

FACILITY STANDARDS
SAFETY AND SECURITY

CSA
(LEGAL)

**Safety and Security
Requirements for
Facilities**

Facilities Standards
Compliance

A district must ensure that each district facility complies with each school facilities standard, including performance standards and operational requirements, related to safety and security adopted under Education Code 7.061 (Facilities Standards) or provided by other law or agency rule.

A district must develop and maintain documentation of the district's implementation of and compliance with school safety and security facilities standards for each district facility, including a good cause exception claimed under Education Code 37.353 [see Good Cause Exception, below], and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA.

Education Code 37.351

Good Cause
Exception

If a district is unable to bring a district facility into compliance with a school facilities standard related to safety and security, the district may claim a good cause exception from the requirement to comply with that standard, including for a reason related to:

1. The age, physical design, or location of the noncompliant facility;
2. The projected remaining use or functional life of the noncompliant facility;
3. Availability of funding; or
4. Supply chain obstacles.

A district that claims a good cause exception must develop an alternative performance standard with which the district is able to comply.

A good cause exception claimed by a district expires on the fifth anniversary of the date on which the exception is claimed. On the expiration of the exception, the district must reevaluate whether the district is able to comply with each school facility standard related to safety and security, and if not, renew the claim for an exception and the alternative performance standard.

[See CKE for good cause exception from compliance with armed security officer requirement.]

Education Code 37.353

Security Review

If a district constructs, acquires, renovates, or improves a district facility, the district shall, as soon as practicable, conduct a security review of the facility to:

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1. Determine whether the facility meets school safety and security requirements as described by commissioner rule; and
2. Identify security vulnerabilities at the facility in the event of an active shooter incident and describe strategies to mitigate each vulnerability identified.

Education Code 37.1087

Confidentiality

Any document or information collected, identified, developed, or produced relating to a safety or security requirement is confidential under Government Code 418.177 and 418.181 (Texas Disaster Act) and not subject to disclosure under Government Code Chapter 552 (Public Information Act). *Education Code 37.355.*

**Commissioner's
School Safety Rules
for Instructional
Facilities**

Definitions

The following words and terms when used in 19 Administrative Code 61.1031 shall have the following meanings:

"Actively monitored" means 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.

"Exterior secured area" means an area fully enclosed by a fence and/or wall that:

1. 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;
2. Is well maintained; and
3. If gated, features locked gates with emergency egress hardware and has features to prevent opening from the exterior without a key or combination mechanism.

"Instructional facility" has the meaning assigned in Education Code 46.001, and includes any real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching curriculum under Education Code 28.002. An instructional facility does not include real property, improvements to real property, or necessary fixtures of an improvement to real property that are part of a federal, state, or private correctional facility or facility of an institution of higher education, medical provider, or other provider of professional or social services over which a school system has no control.

"Modular, portable building" means:

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1. An industrialized building as defined by Occupations Code 1202.002 and 1202.003;
2. Any relocatable educational facility as defined by Occupations Code 1202.004, regardless of the location of construction of the facility; or
3. Any other manufactured or site-built building that is capable of being relocated and is used as a school facility.

“Primary entrance” means:

1. The main entrance to an instructional facility that is closest to or directly connected to the reception area; or
2. Any exterior door the school system intends to allow visitors to use to enter the facility during school hours either through policy or practice.

“School system” means a public independent school district or public open-enrollment charter school.

“Secure vestibule” means a secured space with two or more sets of doors and an office sign-in area where all but the exterior doors shall:

1. Remain closed, latched, and locked;
2. Comply with 19 Administrative Code 61.1031(c)(3)(B) (exterior door construction); and
3. Only open once the visitor has been visually verified.

19 TAC 61.1031(a)

Safety and Security
Standards

The provisions of 19 Administrative Code 61.1031 apply to all school instructional facilities owned, operated, or leased by a school system, regardless of the date of construction or date of lease. The provisions ensure that all school system instructional facilities have access points that are secured by design, maintained to operate as intended, and appropriately monitored. *19 TAC 61.1031(b)*

A school system shall implement the following safety and security standards compliance requirements to all school instructional facilities owned, operated, or leased by the school system.

