

BILL ANALYSIS

S.B. 2135
By: Powell
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to strengthen the required notice by a law enforcement agency to a school district superintendent regarding certain activity of a person believed to be enrolled as a student in a public primary or secondary school. S.B. 2135 seeks to address this issue by providing to a school district superintendent or the superintendent's designee certain information about a student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2135 amends the Code of Criminal Procedure to require a law enforcement agency that arrests any person or appropriately refers a child believed to be enrolled as a student in a public primary or secondary school for certain offenses to provide to a school district superintendent or the superintendent's designee information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. The bill authorizes a school board to enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan and establishes that, absent a memorandum of understanding, the information requested by the superintendent or designee is considered relevant.

S.B. 2135 amends the Education Code to exclude such requested information from the information the superintendent or the superintendent's designee may consider in determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code for purposes of a student's removal from class and placement in a disciplinary alternative education program.

S.B. 2135 amends the Family Code to authorize the chief executive officer or the officer's designee of a primary or secondary school where a child is enrolled to inspect or copy certain law enforcement records concerning the child only for the purpose of conducting a threat assessment or preparing a safety plan related to the child.

EFFECTIVE DATE

September 1, 2019.