

1-1 By: Powell S.B. No. 2135
1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
1-3 first time and referred to Committee on Education; April 23, 2019,
1-4 reported favorably by the following vote: Yeas 11, Nays 0;
1-5 April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Taylor	X		
1-9	Lucio	X		
1-10	Bettencourt	X		
1-11	Campbell	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Hughes	X		
1-15	Paxton	X		
1-16	Powell	X		
1-17	Watson	X		
1-18	West	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to information a law enforcement agency is required to
1-22 share with a school district about a person who may be a student.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 15.27, Code of Criminal Procedure, is
1-25 amended by amending Subsection (a) and adding Subsection (k-1) to
1-26 read as follows:

1-27 (a) A law enforcement agency that arrests any person or
1-28 refers a child to the office or official designated by the juvenile
1-29 board who the agency believes is enrolled as a student in a public
1-30 primary or secondary school, for an offense listed in Subsection
1-31 (h), shall attempt to ascertain whether the person is so enrolled.
1-32 If the law enforcement agency ascertains that the individual is
1-33 enrolled as a student in a public primary or secondary school, the
1-34 head of the agency or a person designated by the head of the agency
1-35 shall orally notify the superintendent or a person designated by
1-36 the superintendent in the school district in which the student is
1-37 enrolled of that arrest or referral within 24 hours after the arrest
1-38 or referral is made, or before the next school day, whichever is
1-39 earlier. If the law enforcement agency cannot ascertain whether
1-40 the individual is enrolled as a student, the head of the agency or a
1-41 person designated by the head of the agency shall orally notify the
1-42 superintendent or a person designated by the superintendent in the
1-43 school district in which the student is believed to be enrolled of
1-44 that arrest or detention within 24 hours after the arrest or
1-45 detention, or before the next school day, whichever is earlier. If
1-46 the individual is a student, the superintendent or the
1-47 superintendent's designee shall immediately notify all
1-48 instructional and support personnel who have responsibility for
1-49 supervision of the student. All personnel shall keep the
1-50 information received in this subsection confidential. The State
1-51 Board for Educator Certification may revoke or suspend the
1-52 certification of personnel who intentionally violate this
1-53 subsection. Within seven days after the date the oral notice is
1-54 given, the head of the law enforcement agency or the person
1-55 designated by the head of the agency shall mail written
1-56 notification, marked "PERSONAL and CONFIDENTIAL" on the mailing
1-57 envelope, to the superintendent or the person designated by the
1-58 superintendent. The written notification must include the facts
1-59 contained in the oral notification, the name of the person who was
1-60 orally notified, and the date and time of the oral notification.
1-61 Both the oral and written notice shall contain sufficient details

2-1 of the arrest or referral and the acts allegedly committed by the
2-2 student to enable the superintendent or the superintendent's
2-3 designee to determine whether there is a reasonable belief that the
2-4 student has engaged in conduct defined as a felony offense by the
2-5 Penal Code or whether it is necessary to conduct a threat assessment
2-6 or prepare a safety plan related to the student. The information
2-7 contained in the notice shall be considered by the superintendent
2-8 or the superintendent's designee in making such a determination.

2-9 (k-1) In addition to the information provided under
2-10 Subsection (k), the law enforcement agency shall provide to the
2-11 superintendent or superintendent's designee information relating
2-12 to the student that is requested for the purpose of conducting a
2-13 threat assessment or preparing a safety plan relating to that
2-14 student. A school board may enter into a memorandum of
2-15 understanding with a law enforcement agency regarding the exchange
2-16 of information relevant to conducting a threat assessment or
2-17 preparing a safety plan. Absent a memorandum of understanding, the
2-18 information requested by the superintendent or the
2-19 superintendent's designee shall be considered relevant.

2-20 SECTION 2. Section 37.006(e), Education Code, is amended to
2-21 read as follows:

2-22 (e) In determining whether there is a reasonable belief that
2-23 a student has engaged in conduct defined as a felony offense by the
2-24 Penal Code, the superintendent or the superintendent's designee may
2-25 consider all available information, including the information
2-26 furnished under Article 15.27, Code of Criminal Procedure, other
2-27 than information requested under Article 15.27(k-1), Code of
2-28 Criminal Procedure.

2-29 SECTION 3. Section 58.008(d), Family Code, is amended to
2-30 read as follows:

2-31 (d) Law enforcement records concerning a child may be
2-32 inspected or copied by:

- 2-33 (1) a juvenile justice agency, as defined by Section
2-34 58.101;
- 2-35 (2) a criminal justice agency, as defined by Section
2-36 411.082, Government Code;
- 2-37 (3) the child; ~~or~~
- 2-38 (4) the child's parent or guardian; or
- 2-39 (5) the superintendent or superintendent's designee of

2-40 a public primary or secondary school where the child is enrolled
2-41 only for the purpose of conducting a threat assessment or preparing
2-42 a safety plan related to the child.

2-43 SECTION 4. Article 15.27(a), Code of Criminal Procedure, as
2-44 amended by this Act, and Article 15.27(k-1), Code of Criminal
2-45 Procedure, as added by this Act, apply only to information related
2-46 to an arrest or referral made on or after the effective date of this
2-47 Act.

2-48 SECTION 5. This Act takes effect September 1, 2019.

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