

By: Madden

H.B. No. 1907

Substitute the following for H.B. No. 1907:

By: Marquez

C.S.H.B. No. 1907

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notification requirements concerning offenses  
3 committed by students and school district discretion over admission  
4 or placement of certain students.

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

6 SECTION 1. Article 15.27, Code of Criminal Procedure, is  
7 amended by amending Subsections (a), (a-1), (b), and (c) and adding  
8 Subsections (k), (l), (m), (n), and (o) to read as follows:

9 (a) A law enforcement agency that arrests any person or  
10 refers a child to the office or official designated by the juvenile  
11 board who the agency believes is enrolled as a student in a public  
12 primary or secondary school, for an offense listed in Subsection  
13 (h), shall attempt to ascertain whether the person is so enrolled.  
14 If the law enforcement agency ascertains that the individual is  
15 enrolled as a student in a public primary or secondary school, the  
16 head of the agency or a person designated by the head of the agency  
17 shall orally notify the superintendent or a person designated by  
18 the superintendent in the school district in which the student is  
19 enrolled of that arrest or referral within 24 hours after the arrest  
20 or referral is made, or before ~~on~~ the next school day, whichever  
21 is earlier. If the law enforcement agency cannot ascertain whether  
22 the individual is enrolled as a student, the head of the agency or a  
23 person designated by the head of the agency shall orally notify the  
24 superintendent or a person designated by the superintendent in the

1 school district in which the student is believed to be enrolled of  
2 that arrest or detention within 24 hours after the arrest or  
3 detention, or before [~~on~~] the next school day, whichever is  
4 earlier. If the individual is a student, the superintendent or the  
5 superintendent's designee shall immediately [~~promptly~~] notify all  
6 instructional and support personnel who have responsibility for  
7 supervision of the student. All personnel shall keep the  
8 information received in this subsection confidential. The State  
9 Board for Educator Certification may revoke or suspend the  
10 certification of personnel who intentionally violate this  
11 subsection. Within seven days after the date the oral notice is  
12 given, the head of the law enforcement agency or the person  
13 designated by the head of the agency shall mail written  
14 notification, marked "PERSONAL and CONFIDENTIAL" on the mailing  
15 envelope, to the superintendent or the person designated by the  
16 superintendent. The written notification must include the facts  
17 contained in the oral notification, the name of the person who was  
18 orally notified, and the date and time of the oral notification.  
19 Both the oral and written notice shall contain sufficient details  
20 of the arrest or referral and the acts allegedly committed by the  
21 student to enable the superintendent or the superintendent's  
22 designee to determine whether there is a reasonable belief that the  
23 student has engaged in conduct defined as a felony offense by the  
24 Penal Code. The information contained in the notice shall [~~may~~] be  
25 considered by the superintendent or the superintendent's designee  
26 in making such a determination.

27 (a-1) The superintendent or a person designated by the

1 superintendent in the school district shall [~~may~~] send to a school  
2 district employee having direct supervisory responsibility over  
3 the student the information contained in the confidential notice  
4 under Subsection (a) [~~if the superintendent or the person~~  
5 ~~designated by the superintendent determines that the employee needs~~  
6 ~~the information for educational purposes or for the protection of~~  
7 ~~the person informed or others~~].

8 (b) On conviction, deferred prosecution, or deferred  
9 adjudication or an adjudication of delinquent conduct of an  
10 individual enrolled as a student in a public primary or secondary  
11 school, for an offense or for any conduct listed in Subsection (h)  
12 of this article, the office of the prosecuting attorney acting in  
13 the case shall orally notify the superintendent or a person  
14 designated by the superintendent in the school district in which  
15 the student is enrolled of the conviction or adjudication and  
16 whether the student is required to register as a sex offender under  
17 Chapter 62. Oral notification must be given within 24 hours of the  
18 time of the order or before [~~on~~] the next school day, whichever is  
19 earlier. The superintendent shall, within 24 hours of receiving  
20 notification from the office of the prosecuting attorney, or before  
21 the next school day, whichever is earlier, notify all instructional  
22 and support personnel who have regular contact with the student.  
23 Within seven days after the date the oral notice is given, the  
24 office of the prosecuting attorney shall mail written notice, which  
25 must contain a statement of the offense of which the individual is  
26 convicted or on which the adjudication, deferred adjudication, or  
27 deferred prosecution is grounded and a statement of whether the

1 student is required to register as a sex offender under Chapter 62.

