

**Applicability of
Criminal Laws**

The criminal laws of the state apply to the areas under the control and jurisdiction of the Governing Board

Trespass

An unauthorized person who trespasses on the grounds of the School commits a Class C misdemeanor. *Education Code 37.107*

**Access to School
Property**

The Superintendent and authorized school officials, including school police or resource officers, may refuse to allow a person access to the property under the Board's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

**Ejection or Exclusion
under
Education Code 37.105**

A school administrator, school resource officer, or school peace officer may refuse to allow persons to enter on or may eject a person from property under the School'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 or signed 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.

Identification may be required of any person on property under the School's control.

The School shall maintain a record of each verbal/signed warning issues, including the name of the person to whom the warning was issued and the date of issuance.

School officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

In accordance with Education Code 37.105, a School official shall provide a person refused entry to or ejected from property under the School's control written information explaining the right to appeal such refusal of entry or ejection under the School's grievance policy.

A person appealing under the School's grievance process shall be permitted to address the Board in person at its next regularly scheduled meeting unless the complaint is resolved before then.

If a parent or guardian of a child enrolled at TSD is refused entry to the School's property, the School shall accommodate the parent or guardian to ensure that they may participate in the child's admission, review and dismissal committee.

The term of a person's refusal of entry shall not exceed two years.

Vehicles on School Property

The Superintendent or designee may bar or suspend a person from driving or parking any electric or gas powered motorized vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the Board or set forth in *Education Code 37.106*

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any school in a district.

Definition

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the State of Texas.

Education Code 37.123

Disruption of Classes

A person commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

Definitions

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or teacher and, either through acts of misconduct or use of loud or profane language, disrupting class activities.

For purposes of this provision, "school property" includes the School campus and any grounds or buildings used by the School for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

**Tobacco and
E-Cigarettes**

The Board prohibits smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. Students are prohibited from possessing tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property.

Education Code 38.006

Criminal Penalty

A person commits an offense if he or she is in possession of a burning tobacco product or smokes tobacco or operates an e-cigarette in a facility of the School or on school grounds.

Defense

It is a defense to prosecution that the School does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in the School and that an offense is punishable by a fine not to exceed \$500.

**Facilities for
Extinguishment**

The School shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)-(c)

Alcohol The Board prohibits the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. **Education Code 38.007(a) [See FNCF]**

Fireworks A person may not explode or ignite fireworks within 600 feet of the School unless the person receives authorization in writing from the School. **Occupations Code 2154.251(a)(1)**

Federal Gun-Free School Zones Act It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reason reasonable cause to believe is a school zone.

“School Zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of the school grounds;
2. If the individual possessing the firearm is licensed to do so by the state,
3. That it is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by the School in a school zone;
5. By an individual in accordance with a contract or an MOU entered into between the School and the individual or the employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing the School premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

Possession of Weapons A person commits a third-degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, location restricted knife, club, or prohibited weapon. (See FNCG):

1. Onto the physical premises (a building or portion of a building of a school);
2. Onto any grounds or into a building in which an activity

sponsored by the School is being conducted; or

3. On a passenger transportation vehicle of the School.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of the School.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03 (a) (1), (f)

A person knowingly commits a third-degree felony if the person intentionally, knowingly, or recklessly possesses or goes with a location restricted-knife on the premises where a sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event. (See FNCG) *Penal Code 46.03 (a-1)*

“Premises” Defined

"Premises," for purposes of the paragraph above, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

Excepted Persons

Penal Code 46.03 does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of their duties;
2. Parole officers while engaged in the actual discharge of the officer’s duties;
3. A security officer commissioned by the Texas Board of Private Investigators who:
 - a. Is wearing a distinctive uniform;
 - b. Wears the firearm in plain view: and
 - c. Has the written permission of the Superintendent.
4. Community supervision and corrections department officers in the actual discharge of their duties;
5. A security officer who:

