

By: Cortez

H.B. No. 1825

A BILL TO BE ENTITLED

AN ACT

1
2 relating to information a law enforcement agency is required to
3 share with a school district about a person who may be a student.

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

5 SECTION 1. Article 15.27, Code of Criminal Procedure, is
6 amended by amending Subsection (a) and adding Subsection (k-1) to
7 read as follows:

8 (a) A law enforcement agency that arrests any person or
9 refers a child to the office or official designated by the juvenile
10 board who the agency believes is enrolled as a student in a public
11 primary or secondary school, for an offense listed in Subsection
12 (h), shall attempt to ascertain whether the person is so enrolled.

13 If the law enforcement agency ascertains that the individual is
14 enrolled as a student in a public primary or secondary school, the
15 head of the agency or a person designated by the head of the agency
16 shall orally notify the superintendent or a person designated by
17 the superintendent in the school district in which the student is
18 enrolled of that arrest or referral within 24 hours after the arrest
19 or referral is made, or before the next school day, whichever is
20 earlier. If the law enforcement agency cannot ascertain whether
21 the individual is enrolled as a student, the head of the agency or a
22 person designated by the head of the agency shall orally notify the
23 superintendent or a person designated by the superintendent in the
24 school district in which the student is believed to be enrolled of

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

27 (k-1) In addition to the information provided under

1 Subsection (k), the law enforcement agency shall provide to the
2 superintendent or superintendent's designee information relating
3 to the student that is requested for the purpose of conducting a
4 threat assessment or preparing a safety plan relating to that
5 student. A school board may enter into a memorandum of
6 understanding with a law enforcement agency regarding the exchange
7 of information relevant to conducting a threat assessment or
8 preparing a safety plan. Absent a memorandum of understanding, the
9 information requested by the superintendent or the
10 superintendent's designee shall be considered relevant.

11 SECTION 2. Section 37.006(e), Education Code, is amended to
12 read as follows:

13 (e) In determining whether there is a reasonable belief that
14 a student has engaged in conduct defined as a felony offense by the
15 Penal Code, the superintendent or the superintendent's designee may
16 consider all available information, including the information
17 furnished under Article 15.27, Code of Criminal Procedure, other
18 than information requested under Article 15.27(k-1), Code of
19 Criminal Procedure.

20 SECTION 3. Section 58.008(d), Family Code, is amended to
21 read as follows:

22 (d) Law enforcement records concerning a child may be
23 inspected or copied by:

24 (1) a juvenile justice agency, as defined by Section
25 58.101;

26 (2) a criminal justice agency, as defined by Section
27 411.082, Government Code;

- 1 (3) the child; [~~or~~]
- 2 (4) the child's parent or guardian; or
- 3 (5) the superintendent or superintendent's designee of
- 4 a public primary or secondary school where the child is enrolled
- 5 only for the purpose of conducting a threat assessment or preparing
- 6 a safety plan related to the child.

7 SECTION 4. Article 15.27(a), Code of Criminal Procedure, as
8 amended by this Act, and Article 15.27(k-1), Code of Criminal
9 Procedure, as added by this Act, apply only to information related
10 to an arrest or referral made on or after the effective date of this
11 Act.

12 SECTION 5. This Act takes effect September 1, 2019.