

## **BILL ANALYSIS**

C.S.H.B. 1907  
By: Madden  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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.

### **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**

C.S.H.B. 1907 amends the Code of Criminal Procedure to specify that requirements relating to oral and written notification to a school district superintendent or the superintendent's designee of the arrest for certain offenses of a public primary or secondary student that a law enforcement agency ascertains is enrolled in the superintendent's district apply to the head of the agency or a person designated by the head of the agency, rather than the agency itself. The bill changes the deadline for such notification from 24 hours after the arrest or a referral to the office or official designated by the juvenile board is made or on the next school day to 24 hours after the arrest or referral is made or before the next school day, whichever is earlier. The bill requires the superintendent of a school district in which the student is enrolled or principal, if the superintendent learns of a failure of the head of a law enforcement agency or a person designated by the head of the agency to provide such notice, to report the failure to the Commission on Law Enforcement Officer Standards and Education. The bill requires a superintendent's designee, as an alternative to the superintendent, to notify all instructional and support personnel who have responsibility for supervision of the student of the arrest and requires the superintendent or superintendent's designee to notify the applicable personnel immediately, rather than promptly. The bill requires the written notification sent to the superintendent or designee by the head of the law enforcement agency or the designee to 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. The bill requires, rather than authorizes, the information contained in both the oral and written notice to be considered by the superintendent or the superintendent's designee in determining whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code.

C.S.H.B. 1907 requires, rather than authorizes, the superintendent or superintendent's designee to send the information contained in the confidential notice to a school district employee having direct supervisory responsibility over the student and removes a provision conditioning such notice on whether the superintendent or superintendent's designee determines that the employee

needs the information for educational purposes or for the protection of the person informed or others.

C.S.H.B. 1907 changes the deadline by which the office of the prosecuting attorney acting in a case involving a conviction, deferred prosecution, or deferred adjudication or adjudication of a student for certain offenses or conduct is required to orally notify the superintendent or superintendent's designee in the school district in which the student is enrolled of the conviction or adjudication and whether the student is required to register as a sex offender. The bill changes that deadline from 24 hours after the order or the next school day to 24 hours after the order or before the next school day, whichever is earlier. The bill requires a juvenile court judge or official designated by the juvenile board that learns of a failure by a prosecuting attorney to provide such notice or the required notice of certain outcomes relating to the student's case to report the failure to the State Bar of Texas. The bill changes the deadline by which the superintendent is required to notify all instructional and support personnel who have regular contact with the student from 24 hours after receiving notification from the office of the prosecuting attorney to 24 hours after receiving such notification or before the next school day, whichever is earlier. The bill changes the deadline by which a parole, probation, or community supervision office having jurisdiction over a student who is transferred from a school or who is subsequently removed from a school and later returned to another school is required to notify the superintendent or superintendent's designee of the district to which the student transfers or is returned or the principal or principal's designee, in the case of a private school, of the school to which the student is transferred or returned of the student's arrest, referral, conviction, or other adjudication. The bill changes that deadline from 24 hours after learning of the transfer or reenrollment to 24 hours after receiving such notification or before the next school day, whichever is earlier. The bill requires the supervisor of a parole, probation, or community supervision department officer who learns of a failure by the officer to provide such notice to report the failure to the director of the entity that employs the officer. The bill changes the deadline by which such a superintendent or principal is required to notify all instructional and support personnel who have regular contact with the student from 24 hours after receiving notification of the student's arrest, referral, conviction, or other adjudication to 24 hours after receiving such notification or before the next school day, whichever is earlier.

C.S.H.B. 1907 requires oral or written notice relating to the arrest, referral or detainment, or criminal proceeding of a student to include all pertinent details of the offense or conduct. The bill requires a school district board of trustees that learns of a failure by the district superintendent or a district principal to provide such notice to report the failure to the State Board for Educator Certification.

C.S.H.B. 1907 requires, rather than authorizes, the principal or principal's designee of a private school in which a student who is arrested or referred to a juvenile court is enrolled to send to a school employee having direct supervisory responsibility over the student the information contained in the notice given to the principal by the arresting or referring law enforcement agency. The bill requires the governing board of a private primary or secondary school that learns of a failure by the school principal to provide such notice to report the failure to the State Board for Educator Certification if the principal holds a certificate issued by that board. The bill makes a technical correction.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1907 differs from the original by requiring the superintendent or superintendent's designee to immediately notify all instructional and support personnel who have responsibility for supervision of a student who is arrested for certain offenses, whereas the original requires the

notification to be provided promptly to those personnel.

C.S.H.B. 1907 omits a provision included in the original changing the deadline by which the office of the prosecuting attorney of the office or official designated by the juvenile board is required to notify a school district that removed a student to a disciplinary alternative education program of certain outcomes relating to the student's case.

C.S.H.B. 1907 contains a provision not included in the original requiring the superintendent of a school district in which a student is enrolled or the principal, if the superintendent learns of a failure of the head of a law enforcement agency or a person designated by the head of the agency to provide the required notice regarding the student's arrest, to report the failure to the Commission on Law Enforcement Officer Standards and Education. The substitute contains a provision not included in the original requiring a juvenile court judge or official designated by the juvenile board that learns of a failure by a prosecuting attorney to provide certain required notices relating to a student's case to report the failure to the State Bar of Texas. The substitute contains a provision not in the original requiring the supervisor of a parole, probation, or community supervision department officer who learns of a failure by the officer to provide the required notice relating to a student's transfer or reenrollment to report the failure to the director of the entity that employs the officer.

C.S.H.B. 1907 omits provisions included in the original relating to a school district's discretion over admission or placement of a student who is a transfer or other new student in the district and who is required to register as a sex offender.