- a. Holds a personal protection authorization under the Private Investigators and Private Security Act, Article 4413 (29bb), Vernon's Texas Civil Statutes; and
 - b. Has the written permission of the Superintendent.
6. An active judicial officer who is licensed to carry a handgun;
7. An active judicial officer who is licensed to carry a handgun;
8. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency and is carrying a photo identification verifying that the officer of investigator qualifies for this exception;
9. The attorney general of a United States attorney, a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
10. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun;
11. A bailiff designated by an active judicial officer who is licensed to carry a handgun and engaged in escorting the judicial officer;
12. A juvenile probation officers who is authorized to carry a firearm;
or
13. A person who is volunteer emergency services personnel if the person is carrying a handgun under the authority of Government Code, Chapter 411, Subchapter H; and engaged in providing emergency services.

Penal Code 46.15 (a)

The School may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the School, provided that the handgun, firearm or ammunition is not in plain view.

**Transportation or
Storage of Firearm
In School Parking
Area**

This does not authorize a person to possess, transport or store a firearm, handgun or ammunition in violation of Education Code 37.125 or Penal Code 46.03 or 46.035, or other law.

Education Code 37.0815

The School is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

**Volunteer
Emergency
Services Personnel**

The discharge of a handgun by an individual who is emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The School does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

"Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

Civil Practice & Remedies Code 112.001; Penal Code 46.01(18)

A person commits a third-degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
 - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

Exhibition of a Firearm

b. On a school bus being used to transport children to and from school-sponsored activities;

2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

A license holder commits an offense if the license holder:

- 1. Carries a concealed handgun on the property of another without effective consent; and
- 2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

- 1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or
- 2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal

Trespass – Concealed Carry of Handgun

Notice / Sign
Concealed Carry of
Handgun

Code 46.03 or 46.035.

Penal Code 30.06 [See also FNCG]

Exception

A district may not provide notice, by a communication described by Penal Code 30.06 or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035. Gov't Code 411.209

Unauthorized
Notice

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

**Trespass—Open
Carry of Handgun**

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

Notice / Sign Open
Carry of Handgun

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code, a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on

which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.07

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

Exception

Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.

Penal Code 46.035(b)(2)

**Interscholastic
Events**

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see Notice/Sign—Concealed Carry of Handgun and Notice/Sign—Open Carry of Handgun, above].

Board Meetings

Penal Code 46.035(c), (i)

A license holder does not commit a criminal offense under Penal Code 46.035 [see Interscholastic Events and Board Meetings, above] if the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization. Attorney General Opinion GA-1051 (2014) [See Handgun Licensees at CKE(LEGAL)]

“Small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Board Authorization

“Small unmanned aircraft system” (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part

Drones

107 does not apply to the following:

Federal Law

Small Unmanned
Aircraft

1. Air carrier operations;
2. Any aircraft subject to the provisions of 14 C.F.R. Part 101; or
3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under Section 333 of Public Law 112–95, unless otherwise specified in the exemption. 14 C.F.R. 107.1, .3

Small Aircraft
Systems

A “model aircraft” is an unmanned aircraft that is capable of sustained flight in the atmosphere, flown within visual line of sight of the person operating the aircraft, and flown for hobby or recreational purposes.

Title 14 C.F.R. Part 101, Subpart E prescribes rules governing the operation of a model aircraft (or an aircraft being developed as a model aircraft) that meets all of the following conditions:

Model Aircraft

1. The aircraft is flown strictly for hobby or recreational use;
2. The aircraft is operated in accordance with a community based set of safety guidelines and within the programming of a nationwide community-based organization;
3. The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
5. When flown within five miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation.

No person may operate a model aircraft so as to endanger the safety of the national airspace system.

14 C.F.R. 101.1(5), .41, .43

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable.

Gov’t Code 423.009(b), (d)

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

- 1. The use of an unmanned aircraft during a special event;
- 2. The political subdivision's use of an unmanned aircraft; or
- 3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:

State Law

Regulation Limited

a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and

Exception

b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

“Special event” means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

- 1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
- 2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human percept

Privacy Law

TEXAS SCHOOL FOR THE DEAF

**COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES**

GKA

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