



Texas Association of School Boards

P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.0222
12007 Research Blvd. • Austin, Texas 78759-2439 • www.tasb.org

Serving Texas Schools Since 1949

January 25, 2013

RE: Student Safety Policies

Dear Chairmen Estes and Patrick and Members of the Joint Committee:

The Texas Association of School Boards (TASB) joins members of the Texas Legislature in their commitment to protect the safety of students, staff, and visitors while on district property. School districts appreciate that state and federal laws recognize that locally elected school boards and members of their communities are best positioned to make decisions regarding the safety of those closest to them.

Background

TASB provides policy services to 1,029 member school districts in the state of Texas. As part of those services, TASB provides “legally referenced” policies that recite the collective law on a topic. School districts use legally referenced policies as guidance in developing local board policies. Local board policy determines how the district handles school-based law enforcement, whether its commissioned peace officers may carry weapons, and whether school district employees with a concealed carry license can possess and use firearms in an emergency.

School-Based Law Enforcement

TASB has not developed a model local policy regarding school-based law enforcement because each district’s needs and resources are unique. Texas Education Code § 37.081 provides school districts the ability to employ and commission peace officers. TASB does provide school districts with information regarding what state and federal law allows them to do. Attached you will find a brief document detailing the types of school-based law enforcement arrangements and why a district might select a particular option. (See attached.)

Guns on Campus

TASB has not developed a model local policy regarding the use of firearms in an emergency situation. TASB does provide districts an overview of the state and federal laws that provide school districts with options at the local level.

Under the authority of the federal Gun-Free Schools Act and the Texas Penal Code, school districts can grant written permission for anyone, including certain employees, to carry firearms on campus. 18 U.S.C. § 922(q)(2)(B)(v); Tex. Penal Code § 46.03(a)(1).

In most cases, school districts limit employee authorization to commissioned peace officers. In a very few districts, however, authorization has been granted to other school employees. Additional school districts may be considering expanding the authority of employees to bring weapons on campus; however, TASB is not yet aware of how many districts are considering the option. While state and federal law gives school districts broad discretion to authorize the possession of firearms and other weapons on school premises, granting such authority brings a host of practical concerns, including safety, liability, and insurance.

Next Steps

In closing, TASB appreciates the Legislature's commitment to protecting students, staff, and visitors on campus. We respectfully request the Legislature continue to afford districts local control over how to protect students and recognize the critical need for additional financial resources to implement additional security measures. We also request practical concerns such as safety, insurance, and liability be considered as the Legislature moves forward.

I hope the information will prove to be helpful. Please don't hesitate to call if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Julie A. Shields". The signature is written in a cursive style with a large, looping initial "J".

Julie A. Shields
Assistant Director of Governmental Relations
Texas Association of School Boards



School-Based Law Enforcement

Background

Texas school districts are committed to protecting the safety of students, staff, and visitors on district property and may choose from a variety of security options. Those options typically include establishing a school district police department, entering into an agreement with local law enforcement for the use of school resource officers, or relying on local law enforcement to respond just as they would in any other situation that may arise in the community.

District Police Departments

Texas law authorizes a school district's board of trustees to employ security personnel and commissioned peace officers to serve its schools and carry out the provisions set in Texas law. In establishing a school district police department, school boards must adopt policies and procedures governing the department.¹ According to the Texas School District Police Chiefs' Association, as of the 2011–12 school year, approximately 175 school boards had adopted local policies authorizing a district police department.

When establishing a school district police department, a school board must determine the jurisdiction of its commissioned peace officers. The Texas Education Code allows such jurisdiction to include all territory in the boundaries of a district and all property outside of the boundaries of a district that is owned, leased, rented by, or otherwise under the control of the district. Within this jurisdiction, a peace officer has the powers, privileges, and immunities of peace officers; may enforce all laws, including municipal ordinances, county ordinances, and state laws; and may take a juvenile into custody in accordance with Chapter 52 of the Texas Family Code.²

The duties of school district police officers typically include:

- investigating offenses;
- educating, mentoring, and counseling students;
- providing assistance to school district administrators on safety and security issues; and
- training district students, staff, and parents on crime-prevention issues.

If a district allows officers to perform off-duty law enforcement activities, it must be authorized in writing.³

School districts choose to establish police departments for a variety of reasons. Districts located in multiple jurisdictions report quicker response times because law enforcement agencies are clear on which agency should be the first responder. Hence, they cite safety as the primary motive for creating a district police department. School district police are specially trained to respond to incidents involving students while other law-enforcement officers are not. Districts report that having their own specially trained police departments has resulted in fewer disciplinary alternative education program (DAEP)

¹ Texas Education Code (TEC) § 37.081.

² TEC § 37.081.

³ TEC § 37.081(e).