

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1907
By: Madden (Whitmire)
Criminal Justice
5/17/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the superintendent of a school district must be notified when a student enrolled in the district is arrested for certain offenses. However, the notification of a school district employee who has direct supervisory responsibility for the student is not specifically required.

Interested parties note that legislation is necessary to require a superintendent or a delegate of the superintendent to provide that notification to a school district employee having direct supervisory responsibility over the student and to change the deadlines by which the required notices relating to a student's arrest and case must be provided by various entities to certain school district and school employees. C.S.H.B. 1907 seeks to address these issues.

C.S.H.B. 1907 amends current law relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 15.27, Code of Criminal Procedure, by amending Subsections (a), (a-1), (b), and (c) and adding Subsections (k), (l), (m), (n), and (o), as follows:

(a) Requires the head of the agency or a person designated by the head of the agency, if the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or before, rather than on, the next school day, whichever is earlier. Requires the head of the agency or a person designated by the head of the agency, if the law enforcement agency cannot ascertain whether the individual is enrolled as a student, to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or before, rather than on, the next school day, whichever is earlier. Requires the superintendent or the superintendent's designee, if the individual is a student, to immediately, rather than promptly, notify all instructional and support personnel who have responsibility for supervision of the student. Requires the head of the law enforcement agency or the person designated by the head of the agency, within seven days after the date the oral notice is given, to mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. Requires that the written notification include the facts contained in the oral notification, the name of the person who was orally notified, and the date and time of the oral notification. Requires, rather than authorizes, that the information contained in the notice be considered by the superintendent or the superintendent's designee in making such a determination.

(a-1) Requires the superintendent or a person designated by the superintendent in the school district to send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice under Subsection (a), rather than authorizes the superintendent or a person designated by the superintendent in the school district to send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice under Subsection (a) if the superintendent or the person designated by the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

(b) Requires that oral notification be given within 24 hours of the time of the order or before, rather than on, the next school day, whichever is earlier. Requires the superintendent, within 24 hours of receiving notification from the office of the prosecuting attorney, or before the next school day, whichever is earlier, to notify all instructional and support personnel who have regular contact with the student.

(c) Requires a parole, probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Youth Commission, having jurisdiction over a student described by Subsection (a), (b), or (e) (relating to making oral and written notifications to certain persons) who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier, to notify the superintendent or a person designated by the superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal or a school employee designated by the principal of the school to which the student transfers or is returned of the arrest or referral in a manner similar to that provided for by Subsection (a) or (e)(1) (relating to making oral and written notifications to the principle of a school on arrest or referral to juvenile court of a student), or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2) (relating to making oral and written notifications to the principal of a school on conviction, deferred prosecution, or deferred adjudication of a student). Requires the superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal of the school to which the student transfers or is returned, within 24 hours of receiving notification under this subsection or before the next school day, whichever is earlier, to notify all instructional and support personnel who have regular contact with the student.

(k) Requires that oral or written notice required under this article include all pertinent details of the offense or conduct, including details of any assaultive behavior or other violence, weapons used in the commission of the offense or conduct, or weapons possessed during the commission of the offense or conduct.

(l) Requires a school district board of trustees, if the board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under Subsection (a), (a-1), or (b), to report the failure to the State Board for Educator Certification (SBEC). Requires the governing body of a private primary or secondary school, if the governing body learns of a failure by the principal of the school to provide a notice required under Subsection (e), and the principal holds a certificate issued under Subchapter B (Certification of Educators), Chapter 21, Education Code, to report the failure to SBEC.

(m) Requires the superintendent or principal, if the superintendent of a school district in which the student is enrolled learns of a failure of the head of a law enforcement agency or a person designated by the head of the agency to provide a notification under Subsection (a), to report the failure to notify to the Commission on Law Enforcement Officer Standards and Education.

(n) Requires a juvenile court judge or official designated by the juvenile board, if the official learns of a failure by the office of the prosecuting attorney to provide a notification required under Subsection (b) or (g) (relating to notification to a school district of certain information), to report the failure to notify to the elected prosecuting attorney responsible for the operation of the office.

(o) Requires the supervisor of a parole, probation, or community supervision department officer, if the supervisor learns of a failure by the officer to provide a notification under Subsection (c), to report the failure to notify to the director of the entity that employs the officer.

SECTION 2. Amends Article 15.27(e)(3), Code of Criminal Procedure, to require, rather than authorize, the principal of a private school in which the student is enrolled or a school employee designated by the principal to send to a school employee having direct supervisory responsibility over the student the information contained in the confidential notice, for the same purposes as described by Subsection (a-1), rather than Subsection (d), of this article.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.