

## **BILL ANALYSIS**

Senate Research Center  
80R13104 SLO-D

C.S.S.B. 1067  
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Education  
3/29/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, law enforcement agencies are required to notify school districts when a student with a felony arrest, conviction, or deferred adjudication enrolls in a school, but the law is vague regarding the timeline for the notification. Situations have occurred where a law enforcement agency knew that a student with a criminal background enrolled in a school, but the agency did not notify the school district in a timely manner, creating a dangerous situation for students and staff. Similarly, school districts are required to notify instructional and support personnel responsible for supervising a student with a felony arrest, conviction, or deferred adjudication, but there is no specific time at which this notification is required to be made. Current law also allows school districts to choose whether to allow students who are registered as sex offenders to enroll at a public school campus and attend class with other general education students.

C.S.S.B. 1067 requires law enforcement agencies, including juvenile boards, to notify school officials within 24 hours of learning of a student's transfer or enrollment to a new school for students with a felony arrest, conviction, or deferred adjudication and requires district administrators to notify school staff responsible for such a student within 24 hours of receiving notice of the student's enrollment. This bill also requires a school district to remove a student who is registered as a sex offender from the regular classroom and enroll the student in a disciplinary alternative education program or a juvenile justice alternative education program.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 37, Education Code, by adding Subchapter I, as follows:

#### **SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS**

Sec. 37.301. DEFINITION. Defines "board of trustees."

Sec. 37.302. APPLICABILITY. Provides that this subchapter applies to a student who is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and does not apply to a student who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a student who receives an exemption from registration under Subchapter H (Exemptions From Registration for Certain Juveniles), Chapter 62, Code of Criminal Procedure, or a student who receives an early termination of the obligation to register under Subchapter I (Early Termination of Certain Persons' Obligation to Register), Chapter 62, Code of Criminal Procedure.

Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM REGULAR CLASSROOM. Requires a school district (district), on receiving notice under Article 15.27 (Notification to Schools Required), Code of Criminal Procedure, or Chapter 62, Code of Criminal Procedure, that a student is required to register as a sex offender under that chapter, to remove the student from the regular classroom and determine the appropriate placement of the student in the manner provided by this subchapter,

notwithstanding any provision of Subchapter A (Alternative Settings for Behavior Management).

Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS UNDER COURT SUPERVISION. (a) Requires a district to place a student to whom this subchapter applies and who is under any form of court supervision, including probation, community supervision, or parole, in the appropriate alternative education program (program) as provided by Section 37.309 for at least one semester.

(b) Authorizes the district to which a student transfers, if the student transfers to another district during the student's mandatory placement in a program under Subsection (a), to require the student to complete an additional semester in the appropriate program without conducting a review of the student's placement for that semester under Section 37.306, or to count any time spent by the student in a program in the district from which the student transfers toward the mandatory placement requirement under Subsection (a).

Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS NOT UNDER COURT SUPERVISION. Authorizes a school district to place a student to whom this subchapter applies and who is not under any form of court supervision in the appropriate program as provided by Section 37.309 for one semester or in the regular classroom. Prohibits the district from placing the student in the regular classroom if the district board of trustees (board) makes certain determinations regarding the student's presence in the regular classroom.

Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION PROGRAM. (a) Requires the board to convene a committee at the end of the first semester of a student's placement in a program under Section 37.304 or 37.305 to review the student's placement in the program. Sets forth the composition of the committee.

(b) Requires the committee by majority vote to determine and recommend to the board whether the student should be returned to the regular classroom or remain in the program.

(c) Requires the board, if the committee recommends that the student be returned to the classroom, to return the student to the regular classroom unless the board makes certain determinations regarding the student's presence in the regular classroom.

(d) Requires the board, if the committee recommends that the student remain in the program, to continue the student's placement in the program unless the board makes certain determinations regarding the student's presence in the regular classroom.

(e) Requires the board, before the beginning of each school year, if, after receiving a recommendation under Subsection (b), the board determines that the student should remain in a program, to convene the committee described by Subsection (a) to review, in the manner provided by Subsections (b), (c), and (d), the student's placement in a program.

