



## Notice of Public Hearing & Special Meeting The Board of Trustees LVISD

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A Public Hearing followed by a special meeting of the Board of Trustees of Lago Vista ISD will be held on Monday, August 21, 2023, in the MAC at Lago Vista High School, 5185 Lohman Ford Rd, Lago Vista TX, beginning at 6:00pm.

Members of the public may access this meeting via live stream approximately 5 minutes before the scheduled meeting time at <https://www.youtube.com/channel/UCFRbLIZyFad2big-QDVuotw>.

Citizens wishing to address the Board of Trustees may do so in-person at the meeting location. Individuals must sign up between 5:30 p.m. and 6:00 p.m. on the day of the meeting.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice

1. Determination of quorum, call to order, pledges of allegiance, public participation
2. Public Hearing on 2023-2024 LVISD Proposed Tax Rate
3. Action to Adopt 2023-2024 LVISD Budget
4. Action to Adopt Order Setting School District Tax Rate
5. Action to Adopt Order Calling for a Voter-Approval Tax Rate Election (VATRE)
6. Action to Approve a Resolution of the Board of Trustees Approving Travis County Voting Equipment
7. Action to Approve a Resolution of the Board of Trustees the Acquisition of Real Property
8. Discussion of Resolution to Declare a Good Cause Exception for House Bill 3 - Armed Security Officer Requirement
9. Endorsement of Dr. Mary Jane Hetrick - Region 13B TASB Representative
10. Closed Session
  - a. Tex. Govt. Code 551.072 Real Property Deliberations
  - b. Tex. Govt. Code 551.076 Security Personnel, Devices, Audits
11. Adjourn

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*If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(Legal)]*

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Darren Webb  
Superintendent

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Date

# Lago Vista ISD

## Side by Side Comparison

### Budget Yr 22/23 to 23/24

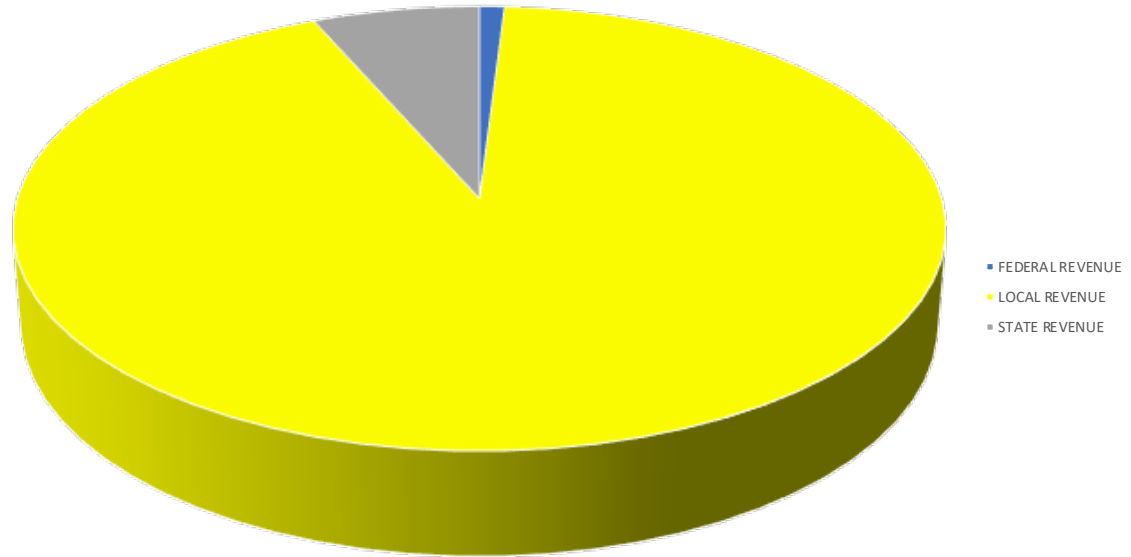
Funds 199, 240, 599

		2022-2023	2023-2024
		Aggregate	Aggregate
11	Instruction	\$ 10,756,194.00	\$ 11,450,786.00
12	Instruction Resources	\$ 94,357.00	\$ 98,497.00
13	Staff Development	\$ 29,100.00	\$ 29,100.00
21	Instructional Administration	\$ 280,633.00	\$ 294,638.00
23	School Leadership	\$ 1,530,485.00	\$ 1,607,450.00
31	Guidance & Counseling	\$ 572,231.00	\$ 599,290.00
33	Health Services	\$ 188,345.00	\$ 197,575.00
34	Transportation	\$ 726,400.00	\$ 766,400.00
35	Food Service	\$ 605,540.00	\$ 755,640.00
36	Extra Curricular Activities	\$ 928,576.00	\$ 937,805.00
41	General Administration	\$ 849,978.00	\$ 880,307.00
51	Plant Maintenance	\$ 2,278,255.00	\$ 2,441,087.00
52	Security	\$ 11,850.00	\$ 19,350.00
53	Data Processing Services	\$ 462,921.00	\$ 478,518.00
61	Community Services	\$ -	
71	Debt Service	\$ 11,088,481.00	\$ 11,836,780.00
81	Capital Projects	\$ -	
91	Contracted Svcs Between Schools	\$ 16,382,075.00	\$ 10,545,894.00
99	Tax Appraisal/Collection Svcs	\$ 113,500.00	\$ 183,500.00
0	Transfer Out	\$ 3,000.00	\$ 3,000.00
	<b>Total Expenditures</b>	<b>\$ 46,901,921.00</b>	<b>\$ 43,125,617.00</b>

