NOTICES TO LAW ENFORCEMENT AGENCIES

A principal or designee shall notify local law enforcement if the principal has reasonable grounds to believe that any of the following activities occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07. [See GRAA(EXHIBIT)]

2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.

3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(14) or (16). [See FNCG]

4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]

5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity. [See GRAA(EXHIBIT)]

6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

Notice is not required if the principal reasonably believes that the activity does not constitute a criminal offense.

The principal or designee shall provide the notice to the District police department (if one exists) and the police department of the municipality in which the school is located. If the school is not in a municipality, the principal or designee shall provide the notice to the sheriff of the county in which the school is located. The report shall include the name and address of each student the person believes may have participated in the activity.

NOTICE TO EMPLOYEES

The principal or designee shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

Education Code 37.015, .007(e)

NOTICES FROM LAW ENFORCEMENT AGENCIES

As described below, representatives of the juvenile justice system shall provide notice to the District when:

1. A student is arrested or referred to the juvenile board [see ARREST, below];

2. A student is convicted, or receives deferred prosecution or deferred adjudication [see CONVICTION OR ADJUDICATION, below];

3. A student was removed to a disciplinary alternative education program (DAEP) and the criminal case against the student is refused or the student is found not guilty [see NOT GUILTY/CHARGES DROPPED, below]; or

4. A student on parole, probation, or community supervision transfers into or reenrolls in the District [see TRANSFER STUDENTS, below].

Code of Criminal Procedure 15.27

Local law enforcement shall provide notice to the Superintendent if a registered sex offender intends to reside in the District, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)* [See REGISTERED SEX OFFENDERS, below]

REPORTABLE OFFENSES

Code of Criminal Procedure 15.27 applies to the following offenses:

1. Any felony offense; and

2. The following misdemeanors:

   a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity);

   b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and

   c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(14) or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

Code of Criminal Procedure 15.27(h)

CONTENTS OF NOTICE

Oral or written notice under Code of Criminal Procedure 15.27 must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;

2. Weapons used in the commission of the offense or conduct; or

3. Weapons possessed during the commission of the offense or conduct.

Code of Criminal Procedure 15.27(k)

ELECTRONIC NOTICE

A person may substitute electronic notice for oral notice where oral notice is required by Code of Criminal Procedure 15.27. If electronic notice is used, any written notice required by article 15.27 is not required. *Code of Criminal Procedure 15.27(i)*

ARREST

ORAL NOTICE

If a law enforcement agency arrests a person or refers a child to the juvenile board for an offense specified at REPORTABLE OFFENSES, and the agency believes the person is enrolled as a student in a public school, the head of the agency or designee shall orally notify the superintendent or designee in the district in which the student is enrolled, or believed to be enrolled, of the arrest or referral. The notice shall be provided within 24 hours after the arrest or referral is made or before the next school day, whichever is earlier.

WRITTEN NOTICE

Within seven days after oral notice is given, the head of the law enforcement agency or designee shall mail written notice to the Superintendent or designee. The written notice shall include the facts in the oral notice, the name of the person who was orally notified, and the date and time of the oral notice.

Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the Superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. The information in the notice shall be considered by the Superintendent or designee in making such a determination.

Code of Criminal Procedure 15.27(a)

FAILURE TO PROVIDE NOTICE TO DISTRICT

If the superintendent of a district in which a student is enrolled learns of a failure of the head of a law enforcement agency or designee to provide a notice under Code of Criminal Procedure 15.27(a), the Superintendent or principal shall report the failure to the Commission on Law Enforcement Officer Standards and Education. *Code of Criminal Procedure 15.27(m)*

NOTICE TO EMPLOYEES

The Superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for supervision of a student who has been arrested or taken into custody. All personnel shall keep the information received confidential.

The Superintendent or designee shall send to an employee having direct supervisory responsibility over the student the information in the confidential notice provided by the law enforcement agency.

FAILURE TO PROVIDE NOTICE TO EMPLOYEES

If the Board learns of a failure by the Superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(a) or (a-1), the Board shall report the failure to the State Board for Educator Certification (SBEC).

Code of Criminal Procedure 15.27(a), (a-1), (l)

CONVICTION OR ADJUDICATION

ORAL NOTICE

On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student for an offense or for any conduct specified at REPORTABLE OFFENSES, the office of the prosecuting attorney shall orally notify the Superintendent or designee of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notice must be given within 24 hours of the time of the order or before the next school day, whichever is earlier.

WRITTEN NOTICE

Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender.

NOTICE TO EMPLOYEES

The Superintendent or designee shall, within 24 hours of receiving notice from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

FAILURE TO PROVIDE NOTICE TO EMPLOYEES

If the Board learns of a failure by the Superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(b), the Board shall report the failure to the SBEC.

Code of Criminal Procedure 15.27(b), (l)

NOT GUILTY/ CHARGES DROPPED

The office of the prosecuting attorney or the office or official designated by the juvenile board shall notify the district that removed a student to a (DAEP) if:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. The court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct

indicating a need for supervision and the case was dismissed with prejudice.

Notice shall be provided to the District within two working days.

REVIEW OF PLACEMENT

On receipt of the notice, the Superintendent or designee shall review the student's placement in the DAEP. [See FOC]

Code of Criminal Procedure 15.27(g); Education Code 37.006(h)

TRANSFER STUDENTS

If a juvenile justice agency has jurisdiction over a student who is arrested, referred, convicted, or adjudicated for a reportable offense and the student 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, conviction, or adjudication occurred, the juvenile justice agency shall notify the superintendent or designee of the district to which the student transfers or is returned.

The juvenile justice agency shall provide notice of an arrest or referral in a manner similar to that provided above, at ARREST. The juvenile justice agency shall provide notice of a conviction or delinquent adjudication in a manner similar to that provided above at CONVICTION OR ADJUDICATION. In either case, notice shall be provided within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier.

NOTICE TO EMPLOYEES

The superintendent of the district to which the student transfers or is returned shall, within 24 hours of receiving notice or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

Code of Criminal Procedure 15.27(c)

REGISTERED SEX OFFENDERS

The local law enforcement authority shall immediately provide notice to the superintendent of the district in which a person subject to registration as a sex offender intends to reside, by mail to the office of the Superintendent, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)*

A local law enforcement authority shall provide notice to the Superintendent regarding a registered sex offender only if:

1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;

2. The person subject to registration is a student enrolled in a public or private secondary school; or

3. The basis on which the person is subject to registration is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or Promotion of Child Pornography), or a substantially similar offense

A local law enforcement authority may not provide notice to the Superintendent if the basis for the notice is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

Code of Criminal Procedure 62.054

NOTICE TO EMPLOYEES

On receipt of the notice from law enforcement regarding a registered sex offender, the Superintendent shall release the information in the notice to appropriate District personnel, including peace officers and security personnel, principals, nurses, and counselors. *Code of Criminal Procedure 62.053(e), .055(f)*