2 (c) A parole, probation, or community supervision office,  
3 including a community supervision and corrections department, a  
4 juvenile probation department, the paroles division of the Texas  
5 Department of Criminal Justice, and the Texas Youth Commission,  
6 having jurisdiction over a student described by Subsection (a),  
7 (b), or (e) who transfers from a school or is subsequently removed  
8 from a school and later returned to a school or school district  
9 other than the one the student was enrolled in when the arrest,  
10 referral to a juvenile court, conviction, or adjudication occurred  
11 shall within 24 hours of learning of the student's transfer or  
12 reenrollment, or before the next school day, whichever is earlier,  
13 notify the superintendent or a person designated by the  
14 superintendent of the school district to which the student  
15 transfers or is returned or, in the case of a private school, the  
16 principal or a school employee designated by the principal of the  
17 school to which the student transfers or is returned of the arrest  
18 or referral in a manner similar to that provided for by Subsection  
19 (a) or (e)(1), or of the conviction or delinquent adjudication in a  
20 manner similar to that provided for by Subsection (b) or (e)(2).  
21 The superintendent of the school district to which the student  
22 transfers or is returned or, in the case of a private school, the  
23 principal of the school to which the student transfers or is  
24 returned shall, within 24 hours of receiving notification under  
25 this subsection or before the next school day, whichever is  
26 earlier, notify all instructional and support personnel who have  
27 regular contact with the student.

1       (k) Oral or written notice required under this article must  
2 include all pertinent details of the offense or conduct, including  
3 details of any:

4           (1) assaultive behavior or other violence;

5           (2) weapons used in the commission of the offense or  
6 conduct; or

7           (3) weapons possessed during the commission of the  
8 offense or conduct.

9       (l) If a school district board of trustees learns of a  
10 failure by the superintendent of the district or a district  
11 principal to provide a notice required under Subsection (a), (a-1),  
12 or (b), the board of trustees shall report the failure to the State  
13 Board for Educator Certification. If the governing body of a  
14 private primary or secondary school learns of a failure by the  
15 principal of the school to provide a notice required under  
16 Subsection (e), and the principal holds a certificate issued under  
17 Subchapter B, Chapter 21, Education Code, the governing body shall  
18 report the failure to the State Board for Educator Certification.

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

25       (n) If a juvenile court judge or official designated by the  
26 juvenile board learns of a failure by a prosecuting attorney to  
27 provide a notification required under Subsection (b) or (g), the

1 official shall report the failure to notify to the State Bar of  
2 Texas.

3 (o) If the supervisor of a parole, probation, or community  
4 supervision department officer learns of a failure by the officer  
5 to provide a notification under Subsection (c), the supervisor  
6 shall report the failure to notify to the director of the entity  
7 that employs the officer.

8 SECTION 2. Article 15.27(e)(3), Code of Criminal Procedure,  
9 is amended to read as follows:

10 (3) The principal of a private school in which the  
11 student is enrolled or a school employee designated by the  
12 principal shall [~~may~~] send to a school employee having direct  
13 supervisory responsibility over the student the information  
14 contained in the confidential notice, for the same purposes as  
15 described by Subsection (a-1) [~~(a)~~] of this article.

16 SECTION 3. The changes in law made by this Act apply only to  
17 an offense committed or conduct that occurs on or after the  
18 effective date of this Act. An offense committed or conduct that  
19 occurs before the effective date of this Act is governed by the law  
20 in effect when the offense was committed or the conduct occurred,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense is committed or conduct occurs  
23 before the effective date of this Act if any element of the offense  
24 or conduct occurs before that date.

25 SECTION 4. This Act takes effect September 1, 2011.