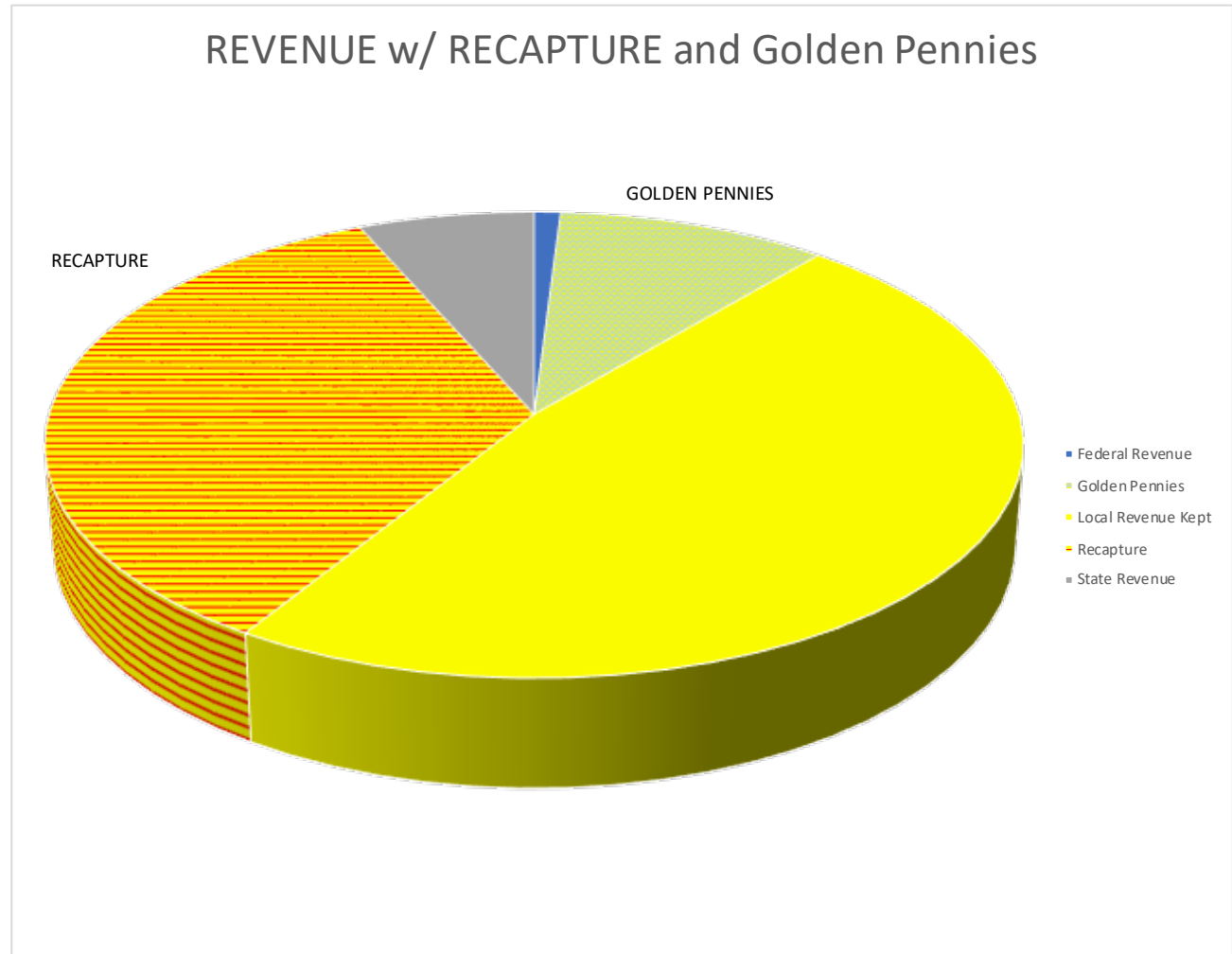
Obj (Multiple Items)

Row Labels	Sum of SY 23-24 Proposed
FEDERAL REVENUE	\$ 300,000
LOCAL REVENUE	\$ 28,218,500
STATE REVENUE	\$ 2,014,697
<b>Grand Total</b>	<b>\$ 30,533,197</b>

