

Texas Education Code Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION.

(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 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.

PLEASE NOTE: The Commissioner of Education has yet to adopt rules regarding the appeal process referenced in this law. In the event you wish to appeal any decision of District officials made pursuant to the above law, please consult Board Policies FNG (LOCAL) or GF (LOCAL).

Trespass Appeal Process

In accordance with [Policy GKA](#): Campus and District administrators, as well as school resource officers and district police officers if applicable, may refuse to allow a person to enter or may eject a person from property under the district's control in accordance with law.

Individuals may appeal their ejection/refusal of entry by following the Azle ISD district grievance process outlined in [Policy FNG](#) or [Policy GF](#). A person filing an appeal must be able to present his or her appeal to the board in person within 90 days of filing the appeal.

See “Appendix A” for “Notice Refusal of Entry or Ejection” at end of this document for more information

APPENDIX A

Notice Regarding Refusal of Entry or Ejection and Appeals Process

In accordance with Texas [Education Code 37.105](#) UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION -

(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. (1) The person poses a substantial risk of harm to any person; or
2. (2) The person behaves in a manner that is inappropriate for a school setting and:
 - o (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
 - o (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 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.

A person ejected from or refused entry to District property under this provision may appeal this action by filing an appeal under [FNG\(LOCAL\)](#) or [GF\(LOCAL\)](#) and shall be permitted to address the Board in person within 90 days of the commencement of the appeal if the grievance is not resolved at a previous level before the board considers the appeal.

The board's decision 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.

- View Board Policy GKA Series for additional information
<https://policyonline.tasb.org/PolicyOnline/PolicyDetails?key=376&code=GKA>
- View the Klondike ISD Notice of Refusal of Entry
- View Trespass Appeal Process
<https://policyonline.tasb.org/PolicyOnline/PolicyDetails?key=376&code=GKA#legalTabContent>

Identification Requests

A district may require a person who enters property under the district's control to display the person's driver's license or another form of identification containing the person's photograph issued by a governmental entity or, if applicable, the person's district employee or student identification card.

The person must provide the identification on request.

A district may eject a person from district property if the person refuses or fails to provide on request identification and it reasonably appears that the person has no legitimate reason to be on district property.

- View Board Policy GKC Series for additional information
<https://policyonline.tasb.org/PolicyOnline/PolicyDetails?key=376&code=GKC#legalTabContent>
- Education Code 38.022(a), (a-1) <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.38.htm>

For information on ejection for other conduct on school premises, see Policy GKA.

<https://policyonline.tasb.org/PolicyOnline/PolicyDetails?key=376&code=GKA#legalTabContent>