs.
	3	TEC 28.0023	Subsections (b), (c), (e) and (g) are amended to add AEDs.
	4	TEC 29.903	Adds AEDs.
	5	TEC 29.903(a) and (c)	Adds AEDs.
	6		Establishes timing of HB 4376 to be the beginning of the 2023-2024 school year.
	7		Establishes timing of HB 4375 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 629 Relating to the maintenance, administration, and disposal of opioid antagonists on public and private school campuses and to the permissible uses of money appropriated to a state agency from the opioid abatement account.	1	TEC chapter 38	Adds subchapter E-1, Maintenance, Administration, and Disposal of Opioid Antagonists - creates requirements for school districts and options for open enrollment charter schools and private schools related to policies regarding the maintenance, administration and disposal of opioid antagonists.
	2	Government Code section 403.505(d)	Wording changes to coordinate with section 1 of this bill.
	3		Establishes a timeline for the commissioner of Health and Human Services Commission to adopt rules, in collaboration with the Agency.
	4		Establishes timing of SB 629 to be January 1, 2024.
	5		Establishes timing of SB 1471 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 838 Relating to school districts and open-enrollment charter schools providing silent panic alert technology in classrooms.	1		This Act may be cited as Alyssa's Law
	2	TEC subchapter D, chapter 37	Adds section 37.117, Silent Panic Technology - establishes requirements for school districts and open enrollment charter schools to provide silent panic alert technology in each classroom.
	3		Establishes timing of SB 838 to be the beginning of the 2025-2026 school year.
	4		Establishes timing of the act to be immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

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BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 2069 Relating to the required posting of signs regarding human trafficking penalties by certain schools.	1	TEC sections 37.086(a), (b), (c)	Amends the requirements related to the posting of human trafficking signage.
	2		Establishes timing of SB 2069 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID NOT pass with sufficient votes to meet this requirement)

Other Bills To Be Aware Of

88th Texas Legislature 2023:

Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 1263 Relating to the ability of a local authority to designate school crossing zones and school crosswalks at high school campuses located in certain municipalities.	1	Transportation Code section 542.203	Adds subsections (d) and (e) concerning a local authority's responsibility for designating crossing zones or crosswalks at high school campuses that are located in a municipality with a population of two million or more.
	2		Establishes Sep 1, 2023 as the deadline for local authorities to make the changes required to standards, policies, ordinances, et.al, and post instructions describing the process for making requests.
	3		Establishes timing of HB 1263 to take effect September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 1760 Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.	1	Penal Code section 46.03(a)	Amends the conditions for committing a weapons offense on school property.
	2	Penal Code section 46.03(c)	Adds subdivisions (3-a) and (4-a), clarifying the definition of school to mean an accredited primary or secondary school.
	3		Clarifies the applicability of HB 1760 to offenses committed on or after the effective date of the bill.
	4		Establishes timing of HB 1760 to take effect September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 1905 Relating to allowing school districts to make available certain school safety training courses to employees of certain private schools, child-care facilities, or organizations providing out-of-school-time care.	1	TEC subchapter D, chapter 37	Adds section 37.119, Certain Private Provider Access to School Safety Training - permits districts to make school safety training available at no cost to private schools, child-care facilities and certain other organizations located in the district.
	2		Establishes timing of HB 1905 to take effect September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 3623 Relating to a memorandum of understanding between public or private primary or secondary schools authorizing a school marshal of one school to act as a school marshal at the other school during an event at which both schools participate.	1	TEC subchapter C, chapter 37	Adds section 37.08131, Memorandum of Understanding Between Public and Private Schools Regarding School Marshals - permits and establishes requirements for a memorandum of understanding between two schools under which a school marshal of one may temporarily act in that capacity for another during an event both are participating in.
	2		Establishes timing of HB 3623 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 4123 Relating to access to and use of certain criminal history record information.	1	TEC section 22.0834	Amends and adds numerous subsections, modifying requirements related to criminal history records for persons employed by or applying for employment with both qualified and non-qualified school contractors.
	2	TEC section 22.0835(f)	Adds to the list of sources from which criminal background histories may be obtained.
	3	TEC 22.085(c)	Adds qualified school contractor to the existing language in coordination with section 1 of this bill.
	4 - 13		(these sections do not apply to school districts or open enrollment charter schools)
	14		(this section concerns the State Board for Educator Certification as relates to criminal history records for persons applying for certification)
	15		(this section concerns the Agency as relates to criminal history records for persons in various situations serving school districts)
	16 - 18		(these sections do not apply to school districts or open enrollment charter schools)
	19	Government Code, section 411.097	Various wording is amended related to school districts and open enrollment charter schools accessing and handling criminal history records.
	20 - 43		(these sections do not apply to school districts or open enrollment charter schools)
	44	Government Code, subchapter F, chapter 411	Adds section 411.12505, Access to Criminal History Record Information: Qualified School Contractors - permits qualified school contractors to obtain criminal history records and defines handling requirements
	45 - 70		(these sections do not apply to school districts or open enrollment charter schools)
	71	TEC sections 22 and 1104	Repeals various subsections to align with earlier sections of this bill.
72		Establishes timing of HB 4123 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)	