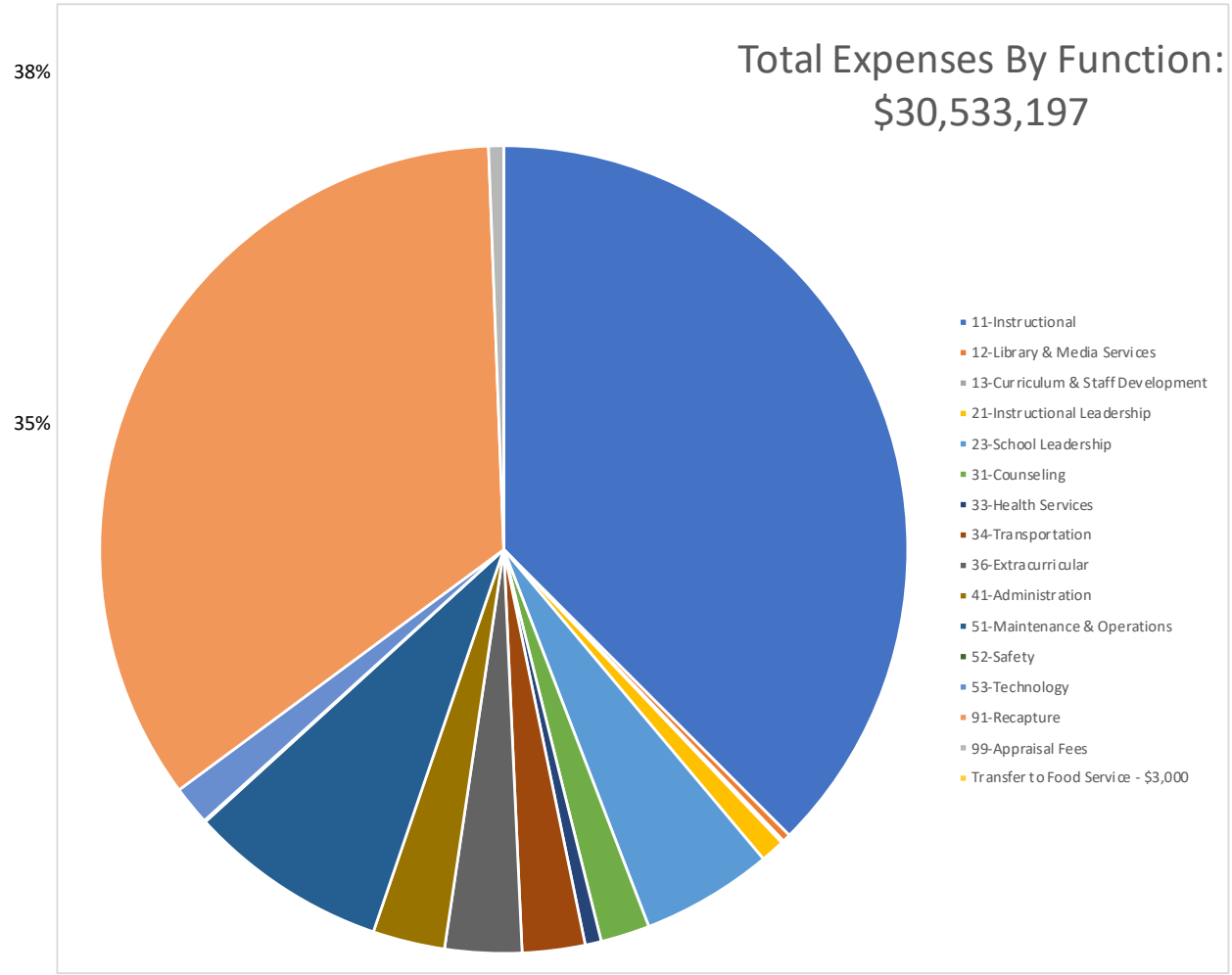
TOTAL 199 FUNDS ANTICIPATED:  
\$30,533,197



Row Labels	Sum of Amount
Federal Revenue	\$ 300,000
Golden Pennies	\$ 3,105,263
Local Revenue Kept	\$ 14,567,343
Recapture	\$ 10,545,894
State Revenue	\$ 2,014,697
<b>Grand Total</b>	<b>\$ 30,533,197</b>



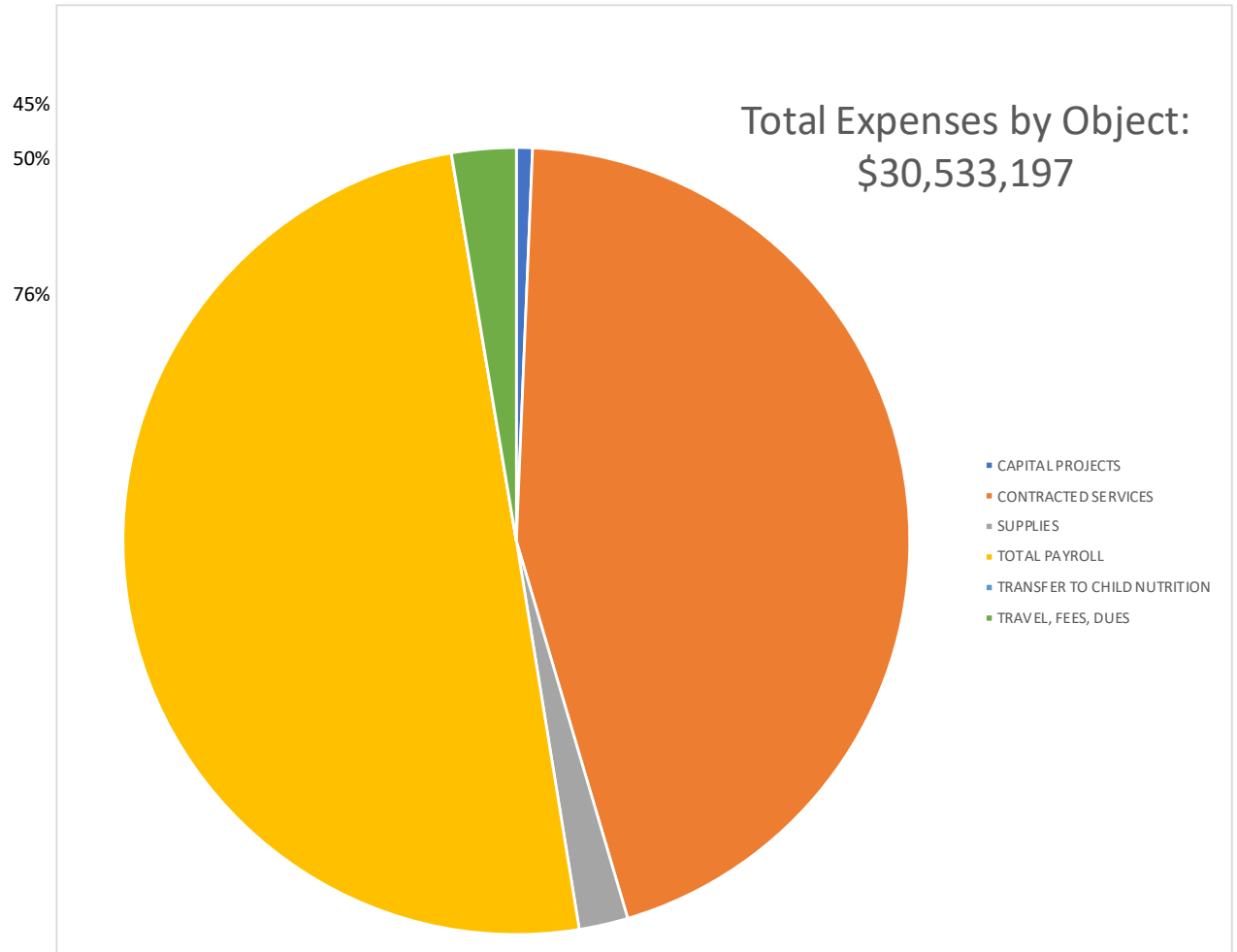
Row Labels	Sum of SY 23-24 Proposed
11-Instructional	\$ 11,450,786
12-Library & Media Services	\$ 98,497
13-Curriculum & Staff Development	\$ 29,100
21-Instructional Leadership	\$ 294,638
23-School Leadership	\$ 1,607,450
31-Counseling	\$ 599,290
33-Health Services	\$ 197,575
34-Transportation	\$ 766,400
36-Extracurricular	\$ 937,805
41-Administration	\$ 880,307
51-Maintenance & Operations	\$ 2,441,087
52-Safety	\$ 19,350
53-Technology	\$ 478,518
91-Recapture	\$ 10,545,894
99-Appraisal Fees	\$ 183,500
Transfer to Food Service - \$3,000	
<b>Grand Total</b>	<b>\$ 30,530,197</b>
	\$ 30,533,197



