



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

Agenda Item Summary

Meeting Date: Jun 19, 2024

Agenda Section: Consent

Agenda Item Title: Administrative Regulation - CEKB - Security Personnel: School Marshals

From: Henry Yzaguirre, Superintendent of Schools

Additional Presenters Sharon Fuery
if Applicable:

Description: As per Board Policy CKEB LEGAL, the Texas Education Code 37.0811 states that School Marshals may only carry handguns in the manner prescribed by regulations adopted by the board of trustees. This regulation is provided to meet the requirements of the Texas Education Code and Code of Criminal Procedure. The District shall comply with all requirements imposed by state law. This regulation is regarding the duties, responsibilities and authorities for South San Antonio ISD School Marshals.

Historical Data: HB 1009 Section 1 - The Protection of Texas Children Act outlines the creation of a new category of law enforcement officer who shall be designated a school marshal.

Recommendation: Approve the Administrative Regulation CKEB - Security Personnel: School Marshals

Purchasing Director
and Approval Date:

Funding Budget Code n/a
and Amount:

Goals: This aligns with the district Mission regarding "providing a safe, nurturing and challenging learning environment..."

TEXAS COMMISSION ON LAW ENFORCEMENT
 6330 E. Highway 290 STE. 200, Austin, Texas 78723-1035
 Phone (512) 936-7700
<http://www.tcole.texas.gov>

APPOINTING ENTITY NUMBER APPLICATION

DISTRICT / INSTITUTION INFORMATION

1. District / Institution Name South San Antonio ISD - Police Department			2. Address 1450 Gillette Blvd		
TEA FICE Number 015908					
3. City San Antonio		4. State TX.	5. County Bexar		6. Zip Code 78224
7. Phone Number 210-977-7500		8. Fax Number		9. Email eugene.tovar@southsanisd.net	

SUPERINTENDENT / PRESIDENT INFORMATION

10. Title Mr.	11. First Name Henry	12. M.I.	13. Last Name Yzaguirre	14. Suffix (Jr.Etc)
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List all cities in your district / area: City of San Antonio

List all counties in your district / area: Bexar County

Reported District / Institution Student Enrollment: 7400

Authorized District Signatures: (must include school board / governing board president)

Manuel Lopez	Board President	
Name (please type or print)	Title	Signature
Henry Yzaguirre	Superintendent	
Name (please type or print)	Title	Signature
Eugene Tovar	Chief of Police	
Name (please type or print)	Title	Signature

REQUESTING GOVERNMENTAL BODY

I, the administrator of the governmental body making request, am fully aware that this application is a government document and under penalties of perjury I declare the foregoing information to be true and correct.

Superintendent / President (Type or Print)	Signature	Date
Sworn to and subscribed before me, this _____ day of _____, _____		
Notary public in and for, State of Texas		
My commission expires ____/____/____		
Notary Seal or Stamp	Printed Name of Notary	
	Signature of Notary	

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure Article 2.127. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2.127(d)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

**District
Responsibilities**

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;
3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;
4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law; and
5. Immediately report to the commission a school marshal's violation of any commission standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

**Reporting
Requirements**

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;
2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm car-

ried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Handgun Possession

A school marshal may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and
2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

A board's written regulations must provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location.

The written regulations must also require that a handgun carried or possessed by a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;
2. Suspension or revocation of the employee's license to carry a handgun;
3. Termination of the employee's employment with the district; or
4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)-(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;

2. The district;
3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;
4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and
5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*



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These written regulations addressing school marshals and school security will be a part of the district's emergency operations plan; however, for the safety and security of ISD's employees and students, these written policies will not be made available nor posted pursuant to a request under the "Public Information Act". Education Code 37.0811(g); Occupations Code 1701.260(j)

Texas Education Code 37.0811 states that School Marshals may only carry handguns in the manner prescribed by regulations adopted by the board of trustees. This regulation is provided to meet the requirements of the Texas Education Code and Code of Criminal Procedure. The District shall comply with all requirements imposed by state law. This regulation is regarding the duties, responsibilities and authorities for South San Antonio ISD School Marshals.

The district will maintain a file for review by the Texas Commission on Law Enforcement (TCOLE) that contains:

- a) The original authorization to establish a School Marshal program;
- b) MOU's and renewals covering the past 5 years;
- c) And a copy of the policies and regulations governing School Marshals.

