

BILL ANALYSIS

Senate Research Center

S.B. 2135
By: Powell
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Article 15.27(a), Code of Criminal Procedure, law enforcement shall notify the superintendent if they arrest a person who is a student enrolled in their school. The notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code.

S.B. 2135 strengthens the notice by law enforcement to the superintendent for the purpose of conducting a threat assessment or to prepare a safety plan related to the student. A school board may also 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. Furthermore, S.B. 2135 updates the Family Code provision related to confidentiality of law enforcement records by adding superintendents to the list of persons who may inspect or copy records for the purpose of conducting a threat assessment or to prepare a safety plan related to the student. (Original Author's/Sponsor's Statement of Intent)

S.B. 2135 amends current law relating to information a law enforcement agency is required to share with a school district about a person who may be a student.

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 Subsection (a) and adding Subsection (k-1), as follows:

(a) Requires both oral and written notice given by a law enforcement agency upon arrest of a person determined to be a student to contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or the superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student.

(k-1) Requires the law enforcement agency, in addition to the information provided under Subsection (k) (relating to required details of the notice, including details of certain offenses), to provide to the superintendent or 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. 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. Requires the information requested by the superintendent or the superintendent's designee, absent a memorandum of understanding, to be considered relevant.

SECTION 2. Amends Section 37.006(e), Education Code, to authorize the superintendent or the superintendent's designee, in determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, to consider all available information, including the information furnished under Article 15.27 (Notification to Schools Required), Code of Criminal Procedure, other than information requested under Article 15.27(k-1), Code of Criminal Procedure.

SECTION 3. Amends Section 58.008, Family Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Adds the chief executive officer or the officer's designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child to a list of persons authorized to inspect or copy law enforcement records concerning a child and makes nonsubstantive changes.

(d-1) Provides that, for purposes of Subsection (d), "chief executive officer" includes:

- (1) the superintendent of a public school;
- (2) the director of an open-enrollment charter school; and
- (3) the chief executive officer of a private school.

SECTION 4. Makes application of Article 15.27(a), Code of Criminal Procedure, as amended by this Act, and Article 15.27(k-1), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2019.