Obj (Multiple Items)

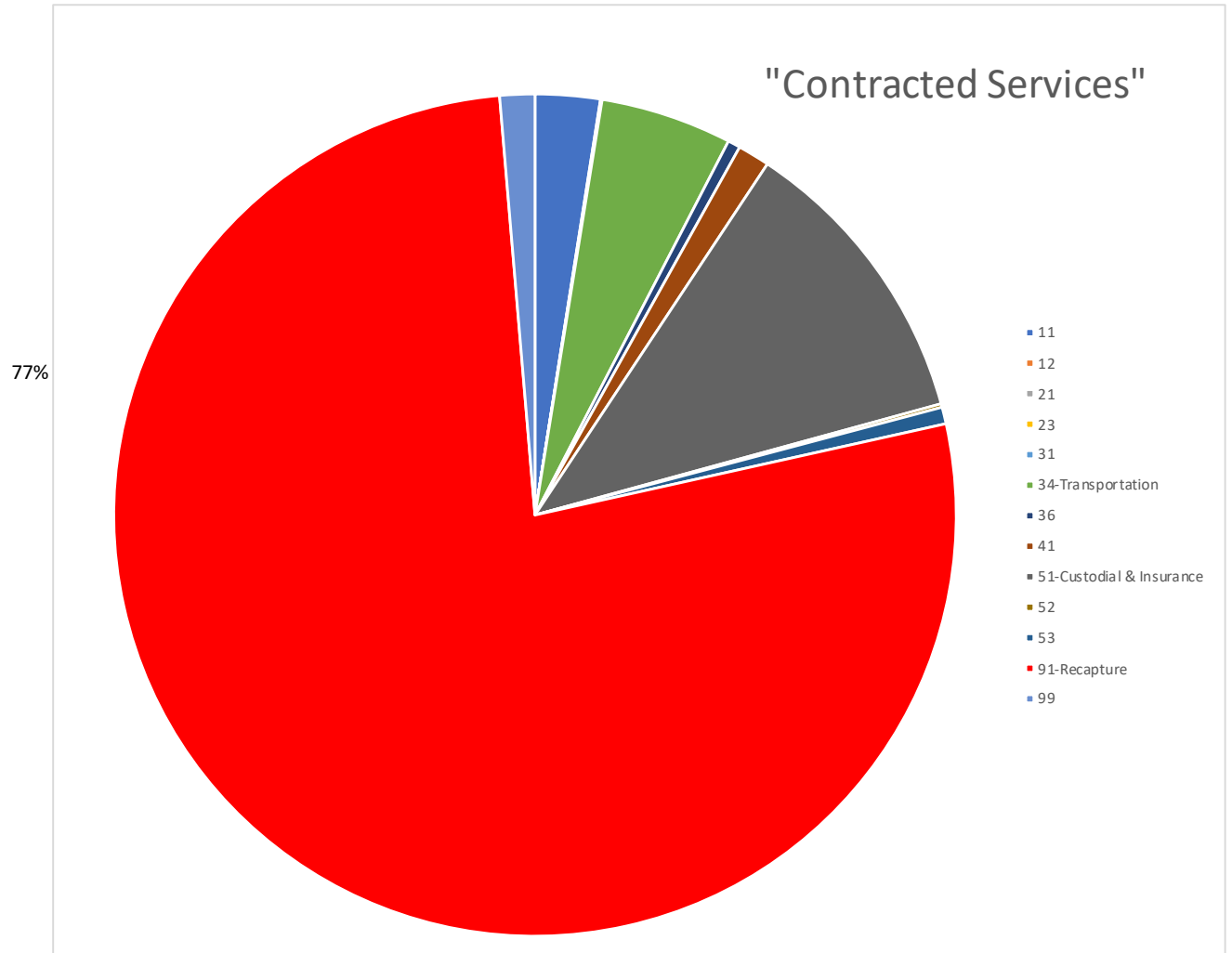
Row Labels	Sum of SY 23-24 Proposed
CAPITAL PROJECTS	\$ 200,650.00
CONTRACTED SERVICES	\$ 13,671,172.00
SUPPLIES	\$ 614,452.00
TOTAL PAYROLL	\$ 15,236,648.00
TRANSFER TO CHILD NUTRITION	\$ 3,000.00
TRAVEL, FEES, DUES	\$ 807,275.00
<b>Grand Total</b>	<b>\$ 30,533,197.00</b>

\*\*Percentage of Payroll after Recapture is removed



Obj (Multiple Items)