BILL	SECTION	WHAT IS AMENDED	SUMMARY
HB 4372 Relating to the commissioning of peace officers by certain private schools.	1	TEC subchapter C, chapter 37	Adds section 37.0818, Private School Peace Officers - permits private schools with enrollment of at least 1500 to commission peace officers. Peace officers must meet all minimum standards for peace officers established by TCOLE.
	2	Code of Criminal Procedure, article 2.12	Wording amendment to coordinate with section 1 of this bill.
	3		Establishes timing of this bill to be effective September 1, 2023.

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 37 Relating to the criminal offense of hazing.	1	TEC section 37.152(a)	Minor change to add peace officers and law enforcement as allowable to report incidents to.
	2	TEC section 37.155(b)	Changes to the requirements for incident reporters to be immune from liability.
	3		Clarifies applicability of these changes to offenses committed after the effective date of this bill.
	4		Clarifies applicability of these changes to offenses committed after the effective date of this bill.
	5		Establishes timing of SB 37 to take effect September 1, 2023

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 133 Relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public school students by peace officers and school security personnel under certain circumstances.	1	TEC 37.0021(b)	Related to students receiving special education services, adds taser to the list of defined terms.
	2	TEC 37.0021	Adds new subsection (j), limits peace officers or security personnel from restraining, using chemical irritants or using a Taser on a student in fifth grade or below.
	3		Establishes timing of SB 133 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 999 Relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement.	1	TEC section 37.0812	Adds subsection (c), school districts may only contract for active shooter training from certified trainers.
	2	TEC subchapter E, chapter 51	(this section applies to higher education institutions)
	3	Occupations Code, subchapter F, chapter 1701	Adds section 1701.2515, Certificate Required to Provide Active Shooter Training at Public Schools and Institutions of Higher Education. Establishes the requirements for a certification program and for becoming certified to provide active shooter training.
	4		Establishes a deadline of September 1, 2024, for the Texas Commission on Law Enforcement to establish a certification program.
	5		The new requirements of this bill apply only to active shooter training provided on or after December 1, 2024.
	6		This act takes effect September 1, 2023.

88th Texas Legislature 2023: Summary of School Safety Related Bills Passed

BILL	SECTION	WHAT IS AMENDED	SUMMARY
SB 1471 Relating to access by the Texas Education Agency and private schools to certain criminal history records.	1	TEC section 22.0825(b)	(this section concerns the Agency as relates to criminal history records for employees of or applicants to accredited private schools)
	2	TEC chapter 22	Adds new subsection 22.08361, permits qualified private schools to access criminal history records of employees or applicants, establishes requirements related to such records.
	3	Government Code subchapter F, chapter 411	Adds new section 411.0972, permits qualified private schools to access criminal history records of employees or applicants, establishes requirements related to such records.
	4		Establishes timing of SB 1471 as immediate if it receives two-thirds votes in both houses, otherwise September 1, 2023. (note - It DID pass with sufficient votes to meet this requirement)

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements

This section was recently added to subchapter CC. It addresses school safety requirements related to school facilities. Below is a breakdown of the sections of rule 61.1031 along with commentary from CRUX.

