

TEXAS SCHOOL FOR THE DEAF

**RELATIONS WITH GOVERNMENTAL ENTITIES:
LOCAL GOVERNMENTAL AUTHORITIES**

GRA

**REPORTS TO LOCAL
LAW ENFORCEMENT**

The principal, or a school employee under his or her supervision who is designated by the principal, shall notify the Austin Police Department if the principal has reasonable grounds to believe that any of the following activities occur in school, or 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.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)-(14) or (16).
4. The possession of a weapon as defined by 18 USC Section 921, in accordance with the Gun-Free Schools Act.
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

The report shall include the name and address of each student the person believes may have participated in the activity, but is not required if the person reasonably believes that the activity does not constitute a criminal offense.

The person who makes the notification required under Subsection (a) 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, 37.007 (e)

**REPORTS TO JUVENILE
JUSTICE AGENCY**

The Superintendent or designee may disclose information contained in a student's educational records to a juvenile justice agency if the disclosure is under an interagency agreement authorized by Family Code 58.0051.

The School is not required or authorized to release student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

Education Code 37.084

**STUDENTS TAKEN
INTO CUSTODY**

The School shall permit a student to be taken into custody:

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by juvenile court.
5. Pursuant to a properly issued directive to apprehend.
6. By an authorized representative of Child Protective Services (CPS), Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in Family Code 262.104 relating to the student's physical health or safety.

Family Code 52.01,

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**NOTICE FROM LAW
ENFORCEMENT
ARREST OF STUDENT**

A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile board who the agency knows or believes is enrolled as a student in a public primary or secondary school shall orally notify the Superintendent or designee in the School in which the student is enrolled or believed to be enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or on the next school day. Within seven days after oral notice is given, the law enforcement agency shall mail written 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 the Superintendent's 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 contained in the notice may be considered by the Superintendent or designee in making such a determination. This notice shall be made only if the student has been arrested or referred for committing an offense specified at REPORTABLE OFFENSES. Code of Criminal Procedure 15.27(a)

**NOTICE OF DISPOSITION OF
CHARGES**

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 and in writing notify the Superintendent or designee of the conviction, deferred prosecution, deferred adjudication, or adjudication. Code of Criminal Procedure 15.27(b)

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the School, if the School removed a student to an alternative education program, 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.

Code of Criminal Procedure 15.27(g)

SEX OFFENDER

The local law enforcement authority shall immediately provide notice to the Superintendent of the district in which the person subject to registration under the Sex Offender Registration Program intends to reside, by mail to the office of the Superintendent, as set out below.

A local law enforcement authority shall provide notice to the Superintendent 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, a deferred adjudication, or an 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

**LAW ENFORCEMENT
NOTICE TO
SUPERINTENDENT**

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

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Code of Criminal Procedure Art. 62.032

NOTICE TO PERSONNEL
ARREST OF STUDENT

The Superintendent shall notify all instructional and support personnel who have responsibility for supervising a student who has been arrested or taken into custody as provided by a law enforcement agency. All personnel shall keep the information received confidential.

Code of Criminal Procedure 15.27(a)

CONVICTION OR
ADJUDICATION OF
STUDENT

When the Superintendent or designee receives information from a prosecuting attorney of a student's conviction or adjudication of delinquent conduct for an offense specified at REPORTABLE OFFENSES, the Superintendent or designee shall promptly notify all instructional and support personnel who have regular contact with the student.

Code of Criminal Procedure 15.27(b)

SEX OFFENDER

On receipt of the notice from law enforcement regarding a registered sex offender, the Superintendent shall release the information contained in the notice to appropriate district [School] personnel, including peace officers and security personnel, principals, nurses, and counselors.

Code of Criminal Procedure 62.03(e), 62.04(f)

REPORTABLE OFFENSES

The following are reportable offenses for purposes of this policy:

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)

JUVENILE JUSTICE
INFORMATION SYSTEM

Juvenile justice agencies in a county or region of Texas may jointly create and maintain a local juvenile justice information system in accordance with Family Code Chapter 58, Subchapter D. A local juvenile justice information system shall include each public school district in the county.

Family Code 58.303, 58.305

Districts that are served by a local juvenile justice information system shall have Level 1 Access. Level 1 Access is information that relates to a child:

1. Who:
 - a. A school official has reasonable grounds to believe has committed an offense for which a report is required under Education Code 37.015; or

- b. Has been expelled, the expulsion of which is required to be reported under Family Code 52.041; and
- 2. Who has not been charged with a fineable only offense, a status offense, or delinquent conduct.

Family Code 58.306

Information that is part of a local juvenile justice system is not public information and may not be released, except as authorized by law.

Family Code 58.307

CHILD PROTECTIVE
SERVICES (CPS)
INVESTIGATIONS AT
SCHOOL

A School official may not refuse to permit a CPS investigator to interview at school a student who is alleged to be a victim of abuse or neglect under Family Code 261. A School official may not require the CPS investigator to permit school personnel to be present at a student interview conducted at school.

Family Code 261.302(b), 261.303(a); Atty. Gen. Op. DM-476 (1998)

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