Row Labels	Sum of SY 23-24 Proposed
11	\$ 340,200
12	\$ 3,400
21	\$ 1,850
23	\$ 2,000
31	\$ 1,550
34-Transportation	\$ 689,900
36	\$ 65,450
41	\$ 167,913
51-Custodial & Insurance	\$ 1,563,300
52	\$ 18,750
53	\$ 87,465
91-Recapture	\$ 10,545,894
99	\$ 183,500
<b>Grand Total</b>	<b>\$ 13,671,172</b>



## LAGO VISTA INDEPENDENT SCHOOL DISTRICT

## PROPOSED BUDGET

FISCAL YEAR ENDING 2023-2024

		199	240	599	Total Proposed Budget
		General Fund	School Nutrition	Debt Services	2023-2024
<b>ESTIMATED REVENUE</b>					
5700	Local, Intermediate, and Out-of-State	28,218,500	426,240	11,836,780	40,481,520
5800	State Program Revenue	2,014,697	2,500	0	2,017,197
5900	Federal Program Revenue	300,000	323,900	0	623,900
7900	Transfers In		3,000		
<b>TOTAL ESTIMATED REVENUE</b>		<b>30,533,197</b>	<b>755,640</b>	<b>11,836,780</b>	<b>43,125,617</b>
<b>APPROPRIATIONS</b>					
11	Instruction	11,450,786	0	0	11,450,786
12	Instructional Resources & Media Svcs	98,497	0	0	98,497
13	Curriculum & Professional Development	29,100	0	0	29,100
21	Instructional Administration	294,638	0	0	294,638
23	School Leadership	1,607,450	0	0	1,607,450
31	Guidance & Counseling	599,290	0	0	599,290
32	Attendance & Social Work	-	0	0	0
33	Health Services	197,575	0	0	197,575
34	Transportation Services	766,400	0	0	766,400
35	Food Services	-	755,640	0	755,640
36	Extra Curricular Activities	937,805	0	0	937,805
41	General Administration	880,307	0	0	880,307
51	Plant Maintenance & Operations	2,441,087	0	0	2,441,087
52	Security & Monitoring	19,350	0	0	19,350
53	Data Processing Services	478,518	0	0	478,518
61	Community Services	-	0	0	0
71	Debt Services	-	0	11,836,780	11,836,780
81	Facilities Acquisition & Construction	-	0	0	0
91	Contracted Instructional Services Between Public Schools	10,545,894	0	0	10,545,894
99	Other Governmental Charges	183,500	0	0	183,500
00	Transfers Out	3,000			
<b>TOTAL APPROPRIATIONS</b>		<b>30,533,197</b>	<b>755,640</b>	<b>11,836,780</b>	<b>43,125,617</b>
Excess (Deficiency) of Estimated Revenues & Other Resources		-	0	0	0





**LAGO VISTA**  
INDEPENDENT SCHOOL DISTRICT

# **3 Facts**

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about the  
***VOTER APPROVED  
TAX RATE ELECTION  
(or VATRE)***



## Fact #1:

**The VATRE will impact your M&O tax rate.**

### **Maintenance & Operation Tax Rate**

More commonly referred to as M&O. M&O rate generates the revenue to pay for the day to day operations of the district.

### **Interest & Sinking Tax Rate**

More commonly referred to as I&S. I&S rate generates the revenue necessary to pay off the principal and interest of voter approved bonds.



# M&O Tax Rates pay for the daily operations of the district:

## **They are formulated by TEA:**

Based on how much appraisals increase from one year to the next.

## **TEA determines a maximum amount that districts can use:**

TEA determines any revenue collected over entitlement must be recaptured.

## **They have both a floor and ceiling:**

LVISD is on the floor. It can't be set any lower.

## **Recapture is paid out of M&O funds:**

In SY 22/23, LVISD collected about \$30M in M&O revenue, but entitled to \$15M. Recapture of approx. \$15M.





**\$14,646,241**

Amount paid to TEA in Recapture in Aug. 2023





## Fact #2:

# Some meaningful property tax relief is on the way.

- State has increased STATE Homestead Exemption to **\$100,000** (pending Nov election)
- Lago Vista ISD still has **20% Local Option Homestead Exemption** for full time residents

LVISD is one of 2 central TX school districts to offer 20% LOHE



# IMPLICATIONS OF NEW HOMESTEAD EXEMPTION

	2021	2022	2023
TCAD Appraised Value	375,000	656,250	673,641
Net Appraised	375,000	412,500	453,750
Local Option Homestead Exemption ("LOHE" = 20% reduction of Net Appraised)	(75,000)	(82,500)	(90,750)
STATE Homestead Exemption	(25,000)	(40,000)	(100,000)
Taxable Value	275,000	290,000	263,000
Taxable Value without "LOHE"	350,000	372,500	353,750



# Illustration of compressed M&O tax rate

—State is setting a M&O maximum compression rate larger than the rate of appreciation

## *\*M&O Tax Rate*

2019-2020	99 cents	6.6% decline
2020-2021	94.3 cents	4.7% decline
2021-2022	88.2 cents	6.4% decline
2022-2023	86.46 cents	1.9% decline
2023-2024	67.92 cents	21.4% decline

*\*cents per \$100 valuation of taxable value*



# Putting it together...

\*Based on Net Appraised Value of \$412,500

Year	Taxable Value	M&O Rate	M&O Funds	I&S Funds	TOTAL
2022	\$290,000	.8646%	\$2,507.34	\$928	\$3,435.34
2023	\$263,000	.6792%	\$1,786.30	\$841.60	\$2,627.90





## Fact #3:

# TEA has allowed school districts to vote on 2 additional “Golden Pennies”

Prior to 2019, state allowed 6 Golden Pennies

\*Must be voter approved

\*Not subject to RECAPTURE

\*LVISD has 6 Pennies (last election on 2015-2016)

Since 2019, state has allowed an additional 2 Golden Pennies

\*Total of 8 Golden Pennies available



# Is this VATRE unique to LVISD?

Numerous Central Texas school districts have already held elections to PASS their VATRE:

- **Austin ISD**
- **Dripping Springs ISD**
- **Hutto ISD**
- **Eanes ISD**
- **Elgin ISD**
- **Georgetown ISD**
- **Leander ISD**
- **Lake Travis ISD\*\***
- **Pflugerville ISD**

**\*\*Only Lake Travis ISD and *Lago Vista ISD* have the 20% Local Option Homestead Exemption**





# What does this “VATRE” do for LV?

Generates additional \$800,000 that stays in LVISD

Total of approximately \$3.1 Million Dollars of tax revenue with all 8 pennies

*Recapture* DOES NOT INCREASE

Allows LVISD taxpayer dollars to stay in LVISD

## **ADDITIONAL REVENUE supports:**

- \*Teacher/Staff Compensation Packages
- \*Safety/Security
- \*Assists in inflating costs of supplies, travel, contracted services
- \*Allows us to remain competitive with neighboring districts





**VATRE**

(VOTER APPROVED TAX RATIFICATION ELECTION)

**AN ELECTION MUST OCCUR THAT ALLOWS  
DISTRICT TO INCREASE THE M&O RATE**

THE BALLOT LANGUAGE WILL READ AS IF IT WILL BE AN INCREASE IN M&O TAX RATE

**TAX RATE in SY 22-23: 86.46 CENTS**

**TAX RATE (IF VATRE PASSES) in SY 23-24: 69.92 CENTS**





## SO, WHY DOES IT SAY IT'S AN INCREASE?

2023-24 (w/o VATRE)	67.92 cents	21.4% decline
2023-2034 (w/ VATRE)	69.92 cents	19.1% decline

*PASSING the VATRE is not an increase as much as it is a smaller decrease*



# To PASS or NOT to PASS (VATRE):

\*Net Appraised Value of \$453,750

<u><b>NO VATRE</b></u>		<u><b>APPROVED VATRE</b></u>
(807.44)	Annual Change in Tax Bill	(754.84)
(86.40)	Annual Change in Tax Bill due to I&S	(86.40)
(721.04)	Annual Change in Tax Bill due to M&O	(668.44)
	"Cost" of 2 penny VATRE	52.60
	"Cost" per MONTH	<b>4.38</b>

# LAGO VISTA ISD BOARD OF TRUSTEES

Resolution No. \_\_\_\_\_

THE BOARD OF TRUSTEES OF LAGO VISTA INDEPENDENT SCHOOL DISTRICT FINDS AS FOLLOWS:

Section 61.012 of the Texas Election Code requires that LAGO VISTA INDEPENDENT SCHOOL DISTRICT must provide at least one accessible voting system in each polling place used in a Texas election on or after August 1, 2023. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote® Universal Voting System Version 6.3.0.0 provided by Election Systems & Software (ES&S) is an accessible voting system that may legally be used in Texas elections. Early voting and election day voting, including provisional ballots will take place on the ExpressVote® Universal Voting System, ballot marking device, in conjunction with the DS200 Digital® Precinct Scanner. The DS450, DS850 & DS950 Digital® Central Count Scanner will be used to process all by mail ballots.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems.

THE LAGO VISTA INDEPENDENT SCHOOL DISTRICT HEREBY RESOLVES:

As chief elections officer of the LAGO VISTA INDEPENDENT SCHOOL DISTRICT, the Communications Coordinator shall provide at least one ExpressVote® Universal Voting System and DS200 Digital® Precinct Scanner in every early voting and election day polling place used to conduct any and every election ordered on or after August 1, 2023. The ES&S ExpressVote® Universal Voting System and DS200 Digital® Precinct Scanner may be acquired by any legal means available to LAGO VISTA INDEPENDENT SCHOOL DISTRICT, including but not limited to lease or rental from the County of Travis or from any other legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code.

PASSED BY VOTE AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

REQUIRED:

/s/ \_\_\_\_\_  
Presiding officer

## Armed Security Officer Requirement in House Bill 3 (2023)

Published online in [TASB School Law eSource](#)

House Bill 3 (HB 3), effective September 1, 2023, adds new Texas Education Code section 37.0814. This new law requires each school board to determine the appropriate number of armed security officers for each district campus and, absent a good cause exception, ensure at least one armed security officer—specifically, a commissioned peace officer—is present during regular school hours at each campus. A school board can claim a good cause exception to this requirement due to lack of funding or qualified personnel. If the board claims a good cause exception, the board must provide an alternative standard that may include reliance on a school marshal or an employee or contracted individual who has completed the handgun safety course required for handgun license holders and is authorized to carry a firearm by the district (often called a “guardian” in school board policy). Each district must create and maintain documentation of its compliance with this section.

The following are answers to questions presented about HB 3’s armed security officer requirement.

- 1. HB 3 broadens the options for school security personnel; does the list of broader options mean a district can meet the standard of at least one armed security officer present during regular school hours at each campus with individuals other than commissioned peace officers?**

No, not without first claiming a good cause exception. The statute states that an armed security officer described by Section 37.0814 (a) must be: (1) a school district peace officer; (2) a school resource officer; or (3) a commissioned peace officer employed as security personnel.

- 2. Who is a school district peace officer?**

A school district peace officer is a district employee licensed by the Texas Commission of Law Enforcement (TCOLE) and commissioned by the district. This option is available only if the district has its own police department.

- 3. Who is a school resource officer?**

A school resource officer (SRO) is a commissioned peace officer employed by another commissioning entity (e.g., county sheriff, city police department) who is assigned to a specific school district through a memorandum of understanding (MOU). The officer works for the commissioning entity, not the school district.