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Monitoring Entrances	(a)(1)	Actively monitored--supervised by an adult who can visibly review visitors prior to entrance, who can take immediate action to close and/or lock the door, and whose duties allow for sufficient attention to monitoring.	Active monitoring requires clear line of sight of visitors on approach.
Exterior Secured Areas	(a)(2)	Exterior secured area--an area fully enclosed by a fence and/or wall that: (A) if enclosed by a fence or wall, utilizes a fence or wall at least 6 feet high with design features that prevent it from being easily scalable, such as stone, wrought iron, chain link with slats or wind screen, or chain link topped with an anti-scaling device, or utilizes a fence or wall at least 8 feet high; (B) is well maintained; and (C) if gated, features locked gates with emergency egress hardware and has features to prevent opening from the exterior without a key or combination mechanism.	Fences should be either 6' high and not easily scalable or 8' high. Per comments CRUX has heard given by the TEA Chief of School Safety and Security, chain link wire turned upside down to have the barbs up will qualify as not easily scalable. All gates must have egress hardware to meet fire and other code requirements.
Secure Vestibules	(a)(7)	Secure vestibule--a secured space with two or more sets of doors and an office sign-in area where all but the exterior doors shall: (A) remain closed, latched, and locked; (B) comply with subsection (c)(3)(B) of this section; and (C) only open once the visitor has been visually verified.	Secure vestibules are far and away the best option for primary entrances. At minimum, best practice is that the main entrance should be configured this way.

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Primary Entrances	(a)(5)	<p>Primary entrance--</p> <p>(A) the main entrance to an instructional facility that is closest to or directly connected to the reception area; or</p> <p>(B) any exterior door the school system intends to allow visitors to use to enter the facility during school hours either through policy or practice.</p> <p>Unless a secure vestibule is present, a primary entrance shall:</p> <p>(A) meet all standards for exterior doors;</p>	<p>As primary entrances are, by definition, where visitors are allowed to enter during school hours, there should ideally be only one, especially at instructional facilities below the high school level.</p> <p>Visitor management procedures are the other part of the equation. This process and should be well thought out and rigorously followed.</p> <p>Note also HB 3, section 21.</p>
	(c)(2)	<p>(B) include a means to allow an individual located within the building to visually identify an individual seeking to enter the primary entrance when the entrance is closed and locked, including, but not limited to, windows, camera systems, and/or intercoms;</p> <p>(C) feature a physical barrier that prevents unassisted access to the facility by a visitor; and</p> <p>(D) feature a location for a visitor check-in and check-out process.</p>	

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Exterior Doors	(c)(3)	<p>All exterior doors shall:</p> <p>(A) be, by default, set to a closed, latched, and locked status, except that:</p> <p>(i) a door may be unlocked if it is actively monitored or within an exterior secured area; and</p> <p>(ii) for the purposes of ventilation, a school system may designate in writing as part of its multi-hazard emergency operations plan under TEC, §37.108, specific exterior doors that are allowed to remain open for specified periods of time if explicitly authorized by the school safety and security committee established by TEC, §37.109, when a quorum of members are present, and only if it is actively monitored or within an exterior secured area;</p> <p>(B) be constructed, both for the door and door frame and their components, of materials and in a manner that make them resistant to entry by intruders. Unless inside an exterior secured area, doors constructed of glass or containing glass shall be constructed or modified such that the glass cannot be easily broken and allow an intruder to open or otherwise enter through the door (for example, using forced entry-resistant film);</p> <p>(C) include:</p> <p>(i) a mechanism that fully closes and engages locking hardware automatically after entry or egress without manual intervention, regardless of air pressure within or outside of the facility; and</p> <p>(ii) a mechanism that allows the door to be opened from the inside when locked to allow for emergency egress while remaining locked; and</p> <p>(D) if keyed for re-entry, be capable of being unlocked with a single (or a small set of) master key(s), whether physical key, punch code, or key-fob or similar electronic device.</p>	<p>Perhaps the single most important thing to do to secure a school is to ensure the doors are adequate to the task and are properly controlled.</p> <p>Propping doors open is not allowed unless specific requirements are met. This decision is not up to the discretion of the classroom teacher or principal. A better option would be for the district to address the HVAC situation, to eliminate the reason for needing them open.</p> <p>Without reference to a particular technical standard, such as ASTM F3651-22, most impact resistance films on the commercial market will meet this requirement. For new construction or renovation, impact resistant glass is an option to consider, though a bit expensive.</p> <p>It is common for the positive air pressure of a building HVAC system to cause exterior doors to not close properly.</p> <p>This requirement is often met with typical panic bars.</p> <p>An electronic access control system is almost always a better option than metal keys.</p>