*Doors,
Entrances, and
Windows*

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 Section 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.

Unless a secure vestibule is present, a primary entrance shall:

1. Meet all standards for exterior doors;
2. 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;
3. Feature a physical barrier that prevents unassisted access to the facility by a visitor; and
4. Feature a location for a visitor check-in and check-out process.

All exterior doors shall:

1. Be, by default, set to a closed, latched, and locked status, except that:
 - a. A door may be unlocked if it is actively monitored or within an exterior secured area; and
 - b. For the purposes of ventilation, a school system may designate in writing as part of its multihazard emergency operations plan specific exterior doors that are allowed to remain open for specified periods of time if explicitly authorized by the school safety and security committee when a quorum of members are present, and only if it is actively monitored or within an exterior secured area;
2. 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);

3. Include:
 - a. 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
 - b. A mechanism that allows the door to be opened from the inside when locked to allow for emergency egress while remaining locked; and
4. 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 key device.

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.

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.

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 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.

Roof access doors should default to a locked, latched, and closed position when not actively in use and be lockable from the interior.

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).

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*Communications
Infrastructure*

A communications infrastructure shall be implemented that must:

1. Ensure equipment is in place such that law enforcement and emergency responder two-way radios can function within most portions of the building(s); and
2. 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:
 - a. An alert must be capable of being triggered by campus staff, including temporary or substitute staff, from an integrated or enabled device.
 - b. 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 from any location within the school system.
 - c. With any alert generated, the location of where the alert originated shall be included.
 - d. 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.
 - e. For any exterior doors that feature electronic locking mechanisms that allow for remote locking, the alert system will trigger those doors to automatically lock.

*Compliance with
9-1-1 Rules and
Regulations*

In implementing these requirements, 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.

19 TAC 61.1031(c)

*Operating
Requirements*

A school system shall implement the following.

1. Access control. The board shall adopt a policy requiring the following continued auditing of building access:
 - 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 above;

- b. Report the findings of weekly inspections to the school system's safety and security committee and ensure the results are kept for review as part of the safety and security audit;
 - c. Report the findings of weekly inspections to the principal or leader of the instructional facility to ensure awareness of any deficiencies identified and who must take action to reduce the likelihood of similar deficiencies in the future; and
 - d. Include a provision in the school system's applicable policy stating that nothing in a school system's access control procedures will be interpreted as discouraging parents, once properly verified as authorized campus visitors, from visiting campuses they are authorized to visit.
2. Exterior and interior door numbering site plan.
- 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 above.
 - b. Copies of exterior and interior door numbering site plans shall be readily available in each campus main office.
 - 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.
 - d. The site layout and exterior and interior door designation document should be oriented in a manner that depicts true north.
3. Maintenance.
- a. A school system shall perform at least twice-yearly maintenance checks to ensure the facility components func-

tion as required. At a minimum, maintenance checks shall ensure the following:

- (1) Instructional facility exterior doors function properly, including meeting the requirements above;
 - (2) The locking mechanism for any ground-level windows that can be opened function properly;
 - (3) Any perimeter barriers and related gates function properly;
 - (4) 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;
 - (5) 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;
 - (6) All exterior master key boxes function properly and the keys they contain function properly;
 - (7) Law enforcement and emergency responder two-way radios operate effectively within each instructional facility; and
 - (8) 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.
- b. A school system shall ensure procedures are in place to require that staff who become aware of a facility component functionality deficiency that would be identified during the twice-yearly maintenance review immediately report the deficiency to the school system's administration, regardless of the status of the twice-yearly maintenance review.

- c. A school system shall promptly remedy any deficiencies discovered as a consequence of maintenance checks.