Sec. 37.307. PLACEMENT AND REVIEW OF STUDENT WITH DISABILITY. (a) Requires the placement under this subchapter of a student with a disability who receives special education services to be made in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(b) Authorizes the review under Section 37.306 of the placement of a student with a disability who receives special education services to be made only by a duly constituted admission, review, and dismissal committee. Authorizes the admission, review, and dismissal committee to request that the board convene a committee described by Section 37.306(a) to assist the admission, review, and dismissal committee in conducting the review.

Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Requires a district to determine whether to place a student to whom this subchapter applies and who transfers to the district in the program as provided by Section 37.309 or in a regular classroom. Requires the district to follow the procedures specified under Section 37.306 in making the determination.

Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM.

(a) Requires a district to place a student who is required by the board to attend a program under this subchapter in a disciplinary alternative education program, except as provided by Subsection (b).

(b) Requires a district, under certain circumstances, to place a student who is required by the board to attend a program under this subchapter in a juvenile justice alternative education program.

Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. Entitles a juvenile justice alternative education program to funding for a student who is placed in the program under this subchapter in the same manner as a juvenile justice alternative education program is entitled to funding under Section 37.012 (Funding of Juvenile Justice Alternative Education Programs) for a student who is expelled and placed in a juvenile justice alternative education program for conduct for which expulsion is permitted but not required under Section 37.007 (Expulsions for Serious Offenses).

Sec. 37.311. CONFERENCE. (a) Authorizes a student or the student's parent or guardian to appeal a decision by a board to place the student in a program under this subchapter by requesting a conference among the board, the student's parent or guardian, and the student. Limits the conference to the factual question of whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) Provides that a student is subject to placement in a program in the manner provided by this subchapter if the board determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(c) Provides that a decision by the board under this section is final and prohibits the decision from being appealed.

Sec. 37.312. LIABILITY. Provides that this subchapter does not waive any liability or immunity of a governmental entity or its officers or employees. Provides that this subchapter does not create any liability for or a cause of action against a governmental entity or its officers or employees.

Sec. 37.313. CONFLICTS OF LAW. Provides that this subchapter prevails to the extent of any conflict between a provision of this subchapter and a provision of Subchapter A.

SECTION 2. Amends Article 15.27, Code of Criminal Procedure, by amending Subsections (b) and (c) and adding Subsections (a-1) and (j), as follows:

(a-1) Authorizes the superintendent or a person designated by the superintendent in the district to send to a district employee having direct supervisory responsibility over a student who a law enforcement agency arrests or refers to the office or official designated by the juvenile board the information contained in the confidential notice under Subsection (a) if the superintendent or the person designated by the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

(b) Requires the office of the prosecuting attorney acting in a case regarding any conduct listed in Subsection (h) to notify the superintendent or a person designated by the

superintendent in the district, on conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of an individual enrolled as a student in a public primary or secondary school, whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure. Requires the superintendent, within 24 hours of receiving notification from the office of the prosecuting attorney, rather than promptly, to notify all instructional and support personnel who have regular contact with the student. Requires the office of the prosecuting attorney, within seven days after the date the oral notice is given, to mail written notice containing a statement of whether the student is required to register as a sex offender under Chapter 62.

(c) Requires a parole, probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Youth Commission, having jurisdiction over a student described by Subsection (a), (b), or (e) who transfers from a school or is subsequently removed from a school and later returned to a school or district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred to notify, within 24 hours of learning of the student's transfer or reenrollment, the new school officials of the arrest or referral in a manner similar to that provided for by Subsection (a) or (e)(1), or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2). Requires the new school officials, within 24 hours of receiving notification under this section, rather than promptly, to notify all instructional and support personnel who have regular contact with the student.

(j) Provides that the notification provisions of this section concerning a person who is required to register as a sex offender under Chapter 62 do not lessen the requirement of a person to provide any additional notification prescribed by that chapter.

SECTION 3. Repealer: Article 15.27(d) (regarding confidential notification being sent to school district employees), Code of Criminal Procedure.

SECTION 4. Makes application of Subchapter I, Chapter 37, Education Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.