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Door Numbering	(c)(1)	All instructional facilities campus-wide, including modular, portable buildings, must include the addition of graphically represented alpha-numerical characters on both the interior and exterior of each exterior door location. The characters may be installed on the door, or on at least one door at locations where more than one door leads from the exterior to the same room inside the facility, or on the wall immediately adjacent to or above the door location. Characters shall comply with the International Fire Code, §505. The primary entrance of an instructional facility shall always be the first in the entire sequence and is the only door location that does not require numbering. The numbering sequence shall be clockwise and may be sequenced for the entire campus or for each facility individually. The door-numbering process must comply with any and all accessibility requirements related to signage.	<p>There is no grandfather clause. Number your exterior doors!</p> <p>2021 IFC says this about exterior door numbers - Arabic numbers and/or alphabetical letters Numbers shall not be spelled out Characters at least 4” tall and 1/2” wide Character color shall contrast to the background</p> <p>When designing and placing door numbers, think about their purpose, which is to aid first responders in an emergency situation. Can they be seen by first responders on vehicular approach in low light or inclement weather conditions?</p> <p>Exterior doors should have numbers on the inside that match their outside numbers. Again, make them visible to first responders in a hurry.</p> <p>Door numbering schemes are optional when there are multiple structures on a campus, including portable buildings. Some prefer one continuous sequence, others prefer each structure to be numbered independently using numbers that start with a building identifier.</p>
Classroom Exterior Doors	(c)(4)	Except when inside an exterior secured area, classrooms with exterior entry doors shall include a means to allow an individual located in the classroom to visually identify an individual seeking to enter the classroom when the door is closed and locked, including, but not limited to, windows, camera systems, and/or intercoms.	A low cost way of doing this is with door peepholes. Intercom stations must include video to meet this requirement, not just audio.

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Exterior Windows	(c)(5)	Except when inside an exterior secured area, all windows that are adjacent to an exterior door and that are of a size and position that, if broken, would easily permit an individual to reach in and open the door from the inside shall be constructed or modified such that the glass cannot be easily broken.	Without reference to a particular technical standard, such as ASTM F3651-22, most impact resistance films on the commercial market will meet this requirement. For new construction or renovation, impact resistant glass is an option to consider, though a bit expensive.
	(c)(6)	Except when inside an exterior secured area, all ground-level windows near exterior doors that are of a size and position that permits entry from the exterior if broken shall be constructed or modified such that the glass cannot be easily broken and allow an intruder to enter through the window frame (for example, using forced entry-resistant film).	If an intruder cannot break the glass and either reach in and open the door or enter through the opening where the glass was, then you are good to go.
	(c)(7)	If designed to be opened, all ground-level windows shall have functional locking mechanisms that allow for the windows to be locked from the inside and, if large enough for an individual to enter when opened or if adjacent to a door, be closed and locked when staff are not present.	You should also consider adding impact resistance film to ground level windows, whether or not they are designed to be opened. Same idea as addressed in (c)(6) above.
Roof Hatches	(c)(8)	Roof access doors should default to a locked, latched, and closed position when not actively in use and be lockable from the interior.	Best practice is to add contacts to roof hatches so they can be monitored by the electronic access control system like any other exterior door.
First Responder Access	(c)(9)	All facilities must include one or more distinctive, exterior secure master key box(es) designed to permit emergency access to both law enforcement agencies and emergency responder agencies from the exterior (for example, a Knox box) at a location designated by the local authorities with applicable jurisdiction; or provide all local law enforcement electronic or physical master key access to the building(s).	Commonly called Knox boxes, these have traditionally been for the fire department only. The requirement here includes law enforcement access. One option is to get those two to agree to share the box, but LE will have to carry keys to the box as fire does. The requirement of “all local law enforcement” can be tricky depending on local circumstances and agencies likely to respond to an emergency. Local police departments are obvious, but in some communities “local” could mean the sheriff, constables, DPS, et.al.
Emergency Communications First Responders	(c)(10)(A)	A communications infrastructure shall be implemented that must ensure equipment is in place such that law enforcement and emergency responder two way radios can function within most portions of the building(s).	This has been a requirement of the model fire codes for many years now, though coverage is often not tested and verified in existing buildings. The wording “most portions of the building(s)” is vague. The correct answer is to conform to the locally adopted fire code in effect for each facility (some districts are in multiple jurisdictions). At minimum, first responder radios should cover 90% of general areas of the facility and 99% of the critical areas (fire standpipe/pump/valve locations, exit stairwells, elevator lobbies). Newer fire codes have tighter restrictions.

