

BILL ANALYSIS

Senate Research Center
80R6511 SLO-D

S.B. 1067
By: Shapiro
Education
3/21/2007
As Filed

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.

As proposed, 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 prohibits students registered as sex offenders from enrolling at a public school campus and requires such students to enroll 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 Subchapter A, Chapter 25, Education Code, by adding Section 25.0012, as follows:

Sec. 25.0012. ENROLLMENT OF CERTAIN REGISTERED SEX OFFENDERS. (a) Prohibits a student from enrolling at a public school campus if the student is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, except as provided by Subsection (c) and notwithstanding Section 25.001 (Admission).

(b) Provides that this section does not apply to a person who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a person who receives an exemption from registration under Subchapter H (Exemptions From Registration for Certain Juveniles), Chapter 62, Code of Criminal Procedure, or a person 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.

(c) Requires a student to whom this section applies and who is not exempt from the compulsory school attendance requirements under Section 25.086 (Exemptions) to enroll in a disciplinary alternative education program under Section 37.008 (Disciplinary Alternative Education Program) or a juvenile justice alternative education program under Section 37.011 (Juvenile Justice Alternative

Education Program), notwithstanding Subchapter A (Alternative Settings for Behavior Management), Chapter 37.

SECTION 2. Amends Articles 15.27(c) and (d), Code of Criminal Procedure, as follows:

(c) Requires a parole or probation office, including a juvenile board, 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 school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred to notify the new school officials of the arrest or referral, within 24 hours of learning of the student's transfer or reenrollment, 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 Texas Youth Commission (TYC) to provide the notice required by this subsection if the student is committed to TYC.

(d) Requires the superintendent or a person designated by the superintendent upon receiving notice under Chapter 62, Code of Criminal Procedure, that a student who is required to register as a sex offender is enrolled in the district, to notify all instructional and support personnel who have regular contact with the student within 24 hours.

SECTION 3. Makes application of Section 25.0012, Education Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.