

SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

CKE  
(LEGAL)

**Armed Security  
Officer Required**

The board shall determine the appropriate number of armed security officers for each district campus. The board must ensure that at least one armed security officer is present during regular school hours at each district campus.

For this purpose, a security officer must be:

1. A school district peace officer;
2. A school resource officer; or
3. A commissioned peace officer employed as security personnel under Education Code 37.081.

**Good Cause  
Exception**

If the board is unable to comply with this requirement, the board may claim a good cause exception if the district's noncompliance is due to the availability of funding or personnel who qualify to serve as a security officer.

**Alternative  
Standard**

A board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

1. A school marshal; or
2. A school district employee or a person with whom the district contracts who:
  - a. Has completed school safety training provided by a qualified handgun instructor certified in school safety under Government Code 411.1901; and
  - b. Carries a handgun on school premises in accordance with written regulations or written authorization of the district under Penal Code 46.03(a)(1)(A).

**Documentation**

The board must develop and maintain documentation of the district's implementation of and compliance with this requirement, including documentation related to a good cause exception and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA.

*Education Code 37.0814*

**School District  
Peace Officers,  
School Resource  
Officers, and  
Security Personnel**

To carry out Education Code Chapter 37, Subchapter C (Law and Order), the board may:

1. Employ or contract with security personnel, including contracting with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by the Department of Public Safety;

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2. Enter into a memorandum of understanding with a local law enforcement agency or a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers; and
3. Commission peace officers.

Jurisdiction

The jurisdiction of a peace officer, a school resource officer, or security personnel shall be determined by the board and may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board that employ or contract with, as applicable, the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

*Education Code 37.081(a), (a-1)*

Duties

The board shall determine the law enforcement duties of peace officers, school resource officers, and security personnel. The duties must be included in:

1. The district improvement plan under Education Code 11.252 [see BQ];
2. The student code of conduct adopted under Education Code 37.001 [see FO];
3. Any memorandum of understanding providing for a school resource officer; and
4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

In determining the law enforcement duties, the board shall coordinate with district campus behavior coordinators and other district employees to ensure that district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

*Education Code 37.081(d), (d-1), (d-4)*

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<i>Prohibited Duties</i>	<p>A district may not assign or require as duties of a district peace officer, a school resource officer, or security personnel:</p> <ol style="list-style-type: none"><li>1. Routine student discipline or school administrative tasks; or</li><li>2. Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.</li></ol> <p>This provision does not prohibit a district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:</p> <ol style="list-style-type: none"><li>1. The assigned duties of the officer or security personnel; or</li><li>2. An incident involving student behavior or law enforcement.</li></ol> <p><i>Education Code 37.081(d-2), (d-3)</i></p>
Refusal or Removal from District Property	<p>A school resource officer or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105.</p> <p><i>Education Code 37.105(a); 19 TAC 103.1207 [See GKA]</i></p>
Active Shooter Response Training	<p>A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE) at least once in each four-year period.</p> <p>A district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Occupations Code 1701.263.</p> <p>A district may not contract for the provision of active shooter response training unless the training provider is certified under Occupations Code 1701.2515 to provide the training.</p> <p><i>Education Code 37.0812</i></p>
School-Based Law Enforcement Proficiency	<p>School district peace officers or school resource officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district. <i>37 TAC 218.3(d)(5); Occupations Code 1701.263(b)</i></p>
Officer Providing Volunteer Security Services	<p>A peace officer providing volunteer security services on premises where an event sponsored or sanctioned by a public primary or secondary school is taking place may:</p> <ol style="list-style-type: none"><li>1. With the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency; or</li></ol>

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2. Wear another uniform or badge that gives the person the appearance of being a peace officer.

*Occupations Code 1702.333(d)*

**Immunity from  
Liability**

“Retired peace officer” has the meaning assigned by Occupations Code 1701.3161.

“Security personnel” includes:

1. A school district peace officer;
2. A school marshal;
3. A school resource officer; and
4. A retired peace officer who has been hired by a district to provide security services or volunteers to provide security services to the district.

A district is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

A district is immune from liability as provided above for any damages resulting from any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

Any security personnel employed by a district is immune from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

The statutory immunity provided by these provisions is in addition to and does not preempt the common law doctrine of official and governmental immunity. To the extent that another statute provides greater immunity to a district than these provisions, that statute prevails.

*Education Code 37.087*

**Notice of Exposure  
to Communicable  
Disease**

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice regarding work-related exposure to communicable disease in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

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**Authorized  
Handguns**

Under Education Code 11.151(b), a board may promulgate written regulations and authorization as provided by Penal Code 46.03(a)(1) (exception to places where weapons are prohibited).  
*Atty. Gen. Op. GA-1051 (2014)*

Role of Persons  
Carrying a Firearm

A person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

This prohibition does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Education Code 37.081(d) [see Duties, above].

*Education Code 37.089*