

ATTACHMENT II  
Text of Adopted 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.**

- (a) A school administrator, school resource officer, or school district peace officer of a school district may refuse to allow a person to enter on or may eject a person from property under the district's control if the person refuses 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 property under a district's control.
- (c) Each school district shall maintain a record of each verbal warning issued under subsection (a)(2)(A) of this section, 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 set forth in subsection (h) of this section.
- (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 the Rehabilitation Act of 1973, Section 504, (29 United States Code, §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 set forth in subsection (h) of this section.
- (h) A school district's board of trustees shall adopt a policy ~~that uses the school district's existing grievance process to permit~~ ~~[establishing a process permitting]~~ a person refused entry to or ejected from property controlled by the school district ~~under this section~~ to appeal such refusal of entry or ejection. The policy ~~must permit a person appealing under this section to address the school district's board of trustees in person within 90 days of the commencement of the appeal, unless the appeal is granted before the school district's board of trustees considers the appeal~~ ~~[shall include the following provisions]~~ .
- ~~[(1) — The appeal must be made in writing and must include any documents supporting the appeal to be considered by the board of trustees.]~~
  - ~~[(2) — The appeal must be addressed to the board of trustees or the current board president.]~~
  - ~~[(3) — The appeal must be submitted to the board of trustees by U.S. Postal Service, common carrier, commercial courier service, or facsimile transfer.]~~
  - ~~[(4) — The appeal must be received, regardless of method of submission, by the board of trustees within 30 calendar days of the refusal of entry or ejection that constitutes the subject of the appeal.]~~

~~[(5) The board of trustees shall consider the appeal at its next scheduled public meeting, unless the notice requirements of the Open Meetings Act cannot be timely met; otherwise, the appeal shall be considered at the board of trustees' next scheduled public meeting.]~~

~~[(6) Any documents submitted to the board of trustees by school district representatives in connection with the appeal shall be provided to the appellant at least five calendar days prior to the board meeting at which the appeal will be considered.]~~

~~[(7) The appellant shall have 15 minutes to present the appeal to the board of trustees, including the offering of witness testimony.]~~

~~[(8) Representatives and witnesses of the school district shall have 15 minutes to argue against the appeal, including the offering of witness testimony.]~~

~~[(9) The board of trustees may allow additional time for presentation of or response to an appeal, but such time must be equally apportioned between the appellant and the representatives of the school district.]~~

~~[(10) The board of trustees shall grant or deny the appeal during the same meeting in which the appeal is considered.]~~

(i) [(11)] A decision of the board of trustees to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code, §7.057.