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Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Emergency Communications Building Occupants	(c)(10)(B)	<p>A communications infrastructure shall be implemented that must include a panic alert button, duress, or equivalent alarm system, via standalone hardware, software, or integrated into other telecommunications devices or online applications, that includes the following functionality.</p> <p>(i) An alert must be capable of being triggered by campus staff, including temporary or substitute staff, from an integrated or enabled device.</p> <p>(ii) An alert must be triggered automatically in the event a district employee makes a 9-1-1 call using the hardware or integrated telecommunications devices described in this subparagraph from any location within the school system.</p> <p>(iii) With any alert generated, the location of where the alert originated shall be included.</p> <p>(iv) The alert must notify a set of designated school administrators as needed to provide confirmation of response, and, if confirmed, notice must be issued to the 9-1-1 center of an emergency situation requiring a law enforcement and/or emergency response and must include the location of where the alert originated. A notice can simultaneously be issued to all school staff of the need to follow appropriate emergency procedures.</p> <p>(v) For any exterior doors that feature electronic locking mechanisms that allow for remote locking, the alert system will trigger those doors to automatically lock.</p>	<p>See also SB 838 (Alyssa’s Law), which contains new requirements for panic buttons.</p> <p>These new requirements up the game on what is expected of panic buttons initiating emergency response protocols. There is still need for further clarification from the Agency. For example, questions such as whether wearable technology or a classroom phone could be used to these requirements need further clarification.</p> <p>Districts must think carefully and holistically about the specific technology choices being made here and understand the required integrations.</p> <p>Item (ii) requires integration with the phone system.</p> <p>Item (v) is specific to facilities with electronic access control systems (ACS). Panic buttons can either be part of the (ACS) or have interfaces to it. Panic buttons could be part of or interfaced to a mass notification system instead.</p>
Emergency Communications Phone Systems	(c)(11)	<p>In implementing the requirements of this section, school systems shall comply with state and federal Kari’s Laws and federal RAY BAUM’s Act and corresponding rules and regulations pertaining to 9-1-1 service for school telephone systems, including a multi-line telephone system.</p>	<p>Modern phone systems, including cloud-based systems, will meet these requirements. Older systems may not. If you have one of those, you need to plan for its upgrade or replacement.</p>