These files will be retained for 5 years.

A school marshal may make arrests and exercise all authority given to peace officers under Section 2, Chapter 2, Article 2.127, Code of Criminal Procedure, but only to the extent necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7 Transportation Code. A school marshal must carry their handgun concealed or secured as described in Texas Education Code 37.0811 (c) & (d); except when acting as allowed by Section 2, Chapter 2, Article 2.127, Code of Criminal Procedure.

A school marshal may only carry an approved handgun (a) in compliance with the legal requirements for a licensed handgun carrier and (b) as may be determined by the Board on the physical premises of a school campus. A school marshals may carry on the campus of another ISD school if there is a signed MOU with the other ISD allowing the school marshal to act temporarily at the other campus during an event involving both ISD's.

A South San Antonio ISD school marshal will only carry the duty handgun and holster provided by South San Antonio ISD. The school marshal will not make any changes or modifications to the handgun that are not



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approved by the district. The weapon should be inspected annually for safety by a qualified firearms instructor (TCOLE or DPS LTC) or local law enforcement agency.

If a school marshal's primary duty involves regular, direct contact with students, the marshal shall not carry a concealed handgun but may possess an approved handgun on the physical premises of a school in a locked and secured safe or other locked and secured location within the marshal's immediate reach when conducting the marshal's primary duty.

Any approved handgun carried by or within access of a school marshal must be loaded only with **frangible ammunition** (*frangible ammunition is a type of bullet that breaks apart when it hits a hard surface. The bullets are made from a binding agent that holds together compressed powder or metal particles, and are different from traditional lead or jacketed bullets. When the bullet hits a target, it disintegrates into a fine powder, which reduces the risk of ricochets and overpenetration. The small particles are also slowed down more quickly by air resistance, making them less likely to cause injury or damage to people or objects that are far away from the impact point. It is designed to disintegrate on impact for maximum safety and minimal danger to others. Such frangible ammunition must be approved by TCOLE and the board).*

TRAINING

A South San Antonio ISD school marshal must:

- a) complete a psychological testing program.
- b) complete and pass the TCOLE weapons qualification course of fire two (2) times per year at the district firearms training center.
- c) must also demonstrate weapons proficiency to the satisfaction of the district Police Department firearms instructors.
- d) must attend all active shooter trainings provided by the Police Department each year.

A school marshal's status as a "school marshal" becomes inactive on:

- a) Expiration of the employee's school marshal license under Occupations Code 1701.260.
- b) Suspension, expiration, or revocation of the employee's concealed handgun license.
- c) Termination of the employee's employment with South San Antonio ISD.
- d) Notice from the Board that the employee's services as a school marshal are no longer required.
- e) Failure to demonstrate weapons proficiency to the satisfaction of the South San Antonio ISD Police Department firearms training staff.
- f) Violation of any ISD policy or regulation applicable to a school marshal.
- g) Notice from the Superintendent that the employee's services as a school marshal are temporarily suspended pending review by the Board.



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For each School Marshal the district will maintain a file separate from personnel files for review by the Texas Commission on Law Enforcement upon demand as required in Texas Administrative Code 227.1 (c). These records must be retained for 5 years and will include:

- a. Proof of current License to Carry (LTC) for last 5 years;
- b. Completed TCOLE L3 Psychological Examination for last 5 years;
- c. And proof of completion of initial licensing course and renewal courses.

JOB DESCRIPTION

School Marshal

Reports To: Chief of Police

Wage/Hour Status: Non-Exempt /Minimum - \$22.00/Hour

Pay Grade: 2 - Police Pay Plan

Department: Police

Terms of Employment: 187 Days

Primary Purpose

The role of the School Marshal is to provide for the safety and security of all students, faculty, and staff, as well as the security of all district/campus property and equipment. Supports school safety efforts with security inspections, emergency response as well as the district police department and ensures compliance with federal, state, local and district safety requirements.

