

By: Howard, Lalani, et al.

H.B. No. 1537

Substitute the following for H.B. No. 1537:

By: Thompson of Harris

C.S.H.B. No. 1537

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the submission by law enforcement agencies to certain
3 public school personnel of a handle with care notice concerning a
4 traumatic event experienced by a public school student and to
5 certain required training regarding those notices.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. It is the intent of the legislature that handle
8 with care notices submitted and received under Article 2.36, Code
9 of Criminal Procedure, as added by this Act, lead to greater
10 understanding of and noninterventional care for students in public
11 schools in this state who have experienced a traumatic event, but do
12 not result in active interference with or the singling out of the
13 student.

14 SECTION 2. Chapter 2, Code of Criminal Procedure, is
15 amended by adding Article 2.36 to read as follows:

16 Art. 2.36. HANDLE WITH CARE NOTICE REGARDING CERTAIN PUBLIC
17 SCHOOL STUDENTS. (a) This article applies in any situation in
18 which a law enforcement agency determines that a public school
19 student witnessed or otherwise experienced a traumatic event. For
20 purposes of this article, a "traumatic event" includes the
21 following events:

22 (1) the arrest of an individual who resides with a
23 student;

24 (2) the execution of a search warrant at a student's

- 1 residence;
2 (3) an overdose of alcohol or of a controlled
3 substance by an individual who resides with a student;
4 (4) suicide or attempted suicide committed by an
5 individual who resides with a student;
6 (5) an incident involving family violence, as defined
7 by Section 71.004, Family Code;
8 (6) an incident of assault or sexual assault;
9 (7) a severe motor vehicle accident that causes bodily
10 injury or death;
11 (8) a mass shooting;
12 (9) a student's forced displacement from the student's
13 residence;
14 (10) the death of an individual who resides with the
15 student or another incident that could be expected to cause the
16 student to be affected by grief;
17 (11) a fire that causes severe property damage or
18 bodily injury or death; or
19 (12) any other event that a peace officer responding
20 to or taking a report regarding the event has reason to believe will
21 negatively impact a student's ability to succeed in school.
22 (b) A law enforcement agency that determines, in the course
23 of providing law enforcement services, that an individual who is
24 enrolled as a student in a public primary or secondary school has
25 experienced a traumatic event may submit a handle with care notice
26 to the superintendent or other designated school employee at the
27 school at which the student is enrolled.

1 (c) A handle with care notice must include, if known:

2 (1) the student's name, age, and grade level; and

3 (2) the school at which the student is enrolled.

4 (d) A law enforcement agency shall submit handle with care
5 notices using an electronic system that automatically sends a copy
6 of the notice to the regional education service center serving the
7 school at which the student who is the subject of the notice is
8 enrolled.

9 (e) A superintendent or other designated school employee
10 who receives a handle with care notice shall immediately provide a
11 copy of the handle with care notice to all instructional and support
12 personnel who have responsibility for supervision of the student
13 who is the subject of the notice.

14 (f) Information contained in a handle with care notice
15 authorized under this article is confidential and exempt from
16 disclosure except as provided by this article or other applicable
17 state and federal law. Except as provided by Subsection (e), all
18 school personnel who receive a copy of the handle with care notice
19 shall keep that information confidential.

20 (g) A law enforcement agency must ensure that law
21 enforcement officers and other agency employees receive
22 appropriate training regarding a handle with care notice, including
23 by requiring appropriate agency personnel to attend the training
24 established and maintained under Section 1701.2635, Occupations
25 Code.

26 SECTION 3. Subchapter A, Chapter 38, Education Code, is
27 amended by adding Section 38.035 to read as follows:

1 Sec. 38.035. HANDLE WITH CARE NOTICE TRAINING COURSE. (a)

2 The agency shall establish and maintain a one-hour training course
3 regarding handle with care notices for school district or
4 open-enrollment charter school employees who have responsibility
5 for the supervision of students.

6 (b) The training course must provide information on the
7 implementation of procedures relating to handle with care notices
8 authorized under Article 2.36, Code of Criminal Procedure,
9 including appropriate methods of monitoring and responding to a
10 student who is the subject of a handle with care notice.

11 (c) Each school district and open-enrollment charter school
12 shall ensure that appropriate personnel complete the training
13 course established under this section.

14 (d) The State Board for Educator Certification shall
15 propose rules allowing an educator to receive credit toward the
16 educator's continuing education requirements for completion of a
17 course established under this section.

18 SECTION 4. Subchapter F, Chapter 1701, Occupations Code, is
19 amended by adding Section 1701.2635 to read as follows:

20 Sec. 1701.2635. HANDLE WITH CARE NOTICE TRAINING PROGRAM.

21 The commission shall establish and maintain a one-time training
22 program for peace officers and other employees of law enforcement
23 agencies that provides information on the implementation of
24 procedures relating to handle with care notices authorized under
25 Article 2.36, Code of Criminal Procedure.

26 SECTION 5. As soon as practicable after the effective date
27 of this Act:

1 (1) the Texas Education Agency shall develop the
2 handle with care notice training course as required by Section
3 38.035, Education Code, as added by this Act;

4 (2) the State Board for Educator Certification shall
5 propose rules allowing an educator to receive credit toward the
6 educator's continuing education requirements for completion of the
7 handle with care notice training course as required by Section
8 38.035, Education Code, as added by this Act; and

9 (3) the Texas Commission on Law Enforcement shall
10 establish the handle with care notice training program as required
11 by Section 1701.2635, Occupations Code, as added by this Act.

12 SECTION 6. This Act takes effect September 1, 2023.