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Access Control	(d)(1)	<p>Access control. The board of trustees or the governing board shall adopt a policy requiring the following continued auditing of building access:</p> <p>(A) conduct at least weekly inspections during school hours of all exterior doors of all instructional facilities to certify that all doors are, by default, set to a closed, latched, and locked status and cannot be opened from the outside without a key as required in subsection (c) (3)(A) of this section;</p> <p>(B) report the findings of weekly inspections required by subparagraph (A) of this paragraph to the school system's safety and security committee as required by TEC, §37.109, and ensure the results are kept for review as part of the safety and security audit as required.</p>	<p>See also HB 3, section 14</p> <p>Exterior door walks are still required to be conducted weekly and records kept for auditing purposes. By now, all of the prop rocks and other items lying about by exterior doors should have been removed.</p> <p>Best practice is to use an electronic access control system to continuously monitor and alert on doors being held open.</p>
Site Plans	(d)(2)	<p>Exterior and interior door numbering site plan.</p> <p>(A) A school system must develop and maintain an accurate site layout and exterior and interior door designation document for each instructional facility school system-wide that identifies all exterior and interior doors in the instructional facility and depicts all exterior doors on a floor plan with an alpha-numeric designation, in accordance with the door numbering specifications established in subsection (c)(1) of this section.</p> <p>(B) Copies of exterior and interior door numbering site plans shall be readily available in each campus main office.</p> <p>(C) Electronic copies of exterior and interior door numbering site plans shall be supplied to the local 9-1-1 administrative entity so that the site plans can be made available to emergency responders by 9-1-1 dispatchers.</p> <p>(D) The site layout and exterior and interior door designation document should be oriented in a manner that depicts true north.</p>	<p>There also needs to be an ongoing maintenance process for this documentation as facility changes are made over time. It is easy for these documents to become inaccurate.</p> <p>Consider placing copies in the fire extinguisher cabinets inside exterior ingress doors.</p>

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Maintenance Doors & Gates	(d)(3)(A)	<p>A school system shall perform at least twice-yearly maintenance checks to ensure the facility components required in subsection (c) of this section function as required. At a minimum, maintenance checks shall ensure the following:</p> <p>(i) instructional facility exterior doors function properly, including meeting the requirements in subsection (c)(3)(A) and (C) of this section;</p> <p>(ii) the locking mechanism for any ground-level windows that can be opened function properly;</p> <p>(iii) any perimeter barriers and related gates function properly;</p>	<p>Item (i) specifically says "instructional facility", but best practice is to do this at all facilities.</p> <p>Pay particular attention to automatic gates and ensure any long distance badge readers (vehicle toll tag type badges) work properly.</p>
Maintenance Emergency Communications Building Occupants	(d)(3)(A)	<p>(iv) all panic alert or similar emergency notification systems in classrooms and campus central offices function properly, which includes at least verification from multiple campus staff and classroom locations that a notification can be issued and received by the appropriately designated personnel, that the alert is successfully broadcast to all campus staff and to appropriate law enforcement and emergency responders, and that a potential threat observed on video triggers an alert from video surveillance monitoring systems;</p> <p>(v) all school telephone systems and communications infrastructure provide accurate location information when a 9-1-1 call is made in accordance with state and federal laws and rules and when an alert is triggered in accordance with this section;</p>	<p>The requirement is to test twice yearly all classroom and front offices panic buttons and other emergency notification tools. The buttons will need to be activated to see if the appropriate personnel are contacted. This may need to be coordinated with law enforcement to not accidentally trigger a live response.</p> <p>The wording in item (iv), "...threat observed on video triggers an alert..." is unclear, but appears to presuppose a video management system capable of doing video analytics and that those capabilities are being used. This is not typical in Texas school districts.</p>
Maintenance Emergency Communications First Responders	(d)(3)(A)	<p>(vi) all exterior master key boxes function properly and the keys they contain function properly;</p> <p>(vii) law enforcement and emergency responder two-way radios operate effectively within each instructional facility; and</p> <p>(viii) two-way radios used by school system peace officers, school resource officers, or school marshals properly communicate with local law enforcement and emergency response services.</p>	<p>Some facilities have radio signal enhancement systems deployed within all or part of the interior. These are commonly called distributed antenna systems, or DAS. Fire code has requirements for annual testing of DAS, so a good practice would be to coordinate that testing with item (vii), which calls for twice-yearly testing.</p> <p>Item (viii) requires close coordination with local emergency response services. Districts should also inquire about those agencies' capabilities to communicate among themselves.</p>

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Commissioner’s Rules Concerning School Facilities