**4. Who is a commissioned peace officer employed as security personnel?**

Texas Education Code section 37.081 states that a school board has four options for employing *security personnel*:

- employing or contracting with security personnel;
- entering into an MOU for SROs provided by a local law enforcement agency or a city or county that employs commissioned peace officers;
- contracting with a security services contractor licensed under Texas Occupations Code chapter 1702 for a commissioned security officer who has completed the Department of Public Safety (DPS) Level II or III training course; and/or
- commissioning its own peace officers.

A commissioned peace officer, who is not a school district police officer and not an SRO but is contracting directly with the school district or working for a security services contractor licensed under Texas Occupations Code chapter 1702, is likely an off-duty commissioned peace officer. A commissioned peace officer who works full time for a commissioning entity may moonlight on an individual or independent contractor basis if the officer meets certain criteria, including working an average of at least 32 hours per week for the officer's commissioning entity. Tex. Occ. Code § 1702.322. Because these individuals are committed to working 32 hours per week for the entity holding their commission, multiple individuals would need to be assigned to an individual campus to ensure coverage during regular school hours. For example, a security services contractor may assign a different officer to a campus each day of the week.

**5. What is necessary in MOUs regarding school district security?**

For a school district with its own police department, the district and law enforcement agencies with which it has overlapping jurisdiction must enter an MOU that outlines reasonable communication and coordination efforts between the school police department and the other agencies. Tex. Educ. Code § 37.081(g).

For a school district with SROs, the district's MOU providing for the SROs must include a statement of the SROs' law enforcement duties as determined by the school board. Tex. Educ. Code § 37.081(d). Preexisting MOUs for SROs may need to be updated in light of HB 3. Under HB 3, an MOU for SROs must be an interlocal contract under Texas Government Code Chapter 791 and must use a proportionate cost allocation methodology that allows the commissioning entity to recover direct costs but does not allow the entity to profit. HB 3 adds that a school district, local law enforcement agency, county, or municipality that enters into an MOU for SROs may seek funding from

federal, state, and private sources to support the cost of providing SROs. Moreover, now that compliance with Section 37.0814 requires the officer to be present during regular school hours, MOUs that said the officer could be called to other duties as needed by the officer's employer may need to be adjusted.

School districts can get guidance on MOUs and mutual aid agreements from the Texas School Safety Center (TxSSC), which is charged with guidelines on key provisions, including potentially sample language. School districts shall, at the TxSSC's request, provide a copy of any safety-related MOU to the TxSSC, and the MOU will remain confidential under the Texas Public Information Act. Tex. Educ. Code § 37.2121.

**6. What counts as a *campus*? For example, what if a middle school and high school are located on the same property and share facilities? Does this require one officer or two?**

Because campus identification numbers are issued by the Texas Education Agency (TEA), we anticipate that TEA will answer this question. In the alternative, a school board could seek a good cause exception and choose an alternative standard that allows a single officer to be shared by two campuses in immediate proximity.

**7. What counts as being *present*? Can simply being on patrol in the general area count? What about when an officer is absent from work?**

Talk to your school attorney, but conservatively, if a commissioned peace officer is not assigned full time to the campus, the board should seek a good cause exception. School district police department schedules, MOUs for SROs, and contracts with security companies should provide for coverage when an officer is on leave.

**8. What are *regular school hours*?**

The phrase is not defined in law. Future regulations may address this question. For now, if an officer will not be present during regular instructional hours, a school board should pursue a good cause exception.

**9. How does a school board claim a good cause exception?**

The new statute does not address the mechanics, but clearly the law calls for board action, and a board resolution makes the most sense. A sample resolution is attached. By law, TEA does not have regulatory authority to monitor compliance with Section 37.0814. As such, TEA is not going to pursue mass collection of good cause documentation. Each board with an exception must, however, make documentation of good cause available to TEA on request. For this reason, we encourage board resolutions to go beyond simple recitation of the statute. Add enough local detail about lack of funding or lack of qualified personnel to withstand scrutiny by TEA and your

community. For example, if the district is claiming lack of funding, add a short statement about the district's current budgetary pressures or the cost of compliance. If the district is claiming lack of qualified personnel, add a short statement about the district's efforts to recruit officers or contract with other local governmental entities for SROs.

**10. What is in an alternative standard?**

If the district can't meet the requirement to have an armed security officer present at each school campus during regular school hours due to lack of funding or qualified personnel, the board may claim a good cause exception and develop an alternative standard with which the district can comply. Districts' alternative standards should meet local security needs using available resources and personnel. There is no "one size fits all" alternative. Again, TEA has no regulatory authority to oversee district compliance with this requirement, but the most natural reading of the statute is that the alternative standard is a standard for how to provide armed security at all campuses throughout the regular school day. Talk to your school attorney before setting an alternate standard that disregards this legislative purpose.

**11. Can an alternative standard include armed security guards?**

HB 3 eliminates a previous requirement that a person employed as security personnel and authorized by the board to carry a weapon had to be a commissioned peace officer. HB 3 specifically allows a district to contract directly with security personnel or with a security services contractor to provide commissioned security officers as defined by Texas Occupations Code section 1702.322. These individuals are not commissioned peace officers and are required to have completed DPS Level II or III training courses. Bill author Representative Dustin Burrows has written a statement of legislative intent explaining that one purpose of the new law was to open the option for districts to employ armed security guards. That said, security guards licensed under Texas Occupations Code chapter 1702 (even those commissioned by DPS under Section 1702.321) are not "peace officers" under Texas Code of Criminal Procedure article 2.12 (to be recodified at 2A.001). They do not satisfy the armed officer requirement in Section 37.0814(b) without a good cause exception. Instead, they are a potential option for a board's alternative standard. Note that a person who is permitted to carry a firearm but is not a commissioned peace officer performing law enforcement duties as determined by the board, may not perform routine law enforcement duties, including making arrests, except during an emergency presenting a risk of death or serious bodily injury to someone at the campus.