19 TAC 61.1031(d)

Compliance With
Standards for
Construction

In implementing the requirements of 19 Administrative Code 61.1031, school systems shall comply with the provisions of 19 Administrative Code 61.1040(j). [See CS]

To the extent that any provisions of 19 Administrative Code 61.1031 conflict with rules adopted in Chapter 61, Subchapter CC, (relating to Commissioner's Rules Concerning School Facilities), including terms defined or standards established, the provisions of 19 Administrative Code 61.1031 prevail.

In implementing these requirements, school systems shall comply with the standards adopted under Government Code 469.052 (Elimination of Architectural Barriers).

19 TAC 61.1031(e), (f), (g)

Records Control
Schedule

In implementing these requirements, school systems must adopt a three-year records control schedule that complies with the minimum requirements established by the Texas State Library and Archives Commission schedule, record series item number 5.4.017, as referenced in Government Code 441.169 and Local Government Code 203.041. *19 TAC 61.1031 (h)* [See CPC]

Certification

All requirements above shall be implemented during the 2022- 23 school year and thereafter. Annually, a school system shall certify compliance with those requirements as part of ongoing security audits under Education Code 37.108(b); maintain the certification locally; and report as required by the Texas School Safety Center. Any and all noncompliance 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 Education Code 37.108(c). [See CKA]

*Provisional
Certification*

A school system may provisionally certify compliance of a facility component that is not in compliance if:

1. The school system has taken the necessary steps to initiate an upgrade of the facility component to ensure compliance; and
2. For the 2023-24 school year, the contractor or supplier has been procured and has provided a time frame when the upgrade will be completed.

TEA may modify rule requirements or grant provisional certification for individual site needs as determined by TEA.

Rules related to provisional certification expire August 31, 2024.

19 TAC 61.1031(i), (j)

**Silent Panic Alert
Technology**

Beginning with the 2025-26 school year, a district shall provide each classroom in the district with silent panic alert technology that allows for immediate contact with district emergency services and emergency services agencies, law enforcement agencies, health departments, and fire departments.

Silent panic alert technology provided by a district does not satisfy the requirement under Education Code 37.108(a)(2) [see CKC] for the district to ensure employees have classroom access to a telephone or another electronic communication device.

To comply, a district may use funds provided to the district through the school safety allotment or other available funds and may use the district's customary procurement process.

Education Code 37.118

**Breaching Tool and
Ballistic Shield**

Each district must have at least one breaching tool and one ballistic shield available for use at each campus in the event of an active shooter incident. *Education Code 37.1171*

Security Criteria

A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. *Education Code 46.0081*

Playgrounds

Public funds may not be used to purchase or install:

1. Playground equipment that:
 - a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
 - b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception	<p>Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if the equipment or surfacing does not comply with the applicable specifications described above.</p> <p><i>Health and Safety Code 756.061</i></p>
Texas Women's Privacy Act Definitions	<p>"Female" means an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and provide eggs for fertilization.</p> <p>"Male" means an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and utilize sperm for fertilization.</p> <p>"Multiple-occupancy private space" means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.</p> <p>"Sex" means an individual's biological sex, either male or female.</p> <p>"Single-occupancy private space" means a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. The term includes:</p> <ol style="list-style-type: none">1. A single toilet restroom with a locking door that is designed or designated as unisex or for use based on sex; and2. Sleeping quarters designed or designated for use by one individual. <p><i>Gov't Code 3002.001</i></p>
Designation of Multiple-Occupancy Private Spaces	<p>A district shall designate each multiple-occupancy private space in a building the district owns, operates, or controls for use only by individuals of one sex.</p> <p>A district shall take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a multiple-occupancy private space does not enter the private space.</p> <p><i>Gov't Code 3002.051</i></p>
Accommodations	<p>A district is not prohibited from:</p> <ol style="list-style-type: none">1. Adopting a policy necessary to accommodate an individual with a disability, a young child, or an elderly individual who re-

quires assistance when using a multiple-occupancy private space;

2. Establishing a single-occupancy private space, family restroom, or changing room; or
3. Changing the designation of a multiple-occupancy private space from the use designated to exclusive use by individuals of the sex opposite to the previously designated sex.