Rule 61.1031 - School Safety Requirements (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
School Facilities Construction Standards	(e)	In implementing the requirements of this section, school systems shall comply with the provisions of §61.1040(j) of this title (relating to School Facilities Standards for Construction on or after November 1, 2021).	<p>Subsection (j) of rule 61.1040 speaks to construction quality standards, which in this case means compliance with building, fire, electrical and other local codes.</p> <p>Be very familiar with rule 61.1040 if you intend to do new facility construction or significant renovations.</p>
Certification	(i)	<p>(1) All requirements in subsections (c) and (d) of this section shall be implemented during the 2022-2023 school year and thereafter. Annually, a school system shall certify compliance with those requirements as part of ongoing security audits under TEC, §37.108(b); maintain the certification locally; and report as required by the Texas School Safety Center. Any and all non-compliance shall be reported to the school system’s safety and security committee, the school system’s board, and the Texas School Safety Center, as required by TEC, §37.108(c).</p> <p>(2) A school system may provisionally certify compliance of a facility component described in subsection (c) of this section that is not in compliance with the requirements of paragraph (1) of this subsection if:</p> <p style="padding-left: 20px;">(A) the school system has taken the necessary steps to initiate an upgrade of the facility component to ensure compliance; and</p> <p style="padding-left: 20px;">(B) for the 2023-2024 school year, the contractor or supplier has been procured and has provided a time frame when the upgrade will be completed.</p> <p>(3) TEA may modify rule requirements or grant provisional certification for individual site needs as determined by the agency.</p>	<p>Safety audit checklists need to be updated to add the requirements of this rule. Districts contracting with consultants from the Texas School Safety Center registry should ensure the consultants are up to speed.</p> <p>The worst thing to do is nothing. At least have a plan for the items where the district does not meet the requirements. Communication with the Agency is key.</p>

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Commissioner’s Rules Concerning School Facilities

This rule was amended in November 2022. Below is an excerpt of sections from rule 61.1040, along with commentary from CRUX.

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Special Spaces	(g)(2)	<p>This section addresses science labs, combination science classroom/laboratory spaces, chemical preparation spaces. Related to physical safety, see subsections -</p> <p>(D) Fume hoods</p> <p>(E) Preparation/storage rooms</p> <p>(F) Chemical storage room</p> <p>(G) Eye/face wash</p> <p>(H) Safety shower</p> <p>(I) Exhaust fan and ventilation system</p> <p>(J) Emergency shut-off controls</p>	<p>These items are already on the audit checklist from the Texas School Safety Center.</p>
Construction Quality Standards	(i)	<p>This section addresses various code requirements, including building code, fire code, electric code and several others</p>	<p>See rule 61.1031 section (e) above.</p>

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Commissioner’s Rules Concerning School Facilities

Rule 61.1040 - School Facilities Standards for Construction on or after November 1, 2021 (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Safety & Security Standards Applicable to All Projects	(k)	<p>(1) Compliance requirements applicable to all instructional facilities campus-wide. A capital improvement project of a school district or an open-enrollment charter school must include campus-wide implementation of the following provisions.</p> <p>(A) Communications infrastructure. In accordance with TEC, §37.108, a school district or an open-enrollment charter school shall:</p> <p style="padding-left: 40px;">(i) develop a multi-hazard plan that provides measures to ensure that school district communications technology and infrastructure are adequate to allow for communication during an emergency;</p> <p style="padding-left: 40px;">(ii) implement measures to ensure every classroom and portable classroom provides district employees, including substitute teachers, access to a telephone, cellular telephone, or other electronic communications device to allow immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments; and</p> <p style="padding-left: 40px;">(iii) develop site plans and floor plans for a school facility in accordance with TEC, §37.108(f).</p> <p>(B) Access control. A school district or an open-enrollment charter school shall develop a document that designates each exterior door of each instructional facility campus-wide as either primary, secondary, or non-designated entrances and shall ensure that the documented designation of all exterior doors becomes part of the long-range facility plan prior to commencement of construction of a capital improvement project.</p>	<p>See rule 61.1031 section (d)(3)(A) above.</p> <p>See rule 61.1031 section (d)(2) above.</p> <p>See rule 61.1031 sections (a)(5) and (c)(2), (3) and (4) above.</p>

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Commissioner’s Rules Concerning School Facilities