**12. Does a district’s alternative standard have to involve reliance on school marshals or guardians?**

No, but it can. HB 3 specifically states that a board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which “may include providing a person to act as a security officer who is a school marshal or a school district employee or a person with whom the district contracts who has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code and carries a handgun on school premises in accordance with written regulations or written authorization of the district under Section 46.03(a)(1)(A), Penal Code.” The locally authorized individual with school safety training by a qualified handgun instructor is often called a “guardian” in local school board policy.

**13. What is the difference between a school marshal and a guardian? Is one option better than the other?**

Both options are lawful, and both are in wide use across the state. TASB Policy Service has model local policy language that can support the board’s choices in this regard. A school marshal is licensed and certified by TCOLE after completion of a specific training program, passing a state licensing exam, and meeting all statutory requirements, including psychological fitness. See Tex. Educ. Code § 37.0811 and TASB Policy CKEB(LEGAL). Typically, school marshals are employed by the district in another capacity and are selected by their school board to obtain the school marshal credential in addition to their regular duties. On the other hand, school boards can also choose to authorize other individuals to carry firearms on school premises. In order to be designated as part of an alternative standard, these “guardians” must complete school safety training provided by a qualified handgun instructor certified in school safety. This course is only 16 hours, compared to the 80 hours of training required for marshals, but many local districts impose greater training, practice, and other requirements for locally appointed guardians.

Additional information about school marshals and guardians can be found in the TASB School Law eSource’s [School Marshals and Other Personnel Carrying Firearms](#). As to which approach is “better,” the choice is up to the local school board. The formality of the school marshal training, screening, and licensure, along with its additional statutory immunity and confidentiality provisions, make the marshal approach increasingly appealing from a legal standpoint. HB 3 may cause many school boards to reexamine their school safety staffing choices. Talk to your school attorney if you have questions about these options.

**14. How is a board's alternative standard documented?**

According to Section 37.0814 (e), the board must develop and maintain documentation of the district's implementation of and compliance with this section, including documentation related to a good cause exception, and shall, if requested by TEA, provide that documentation in the manner prescribed by TEA. Documentation of compliance would include documentation of the board's alternative standard, even if the details of that alternative plan are confidential.

**15. How much detail should the board share publicly about its safety plans, including its alternative standard?**

Undoubtedly, parents and other community members have a heightened interest in matters of school safety and may expect the board to disclose significant details about its implementation of Section 37.0814. However, the degree to which the board discloses details of its security planning is a local choice given the strong statutory confidentiality surrounding this topic. The new statute requires the board to determine the appropriate number of armed security officers for each district campus and, if necessary, claim a good cause exception. Board action must take place through a formal vote in a posted public meeting. Beyond that, the details of the district's security plans can be protected. The board may meet in closed session to deliberate its security audit or the deployment, or specific occasions for implementation, of security personnel or devices. Tex. Gov't Code § 551.076. The board may also meet in closed session to deliberate security assessments or deployments relating to information resources technology; network security information; or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices. Tex. Gov't Code § 551.089. In addition, the Texas Public Information Act protects the confidentiality of school district records made confidential by law, including new protections in HB 3, and information held by a law enforcement agency, including a school district police department, the disclosure of which would hinder law enforcement. Tex. Gov't Code § 552.108.

**16. If a district is able to comply with Section 37.0814 (a) by providing a commissioned peace officer at every campus during regular school hours, does the school board need to take any public action?**

Even a board that is able to meet the legal standard of placing a commissioned peace officer at every campus still has to "determine the appropriate number of armed security officers for each district campus." Because a school board can act only through formal action at posted public meeting, a resolution or at least a vote in open session may still be in order. That said, for the reasons described above, the details of district's security plans should remain confidential. A board could vote that it has determined

that “at least one” commissioned peace officer and potentially other armed individuals (e.g., marshals, guardians, armed security officers) are placed at each campus, leaving the details to the district’s emergency operation plan which is confidential.

**17. What further guidance should we anticipate from the TxSSC or TEA?**

The TxSSC is an important resource for school safety guidance, but the TxSSC does not have specific statutory authority regarding Section 37.0814. TEA does not have rulemaking or enforcement authority over Section 37.0814, but it does have statutory authority to request documentation of compliance. TEA has announced that it will provide guidance on HB 3 on August 24, 2023, to be followed by webinars in September. Districts are encouraged to pay close attention to TEA’s guidance and webinars. To the extent any TEA guidance contradicts this FAQ, TASB defers completely to TEA.

This document is continually updated at <https://tasb.org/services/legal-services/tasb-school-law-essource/business/documents/armed-security-officer-requirement.pdf>. For more information on school law topics, visit TASB School Law eSource at [schoolawesource.tasb.org](https://schoolawesource.tasb.org).

*This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.*

*Published August 2023*



# TASB ENDORSEMENT FORM

DATE: 8-21-23

Our school board endorses the candidacy of the following individual nominated to fill a position on the TASB Board of Directors.

### CANDIDATE INFORMATION

NAME: Dr. Mary Jane Hetrick

SCHOOL DISTRICT: Dripping Springs Independent School District

This endorsement was approved by our school district's board of trustees at a duly called meeting on 8-21-23.  
(Date)

Best regards,

\_\_\_\_\_  
(Signature of board president or officer)

PRINTED NAME: Laura Vincent

SCHOOL DISTRICT: Lago Vista Independent School District

MAILING ADDRESS: 8039 Bar K Ranch Road

CITY: Lago Vista, TX ZIP: 78645

This form is to be used to endorse a nominated individual from a board of trustees within your TASB Region who is a timely candidate for a position on the TASB Board of Directors.

**Must be received by TASB on or before AUGUST 29, 2023.**

**RETURN TO: E-mail: [boardcommunications@tasb.org](mailto:boardcommunications@tasb.org)  
FAX: 512.467.3554**