

HERITAGE ACADEMY BOARD POLICY MANUAL
POLICY GROUP 1 – GOVERNANCE
SECURITY OFFICERS

PG-1.406

Heritage Academy Charter Schools, Inc. is the charter holder for the following charter school district: Heritage Academy (015815). The Board of Directors of Heritage Academy Charter Schools (hereinafter the “Board”) adopts this Policy for each of the charter school districts referenced above (hereinafter, the “Districts” and each individually, the “District”).

SEC. 1. BOARD AUTHORITY

The Board of the District may

1. Employ or contract with security personnel;
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;
3. For the purposes of providing security personnel, contract with a security services contractor licensed under Chapter 1702, Occupations Code, for the provision of a commissioned security officer, as defined by Section 1702.002, Occupations Code, who has completed the Level II or III training course required by the Department of Public Safety; and
4. Commission peace officers to carry out Subchapter C, Chapter 37 of the Education Code.

Education Code 12.104(a-1), 37.081(a).

SEC. 2. ARMED SECURITY REQUIRED

The Board of the District shall determine the appropriate number of armed security officers for each charter school campus. The Board must ensure that at least one armed security officer is present during regular school hours at each charter school campus. *Education Code 12.104(b)(3)(V), 37.0814(a).*

A security officer described above must be:

1. A school district peace officer;
2. A school resource officer;
3. A commissioned peace officer employed as security personnel under Education Code 37.081;
4. A reserve deputy sheriff appointed under Local Government Code 85.004 who is a peace officer as described by Article 2A.001, Code of Criminal Procedure;
5. A reserve police officer appointed under Education Code 37.0816 who is a peace officer as described by Article 2A.001, Code of Criminal Procedure; or

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6. An honorably retired peace officer, as defined by Government Code 614.121 who has:
(a) kept their commission as a peace officer in active status; and (b) fulfilled all applicable requirements under Occupations Code 1701.351, 1701.3525, and 1701.357.

Education Code 37.0814(b).

SEC. 3. GOOD CAUSE EXCEPTION

a) *Good Cause Except for Inability to Comply*

If the Board of the District is unable to comply with Section 2, above, the Board may claim a good cause exception from the requirement to comply if the noncompliance is due to the availability of:

1. Funding; or
2. Personnel who qualify to serve as a security officer described by Section 2.

Education Code 37.0814(c).

b) *Alternative Standard*

If the Board of the District claims a good cause exception, the Board must develop an alternative standard with which the school 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 employee or a person with whom the school contracts who:
 - i. Either
 - a) Has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code; or
 - b) Not later than the 90th day after the date on which the employee or person begins duties as a security officer, completes training deemed appropriate by the school, in consultation with the school’s police department, or, if the school does not have

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a police department, a local law enforcement agency, in:

- (1) Active shooter response, which must be provided by an instructor certified by the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos;
 - (2) School safety and emergency management;
 - (3) Crisis intervention;
 - (4) Incident command;
 - (5) First aid administration;
 - (6) Mental health; and
 - (7) Qualifications relating to the carrying or use of a firearm; and
- ii. Carries a handgun on school premises in accordance with written regulations or written authorization of the Board under Section 46.03(a)(1)(A), Penal Code.

Education Code 37.0814(d).

c) *Expiration and Renewal*

A good cause exception claimed by the Board of the District expires on the first anniversary of the date the exception is claimed. On the expiration of the exception, the Board must reevaluate whether the Board is able to comply with Section 2 of this policy and, if not, renew:

1. The claim for an exception; and
2. The alternative standard developed.

Education Code 37.0814(d-1).

d) *Documentation*

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

Education Code 37.0814(e).

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SEC. 4. JURISDICTION

The jurisdiction of security personnel shall be determined by the Board of Directors and may include all territory in the geographic 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 School 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-1)

SEC. 5. 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, if any;
2. The student code of conduct adopted under Education Code 37.001;
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.

Education Code 37.081(d).

The Board shall coordinate with district campus behavior coordinators and other school employees to ensure that Security Officers are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other School employees. *Education Code 37.081(d-4)*. The campus principal retains final authority to assign disciplinary consequences to students and staff.

a) *Law Enforcement Duties*

A peace officer, a school resource officer, or security personnel shall perform law enforcement duties for the District that must include protecting:

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1. The safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and
2. The property of the District.

Education Code 37.081(d-1).

b) *Student Discipline and School Administration*

The District may not assign or require as duties of a charter school peace officer, a school resource officer, or security personnel:

1. Routine student discipline or school administrative tasks; or
2. Contact with students unrelated to the law enforcement duties of the peace officer, a school resource officer, or security personnel.

Education Code 37.081(d-2).

This limitation does not prohibit a charter school peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:

1. The assigned security or law enforcement duties of the peace officer, a school resource officer, or security personnel; or
2. An incident involving student behavior or law enforcement.

Education Code 37.081(d-3).