Rule 61.1040 - School Facilities Standards for Construction on or after November 1, 2021 (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Safety & Security Standards Options based on Project Budget	(k)	<p>(2) Additional standards based on the project construction budget. A school district shall approve a project construction budget for a capital improvement project at completion of the design development phase of the project and prior to commencement of the construction documents phase. The project construction budget approved by the school district shall determine how many of the additional safety and security standards established in paragraph (3) of this subsection are required for the project. A school district shall designate in writing which of the additional safety and security standards in paragraph (3) of this subsection have been approved by the school district board of trustees for a capital improvement project and shall provide to the prime design professional and each design professional of record written documentation of the approved safety and security standards for the proposed facility prior to commencement of the construction documents phase of a capital improvement project. The following standards shall apply to a capital improvement project for an instructional facility until all instructional facilities campus-wide fully comply with all of the additional safety and security standards specified in this subsection.</p> <p>(A) If a project construction budget is \$1 million to \$5 million, the facility is required to comply with at least one additional safety and security standard specified in paragraph (3) of this subsection.</p> <p>(B) If a project construction budget is \$5 million to \$10 million, the facility is required to comply with at least two additional safety and security standards specified in paragraph (3) of this subsection.</p> <p>(C) If a project construction budget is over \$10 million, the facility is required to comply with all of the additional safety and security standards specified in paragraph (3) of this subsection.</p> <p>(D) For a capital improvement project that includes new construction, the new construction of an instructional facility is required to comply with all three of the additional safety and security standards specified in paragraph (3) of this subsection.</p>	<p>Even though there is a way to escape some of the additional safety and security standards listed in paragraph (3) <see next row>, the Agency further states that the intended final state is for all instructional facilities to fully comply. If at all possible, just do them all in your project.</p> <p>See rule 61.1031 section (c)(1) above.</p> <p>The CRUX reading of the 61.1031 requirements is that door numbering is no longer optional, as is described in 61.1040 (k)(2) <see previous row>.</p> <p>See rule 61.1031 section (c)(2) above.</p>

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Commissioner’s Rules Concerning School Facilities

Rule 61.1040 - School Facilities Standards for Construction on or after November 1, 2021 (Continued)

TOPIC	SUBSECTION	WHAT THE CODE SAYS	CRUX COMMENTS
Additional Safety & Security Standards Applicable to All Instructional Facilities	(k)	<p>(3) Additional safety and security standards applicable to all instructional facilities campus-wide. A school district or an open-enrollment charter school must include campus-wide implementation of the following standards in accordance with terms and requirements of paragraph (2) of this subsection.</p> <p>(A) Exterior door numbering. All instructional facilities campus-wide, including portable, modular buildings, must include the addition of graphically represented alpha-numerical characters on both the interior and exterior of each exterior door location. The characters may be installed on the door, or on at least one door at locations where more than one door leads from the exterior to the same room inside the facility, or on the wall immediately adjacent to or above the door location. Characters shall comply with the IFC, §505. The primary entrance of an instructional facility, as defined by subsection (a)(23)(A) of this section, shall always be the first in the entire sequence and is the only door location that does not require numbering. The numbering sequence shall be clockwise and may be sequenced for the entire campus or for each facility individually. The design professional of record shall coordinate with school district personnel and local emergency response personnel prior to incorporating exterior door numbering characters and locations into the contract documents for the facility or facilities specified to be included in a capital improvement project. The design professional of record shall coordinate this requirement with any and all accessibility requirements related to signage.</p> <p>(B) Visitor management. All primary entrances of instructional facilities campus-wide must include the following:</p> <ul style="list-style-type: none"> (i) an unobstructed line of sight of approaching visitors through physical or digital means; (ii) a physical barrier that prevents unassisted access to the facility by a visitor; and (iii) a location for a visitor check-in and check-out process. <p>(C) Security cameras. All primary and secondary entrances of instructional facilities campus-wide must include a security camera.</p>	<p>See rule 61.1031 section (c)(1) above. The CRUX reading of the 61.1031 requirements is that door numbering is no longer optional, as described in 61.1040 (k)(2) <see previous row>.</p> <p>See rule 61.1031 section (c)(2) above.</p> <p>Based on the requirements for primary entrances in 61.1031, the CRUX reading is that visitor management requirements in this rule are no longer optional, as described in paragraph (2) of 61.1040 <see previous row>.</p> <p>See rule 61.1031 sections (a)(5) and (c)(1) above.</p>

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