

ATTACHMENT I

Statutory Citation Relating to New 19 TAC Chapter 103, Health and Safety, Subchapter CC, Commissioner's Rules Concerning School Safety and Discipline, §103.1207, Unauthorized Persons: Refusal of Entry, Ejection, Identification, and Appeal

Texas Education Code, §37.105, Unauthorized Persons: Refusal of Entry, Ejection, Identification, as amended by Senate Bill 1553, 85th Texas Legislature, Regular Session, 2017.

- (a) A school administrator, school resource officer, or school district peace officer [The board of trustees] of a school district [or its authorized representative] may refuse to allow a person [without legitimate business] to enter on or [property under the board's control and] may eject a [any undesirable] person from [the] property under the district's control if the person refuses [on the person's refusal] to leave peaceably on request and:
 - (1) the person poses a substantial risk of harm to any person; or
 - (2) the person behaves in a manner that is inappropriate for a school setting and:
 - (A) the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
 - (B) the person persists in that behavior.
- (b) Identification may be required of any person on the property.
- (c) Each school district shall maintain a record of each verbal warning issued under Subsection (a)(2)(A), including the name of the person to whom the warning was issued and the date of issuance.
- (d) At the time a person is refused entry to or ejected from a school district's property under this section, the district shall provide to the person written information explaining the appeal process established under Subsection (h).
- (e) If a parent or guardian of a child enrolled in a school district is refused entry to the district's property under this section, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.
- (f) The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.
- (g) A school district shall post on the district's Internet website and each district campus shall post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process established under Subsection (h).
- (h) The commissioner shall adopt rules to implement this section, including rules establishing a process for a person to appeal to the board of trustees of the school district the decision under Subsection (a) to refuse the person's entry to or eject the person from the district's property.