



MEMORANDUM

To: Texas Million Mom March Chapters of the Brady Campaign
From: Brady Center, Legal Action Project
Date: August 19, 2008
Re: Harrold, Texas, Independent School District policy to arm K-12 teachers and staff

Upon learning of the decision by the Harrold, Texas Independent School District (Harrold ISD) to arm teachers and other employees on K-12 school property, you have requested our advice on how to respond to this policy.

Certainly, as our *No Gun Left Behind* report indicates, we believe that arming school teachers is a very dangerous response to the risks of school violence. One of the reasons our nation's K-12 schools are far safer than surrounding areas of society is because firearms are very tightly regulated on school property. It is a myth that gun-free schools increase the dangers to our children. In fact, those policies have been extremely effective in reducing the risks of gun violence to children and youths. Indeed, fewer than 1% of school-age homicide victims are killed on school grounds or on the way to and from school.¹ Youths aged 5-19 are at least 70 times more likely to be murdered away from school than at a school.² Even Gary Kleck, a researcher often cited by the gun lobby, notes these statistics and concludes: ***“Both gun carrying and gun violence are thus phenomena almost entirely confined to the world outside schools.”***³

In addition, as a legal matter, it appears that the Harrold ISD may not be in compliance with Texas law.

According to the Emergency Operations Plan adopted on October 31, 2007, the Harrold ISD relied on Texas Penal Code § 46.03(a)(1) for its authority to arm specific school employees, at school sponsored or school-sanctioned events, and at Board meetings. The stated purpose of this policy was to enable these armed employees to “address concerns about effective and timely response to emergency situations at schools, including invasion of the schools by an armed outsider, hostage situations, students who are armed and posing a direct threat of physical harm to themselves or others, and similar circumstances.”

¹ Bureau of Justice Statistics and National Center for Education Statistics, *Indicators of School Crime and Safety: 2004*, at iii (2004).

² *Id.* at 1.

³ Gary Kleck, *Targeting Guns: Firearms and Their Control* 204 (1997).

However, Texas Penal Code § 46.03(a)(1) was *not* intended to allow school districts within Texas to arm teachers or other faculty to provide school security. That code section merely provides an exception to an offense under the Texas concealed carry statute for carrying guns on school grounds when the person carrying a gun has the written authorization of the institution.

To provide for school security by authorizing persons to carry weapons on school property, a school district must comply with Texas Education Code § 37.081, which provides:

- (a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter. ***If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer....***

- (f) School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and ***shall be licensed by the Commission on Law Enforcement Officer Standards and Education.***

- (h) A peace officer assigned to duty and commissioned under this section shall take and file the oath required of peace officers and shall execute and file a bond in the sum of \$1,000, payable to the board of trustees, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law.... ***Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Commission on Law Enforcement Officer Standards and Education.***

It does not appear that the Harrold ISD has complied with these Education Code requirements. There is no mention of them in its policy statement, and there is no indication that the school district has commissioned peace officers, required them to be licensed and bonded, or tasked them to meet the standards of the Commission on Law Enforcement Officer Standards and Education.

There is no shortcut to school security when our children's lives are at stake. Any armed personnel on school property should be properly commissioned, licensed, and trained as peace officers. There is far more to the job than simply having a concealed carry license and undergoing some additional training.