Education/Certification:

1. High school diploma or GED
2. Minimum 21 years of age
3. Valid Texas driver's license
4. Candidate must have satisfactory outcome of fingerprinting background check.
Nonrefundable fee (approximately \$50.00) paid by the employee

Qualifications

1. Successful completion of pre-employment background investigation.
2. Possess License to carry firearm certification.
3. Successful completion of various other training related to crisis intervention, incident command, first aid, mental health, behavioral threat assessment, and firearms retention and regular re-qualifications.
4. Effective written and verbal communication skills.
5. Proficient in basic computer skills.
6. Ability to maintain control under stressful situations and use sound judgement and critical thinking when making decisions.
7. Ability to operate and maintain facility security equipment
8. Ability to deal sensitively and fairly with people from diverse backgrounds and effectively interact with students, staff, parents, and the community.
9. Comply with all school policies and procedures with respect to uniform requirements, appearance, attendance, and scheduling.
10. Valid Texas Drivers license with driving record that meets the requirements of the district.
11. Ability to complete required TCOLE school marshal training.

Special Knowledge/Skills:

1. Ability to pass required physical, psychiatric, and drug tests
2. Ability to work well with youth and adults

Experience:

1. Background in security operations, military or law enforcement experience

Major Responsibilities and Duties:

1. Patrol assigned campus buildings and grounds, alerting to and appropriately responding to unauthorized persons, hazardous situations and suspicious circumstances.
2. Provide prevention and detection of security violations, safety hazards, enforcement of traffic and parking regulations, and observe and report criminal activity.
3. Conduct regular inspections of perimeter fence conditions, exterior door security, access control points, video surveillance systems, and parking lot areas to ensure campus is properly secured.
4. Conducts safety and security audits of campus facilities and assists with the coordination and management of district safety and security compliance requirements.
5. Create and maintain daily activity logs, incident reports, and other documentation as needed by the Police Department, such as logs related to emergency exercise/drills or exterior door sweeps. Identifies and records observed safety violations or security related incidents and prepares written reports.
6. Initiate or respond to and assist campus administration in the investigation and resolution of security related incidents and code of conduct infractions. Observe or otherwise obtain information from all relevant sources as part of incident investigation.
7. Supports campus behavioral threat assessment teams.
8. Assists campus administration with monitoring student behavior and school rules related to student conduct, vehicle operation, and parking.
9. Works with campus administration and first responders concerning emergency management and incident response procedures, emergency drills/evacuation, standard response protocols, as well as provides safety training/briefings to campus staff.
10. Adheres to professional ethical standards in relationships with students, teachers, parents, administrators, and other support staff.
11. Assists campus staff in the supervision of students during arrival and dismissal from school.
12. Assists in fostering positive school or organizational morale, while promoting a positive and caring school climate.
13. Serves as a positive role model that supports the mission of the district and campus.
14. Participates in staff development training, faculty meetings, special events, and other district specified training programs.
15. Maintains frequent and effective communication with chain of command and campus administration regarding safety and security issues or concerns.

16. Maintains confidentiality of all information.
17. Reports to work on time each workday.
18. Performs additional duties and responsibility as may be assigned.

Working Conditions: Mental Demands/Physical Demands/Environmental Factors:

1. **Tools/Equipment Used:** Ability to operate a District vehicle, firearm, handcuffs, security equipment, two-way radio, alarm system, and other security equipment, fire extinguisher, and standard office equipment including computer and peripherals
2. **Posture:** Prolonged sitting and standing
3. **Motion:** Strenuous walking, standing, and climbing; frequent keyboarding/mouse, prolonged driving
4. **Lifting:** Moderate lifting and carrying (15-44 pounds)
5. **Environment:** Work inside and outside (moderate exposure to sun, heat, cold, and inclement weather), moderate exposure to noise, frequent district wide travel; on call 24 hours a day.
6. **Other:** Specific hearing and visual requirements; May be subject to adverse and hazardous working conditions including violent and armed confrontations; ability to control sudden violent or extreme physical acts of others and exhibit rapid mental and muscular coordination simultaneously;
7. **Mental Demands:** Maintain emotional control under stress; may work prolonged or irregular hours, drive in all different areas of district at odd hours; on call 24 hours a day. May be subject to work shift work, weekends, and holidays.

The Superintendent reserves the right to waive any requirements for any qualified applicant. Not all applicants will be interviewed. Your resume, letter of interest, and other available information will be considered in the screening process.

It is the policy of South San Antonio ISD not to discriminate on the basis of race, color, religion, national origin, age, sex, gender identity, gender expression, sexual orientation or disability in its vocational programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended, and SSAISD's board policies DIA, FFH, and FFI.

“SOUTH SAN ANTONIO ISD IS AN EQUAL OPPORTUNITY EMPLOYER”