

SUBJECT: Increasing school notification requirements for arrested students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Talarico, VanDeaver

0 nays

2 absent — Dutton, Sanford

SENATE VOTE: On final passage, April 29 — 31-0

WITNESSES: *On House companion bill, HB 1825:*
For — (*Registered, but did not testify:* Joseph McKenna, Comal ISD; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Lonnie Hollingsworth, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance; Craig Goralski, Texas School District Police Chiefs Association)

Against — None

On — (*Registered, but did not testify:* Von Byer, Texas Education Agency; Craig Schiebel)

BACKGROUND: Code of Criminal Procedure art. 15.27 requires law enforcement agencies to provide a school superintendent with an oral and written notice when a student is arrested for certain offenses. The notices must include enough information for the superintendent to be able to determine whether there is a reasonable belief that the student committed a felony. Art. 15.27(k) requires the notices to include all pertinent details of conduct, including any assaultive behavior or other violence or any weapons used or possessed during the commission of the offense or conduct.

Education Code sec. 37.006(d) allows for the removal of a student from class and placement of the student in a disciplinary alternative education program if the superintendent has a reasonable belief that the student committed a felony other than aggravated robbery or certain other offenses and if the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Family Code sec. 58.008(d) allows a child's law enforcement records to be inspected or copied only by juvenile justice agencies, criminal justice agencies, the child, or the child's parent or guardian.

DIGEST:

SB 2135 would require law enforcement agencies to provide school superintendents with sufficient information for the school to prepare a threat assessment or safety plan related to an arrested student.

The notices provided to an arrested student's school superintendent by law enforcement agencies would have to contain sufficient details of the arrest or referral and the acts allegedly committed by the student to allow the superintendent to determine whether it was necessary to conduct a threat assessment or prepare a safety plan related to the student.

Law enforcement agencies would have to provide the superintendent with information requested for the purpose of conducting a threat assessment or safety plan related to the student. School boards could enter into a memorandum of understanding with law enforcement agencies on the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, any information requested by the superintendent would have to be considered relevant. The superintendent could not use this information to determine whether there was a reasonable belief that the student had committed a felony.

The bill would allow public school superintendents, directors of open-enrollment charter schools, and chief executive officers of private schools

to access law enforcement records concerning a child for the purpose of conducting a threat assessment or preparing a safety plan related to the child.

The bill would take effect September 1, 2019, and would apply only to information related to an arrest or referral made on or after the effective date.