

SUBJECT: School notification requirements for students involved with certain crimes

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Madden, Cain, Hunter, Marquez, Parker, Perry, Workman

0 nays

2 absent — Allen, White

WITNESSES: For — (*On committee substitute*: Paige Williams, Texas Classroom Teachers Association) (*On original bill*: (*Registered , but did not testify*: Portia Bosse, Texas State Teachers Association; Josh Sanderson, Association of Texas Professional Educators)

Against — None

BACKGROUND: Code of Criminal Procedure, art. 15.27 establishes requirements for notifications that must be given to education officials and persons supervising students when students are arrested, referred, convicted, or adjudicated for certain criminal offenses or when other actions are taken related to the juvenile's case. The notification requirements apply to students in public and private schools and are required for any felony offense and for the misdemeanor offenses of unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threat, organized crime, and certain drug and weapons offenses.

Law enforcement agencies and prosecutors must send the notices to school superintendents, who then must notify persons supervising a student.

DIGEST: CSHB 1907 would revise the deadlines that applied when notices about primary and secondary school students involved in certain crimes had to be passed from law enforcement officials, prosecutors, and probation and parole officials to superintendents, principals, and school personnel. The bill also would require that certain details be included in the notices and require that failures to make certain notices be reported to certain oversight boards.

The bill would take effect September 1, 2011, and would apply only to offenses committed on or after that date.

Notifications upon arrest or referral. Oral notifications that are currently required to be made by law enforcement agencies to school superintendents after a public school student has been arrested or referred to the juvenile system would have to be made within 24 hours or before – instead of on – the next school day, whichever was earlier. Superintendents would have to immediately – instead of promptly – notify instructional and support personnel who were responsible for supervising the student.

Written, confidential notices that law enforcement personnel currently have to mail to superintendents following an oral notice would have to include the facts in the oral notification, the name of person orally notified, and the date and time of the oral notification.

Superintendents would be required, instead of authorized, to consider information in the confidential notices when making a determination of whether there was reasonable belief that the student engaged in conduct that would be a felony offense. Superintendents of public schools and principals of private schools would be required, instead of authorized, to send the information in these notices to school district employees with direct supervisory responsibility over a student.

Notices upon conviction, adjudication. The bill also would change the deadline for prosecutors to give oral notices to superintendants when students were convicted or adjudicated or given deferred prosecution or deferred adjudication. These oral notices would have to occur within 24 hours or before – instead of on – the next school day, whichever was earlier.

Instead of having 24 hours to pass these notices to instructional and support personnel who have regular contact with the student, superintendents would have to do so within 24 hours or before the next school day, whichever was earlier.

Notices when student on parole, probation enters school. Notices to superintendents from parole or probation officials that currently must occur within 24 hours of a student transferring from another school or returning to a school would have to be done within 24 hours or before the

next school day, whichever was earlier. Instead of having 24 hours to notify instructional and support personnel who have regular contact with the student, superintendents would have to make the notification before the next school day or within 24 hours, whichever was earlier.

Required details in the notices. Oral and written notices given under CSHB 1907 would have to include all pertinent details of the offense or conduct, including details of assaultive behavior or other violence and the use and possession of weapons when committing the offense.

Reporting failures to make notifications. If school district boards of trustees learned of a failure to provide notice by a superintendent or a principal, the board would have to report the failure to the State Board for Educator Certification. The governing body of a private school would have to do the same, if the principal held a state-issued educator's certificate.

If superintendents learned of a failure of the head of a law enforcement agency to make a required notification, the superintendent or a principal would have to report the failure to the Commission on Law Enforcement Officer Standards and Education. Juvenile court judges or other juvenile officials who learned that a prosecutor failed to make a required notice would have to report the failure to the State Bar of Texas. Supervisors of parole and probation officials who learned of a failure to provide a required notice would have to report the failure to the director of the entity that employed the probation or parole officer.

**SUPPORTERS
SAY:**

CSHB 1907 would improve the current system for notifying school officials about juveniles who were involved in the criminal justice system and could be dangerous. Currently, notification does not always occur in a timely manner, and sometimes teachers are not given enough information, putting them at risk. Teachers have been assaulted by students for whom they did not have full information, and other dangerous students have been placed in classrooms. CSHB 1907 would help solve this problem by requiring that notices occur in a timely fashion, by detailing what had to be in the notices, and by requiring reporting to oversight authorities if a required notice was not made.

To help teachers to protect themselves and to handle students appropriately, CSHB 1907 would require that notices of students involved with serious crimes be passed along within 24 hours or *before* – instead of

on – the next school day after certain events in the criminal or juvenile justice system. This change would mean that school officials and teachers got notifications before the school day started, instead of anytime during the day, allowing for proper handling of these students. CSHB 1907 also would ensure that school personnel overseeing a student knew the background of students they were supervising by requiring, instead of allowing, certain notifications.

The bill would establish new requirements for what had to be included in the notices. Currently, in some instances, teachers or other school personnel may learn only the name of a student's offense. That may not be enough information for teachers to appropriately protect themselves and handle students in the classroom. CSHB 1907 would require that notifications include details such as whether assaultive behavior or weapons were involved so that teachers could respond appropriately.

CSHB 1907 would put some teeth into current law by requiring that failure to provide the notices would result in the notification of the oversight body of the person who failed to follow the law. This would allow the oversight body to investigate a failure and take any appropriate action. For example, the State Board of Educator Certification could investigate a report of a superintendent who violated the law and could impose a range of penalties, from reprimand to more serious penalties, if appropriate.

The oversight bodies for superintendents, principals, law enforcement officials, prosecutors, and probation and parole officials should have the discretion to handle these cases as they see fit, rather than imposing a one-size-fits-all penalty. Requiring a specific penalty for all notification failures could result in the inappropriate handling of cases. For example, a first infraction for a case in which a failure to notify occurred due to an inadvertent oversight could be handled differently than an intentional failure that was not a first infraction. Reporting to these oversight bodies, even those without direct authority to act on the notifications, would help encourage compliance with CSHB 1907. Most state oversight bodies have broad authority to handle complaints against those they oversee.

**OPPONENTS
SAY:**

The bill should specify a particular penalty for failing to provide a required notice so that the law was uniformly enforced. Requiring only that a failure to make a notification be reported to a person's oversight body, without direction concerning what to do with that information, could

give too much discretion to those bodies and could result in cases being handled inappropriately.

OTHER
OPPONENTS
SAY:

Some of the notifications to oversight bodies that would be required in CSHB 1907 might not be effective. For example, it might be pointless to notify the State Bar if prosecutors failed to make a notification since the bar does not handle this type of conduct.

NOTES:

The committee substitute made several changes to the original bill, including:

- requiring that superintendents immediately, instead of promptly, notify instructional and support personnel after receiving certain notifications
- removing provisions from the original bill that would have amended the law dealing with notification of students sent to disciplinary alternative education programs;
- eliminating provisions that would have established some discretion over school officials' admission of certain students on probation or parole; and
- adding provisions requiring notification of the oversight bodies of law enforcement officers, prosecutors, and probation and parole officials.