
	<u>SUBJECT</u> NOTIFICATION TO SCHOOLS		<u>NUMBER</u> 402/28
	EFFECTIVE DATE: 08-25-09	AMENDS: 07-16-08	RESCINDS:
DISTRIBUTION: Administration, CID, Patrol, Communications, Clerical		REFERENCES: CALEA Chpt. 44 / IACLEA / TPCFA Chpt. 5 Texas C.C.P. 15.27	

.10 [Article 15.27 to the Code of Criminal Procedure](#) requires that:

- A. 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 believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection .11, shall attempt to ascertain whether the person is so enrolled. If the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or on the next school day.
- B. A law enforcement agency that arrests, or refers to a juvenile court under [Chapter 52, Family Code](#), an individual who the law enforcement agency knows or believes is enrolled as a student in a private primary or secondary school shall make the oral and written notifications required by [Article 15.27](#) to the principal or a school employee designated by the principal of the school in which the student is enrolled.
- C. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or on the next school day.
- D. Within seven (7) days after the date the oral notice is given, the law enforcement agency shall mail written notification, marked "**PERSONAL and CONFIDENTIAL**" on the mailing envelope, to the superintendent or the person designated by the superintendent. 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


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notice may be considered by the superintendent or the superintendent's designee in making such a determination.

1. The following warning will be included with the written notice containing the details of the arrest or referral and the acts allegedly committed by the student:


WARNING: The information contained in this notice is intended only to inform appropriate school personnel of an arrest or detention of a student believed to be enrolled in this school. An arrest or detention should not be construed as proof that the student is guilty. Guilt is determined in a court of law. THE INFORMATION CONTAINED IN THIS NOTICE IS CONFIDENTIAL!

- E. Electronic notification may be substituted for oral notification where oral notification is required by [Article 15.27](#). If electronic notification is substituted for oral notification, any written notification required by [Article 15.27](#) is not required.
- .11 The offenses to which [Article 15.27](#) applies are to any [felony offense](#) and the following [misdemeanors](#):
- A. An offense under Section [20.02](#), [21.08](#), [22.01](#), [22.05](#), [22.07](#), or [71.02](#), [Penal Code](#);
 - B. the unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana, as defined by [Chapter 481, Health and Safety Code](#); or
 - C. the unlawful possession of any of the weapons or devices listed in Sections [46.01\(1\)-\(14\)](#) or [\(16\)](#), [Penal Code](#), or a weapon listed as a prohibited weapon under Section [46.05](#), [Penal Code](#).
- .20 In order to ensure this Department's compliance to the provisions of [Article 15.27 \(CCP\)](#), it is essential that there be an uninterrupted flow of reports beginning with the Officer who arrests

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or takes into custody an individual who is a student in a public or private primary or secondary school to the Criminal Investigations Division, which will assume responsibility for the notification of the respective school superintendent or principal within the allowed time frames stated in .10 of this section.

- .21 To provide for the expeditious notification of an arrest or detention falling under this procedure, the arresting or detaining Officer will be required to complete a "School Notification" form on all school age individuals which is to be forwarded to the Criminal Investigations Division at the end of the tour of duty, independent of any corresponding reports.
- .22 It will be the responsibility of the arresting or detaining Officer to ascertain from all school age individuals what school they attend and in which district is the school located, and transfer this information to the "School Notification" form. Those individuals of school age who report they do not attend school should be asked what school they would attend if they were attending school.
 - A. The "School Notification" form will be prepared on all individuals of school age regardless of their disclosed status (drop out, expelled, suspended, etc.), listing the name and district of the school they would attend if they were attending.
- .23 The arresting or detaining officer will have the responsibility of ensuring the immediate routing of the "School Notification" forms to the Criminal Investigations Division.
- .24 The Criminal Investigations Division will hold the responsibility for receiving and making the oral notification to the designated person within the respective school district within the time frames set forth in .10 of this section. Once the oral notification is made, the "Notice To Schools" letter will be prepared and the information regarding the person receiving the information, time and date notified, and by whom notified will be placed in the prescribed areas of the form. The written notification section will be filled out when the "Notice To Schools" is prepared for

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mailing. Once completed, a copy of the "Notice To Schools" will be made and filed in a file dedicated for this purpose. Additional copies may be made for case folders if desired.

- A. The "Notice To Schools" form will only notify the school district of the arrest or detention of the individual. It will not disclose information on the alleged offense.
- .25 The Criminal Investigations Division will bear the additional responsibility of maintaining a current contact list of superintendents of public schools and principals of private schools, or their designees, to ensure that the contact requirements set forth by [Article 15.27 \(CCP\)](#) are met.
- .30 This procedure will be followed each and every time an individual is handled for an offense requiring notification. It should be noted that [Chapter 21 of the Education Code](#) has been amended to provide that information received by a school district under [Article 15.27 \(CCP\)](#) may not be attached to the permanent academic record of an individual and the school district shall destroy the information at the end of the academic year in which the report is filed.