A district is prohibited from providing an accommodation that allows an individual to use a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the individual's sex.

Gov't Code 3002.052

Exceptions

A designation of a multiple-occupancy private space does not apply to:

1. An individual entering a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the individual's sex:
 - a. For a custodial purpose;
 - b. For a maintenance or inspection purpose;
 - c. To render medical or other emergency assistance;
 - d. To accompany and provide assistance to an individual who needs assistance in using the facility;
 - e. For a law enforcement purpose; or
 - f. To render assistance necessary in preventing a serious threat to proper order or safety; or
2. A child who is:
 - a. Nine years of age or younger entering a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the child's sex; and
 - b. Accompanied by an individual caring for the child.

Gov't Code 3002.053

Civil Penalty

A district that violates these requirements is liable for a civil penalty of:

1. \$25,000 for the first violation; and
2. \$125,000 for the second or a subsequent violation.

Each day of a continuing violation constitutes a separate violation.

Gov't Code 3002.101

Complaint and
Notice

A resident of this state may file a complaint with the attorney general against a district for a violation of these requirements only if:

1. The resident provides the district a written notice describing the violation; and
2. The district does not cure the violation before the end of the third business day after the date the written notice is received.

Gov't Code 3002.102(a)

Attorney General
Investigation

Before bringing an action against a district, the attorney general shall investigate a complaint to determine whether legal action is warranted.

The district subject to the complaint shall provide to the attorney general any information the attorney general requests in connection with the complaint, including:

1. Supporting documents related to the complaint; and
2. A statement on whether the district has complied or intends to comply.

If the attorney general determines legal action is warranted, the attorney general shall provide to the appropriate officer of the district charged with the violation a written notice:

1. Describing the violation and location of the multiple-occupancy private space found to be in violation;
2. Stating the amount of the proposed penalty for the violation; and
3. Requiring the district to cure the violation on or before the 15th day after the date the notice is received to avoid the penalty, unless a court previously found the district liable for a violation.

Gov't Code 3002.103

Civil Penalty and
Mandamus

If, after receipt of notice, the district has not cured the violation on or before the 15th day after the date the notice is received or was previously found liable by a court for a violation, the attorney general may bring an action to collect the civil penalty.

In addition to bringing an action, the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief.

An action may be brought or filed in a district court in the county in which the principal office of the district is located.

The attorney general may recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Gov't Code 3002.104 (a)-(d)

Private Cause of
Action

A person affected by a district's violation of these requirements may bring a civil action and is entitled to obtain:

1. Declaratory relief;
2. Injunctive relief; and
3. Court costs, including reasonable attorney's and witness fees.

Gov't Code 3002.105(a)

**Building Access
Control**

Audits of building access control shall include weekly inspections of instructional facilities during school hours to certify all exterior doors are, by default, set to closed, latched, and locked status and cannot be opened from the outside without a key.

The Superintendent shall ensure that the findings of the weekly inspections are:

1. Reported to the District safety and security committee; and
2. Reported to the campus principal or lead administrator of the instructional facility to ensure awareness of any deficiencies identified.

The campus principal or lead administrator shall assign appropriate staff to take action to reduce the likelihood of similar deficiencies in the future.

The results of the weekly reports shall be kept for review as part of the required safety and security audit.

The District's building access control procedures shall not be interpreted as discouraging parents or guardians who have been properly verified as authorized visitors from visiting their student's campus. [See GKC]

**Designation and Use
of Private Spaces**

The Board shall ensure that the Superintendent, or appropriate staff as determined by the Superintendent, designates private spaces in accordance with law.

The Superintendent shall develop administrative regulations to ensure compliance with law and policy regarding the use of private spaces in District facilities.

