

RELATIONS WITH GOVERNMENTAL ENTITIES:
LOCAL GOVERNMENT AUTHORITIES

GRA
(EXHIBIT)

EXHIBIT A

NOTICE TO LAW ENFORCEMENT OFFICIALS OF ALLEGED
CRIMINAL ACTIVITY BY A STUDENT
ON SCHOOL PROPERTY OR AT A SCHOOL-RELATED EVENT

CONFIDENTIAL COMMUNICATION

DATE: _____

TO: School District Police Department
Local Police Department
County Sheriff's Department

FROM: _____ *(Campus)*
_____ *(District Name)*
_____ *(Principal or designee)*

Pursuant to Section 37.015 of the Texas Education Code, notice is hereby given of an alleged criminal act perpetrated by the _____ ISD student named below on school property or at a school related event. The District has reasonable grounds to believe that this student engaged in the following activities:
(briefly state suspected offense)

Student's name _____

Student's address _____

Student's date of birth _____

Date of alleged offense _____

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UPDATE 22
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EXHIBIT B

CONDUCT CONSTITUTING REPORTABLE CRIMINAL ACTIVITY

Education Code 37.015 requires principals to make reports to local law enforcement authorities of certain classes of offenses, four of which are referenced entirely by citation. The offenses referenced only by citation are further defined below.

1. "Conduct that may constitute an offense under Section 508.149, Government Code":
 - a. An offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure (use or exhibition of a prohibited weapon during commission of or flight from a felony offense).
 - b. A first degree felony under Penal Code 19.02 (murder).
 - c. A capital felony under Penal Code 19.03 (capital murder).
 - d. A first degree felony or a second degree felony under Penal Code 20.04 (aggravated kidnapping).
 - e. A second degree felony under Penal Code 22.011 (sexual assault).
 - f. A first degree or second degree felony under Penal Code 22.02 (aggravated assault).
 - g. A first degree felony under Penal Code 22.021 (aggravated sexual assault).
 - h. A first degree felony under Penal Code 22.04 (injury to a child, elderly individual, or disabled individual).
 - i. A first degree felony under Penal Code 28.02 (arson).
 - j. A second degree felony under Penal Code 29.02 (robbery).
 - k. A first degree felony under Penal Code 29.03 (aggravated robbery).
 - l. A first degree felony under Penal Code 30.02 (burglary).
 - m. A felony for which punishment is increased under Section 481.134, Health and Safety Code (drug-free zones).
2. "Deadly conduct as described by Penal Code 22.05":
 - a. A person commits an offense if he or she recklessly engages in conduct that places another in imminent danger of serious bodily injury.
 - b. A person commits an offense if he or she knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.
 - c. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.
3. "Terroristic threat, as described by Penal Code 22.07":

A person commits an offense if he or she threatens to commit any offense involving violence to any person or property with intent to:

 - a. Cause a reaction of any type to this threat by an official or volunteer agency organized to deal with emergencies.
 - b. Place any person in fear of imminent serious bodily injury;
 - c. Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;

- d. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
- e. Place the public or a substantial group of the public in fear of serious bodily injury; or
- f. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

4. "Conduct that may constitute a criminal offense under Penal Code 71.02 (Engaging in Organize Criminal Activity)":

A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he or she commits or conspires to commit one or more of the following:

- a. Murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle.
- b. Any gambling offense punishable as a Class A misdemeanor;
- c. Promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
- d. Unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
- e. Unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;
- f. Any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;
- g. Any unlawful employment, authorization, or inducing of a child younger than 17 years of age in an obscene sexual performance;
- h. Any felony offense under Chapter 32, Penal Code;
- i. Any offense under Chapter 34, Penal Code;
- j. Any offense under Chapter 36, Penal Code; or
- k. Any offense under Section 37.11(a), Penal Code.

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EXHIBIT C

LETTER TO LOCAL LAW ENFORCEMENT REGARDING
ARTICLE 15.27, CODE OF CRIMINAL PROCEDURE

Date _____

Head of Local Law Enforcement Office _____

Law Enforcement Address _____

Re: Article 15.27 of the Code of Criminal Procedure

Dear _____:

We would like to ensure that we have a common understanding of certain legal requirements applicable to your agency and our school District. Since 1997, Article 15.27 of the Code of Criminal Procedure has required that a law enforcement agency orally notify the school Superintendent or designee when it arrests or refers to juvenile court anyone who is believed to be a public school student. This oral notice must be given within 24 hours after the arrest or referral is made, or the next school day.

Within seven days after the oral notice is made, written notice must also be mailed. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, it must notify the district in which it believes the student to be enrolled.

The Code further specifies that both the oral and written notice must contain sufficient details of the referral or arrest 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 that warrants the student be removed from his or her regular classroom and placed in the Alternative Education Program.

For your convenience, we have included a sample form that you may put on your letterhead. This form provides the information we need in order to meet the responsibilities the law places on the District.

Please contact me at _____ (*phone number*) if you have any questions.

Sincerely,

_____, (*Superintendent*)

DATE ISSUED: 06/18/2004
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RELATIONS WITH GOVERNMENTAL ENTITIES:
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EXHIBIT D

NOTICE TO SCHOOL DISTRICT OFFICIALS OF ALLEGED CRIMINAL ACTIVITY
BY A STUDENT OFF SCHOOL PROPERTY AND NOT AT A SCHOOL-RELATED EVENT

CONFIDENTIAL COMMUNICATION

(Date) _____

(District Name) _____

(Name of Superintendent or Designee) _____

(District's Address) _____

Dear _____:

Article 15.27 of the Texas Code of Criminal Procedure requires that notice be given of the arrest or referral to juvenile court of an individual believed to be enrolled in _____ ISD.

The alleged criminal act for which the student was arrested or referred is a:

Misdemeanor offense Felony offense

This department believes this student engaged in the following activities:

(Briefly state suspected offense and location where offense took place, time, date, victims, and comments by police officer. Provide sufficient details of the arrest.)

Student's name _____

Student's address _____

Student's date of birth _____

Date of alleged offense _____

Please contact me at _____ (phone number) if you have any questions.

Sincerely,

_____ (Police Department) (County Sheriff's Department)

DATE ISSUED: 06/18/2004
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EXHIBIT E

LETTER TO PROSECUTING ATTORNEY OR JUVENILE COURT REGARDING
ARTICLE 15.27, CODE OR CRIMINAL PROCEDURE

(Date) _____

(Prosecuting Attorney or Juvenile Court Name) _____

(Prosecuting Attorney or Juvenile Court Address) _____

Re: Article 15.27 of the Code of Criminal Procedure

Dear _____:

We would like to ensure that we have a common understanding of certain legal requirements applicable to your office and our school District. Since 1997, Article 15.27 of the Code of Criminal Procedure has required that the office of the prosecuting attorney or official designated by the juvenile court, within two working days, notify the District if:

1. Prosecution of a 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 that the child did not engage in delinquent conduct or conduct indication a need for supervision, and the case was dismissed with prejudice.

The prosecuting attorney is also required to notify the District when a student is convicted or adjudicated delinquent for any conduct listed in Article 15.27(h) or the Code of Criminal Procedure.

For your convenience, we have included a sample form that you may put on your letterhead. This form provides the information we need to meet the responsibilities the law places on the District.

Please contact me at _____ (phone number) if you have any questions.

Sincerely,

_____, (Superintendent)

RELATIONS WITH GOVERNMENTAL ENTITIES:
LOCAL GOVERNMENT AUTHORITIES

GRA
(EXHIBIT)

EXHIBIT F

NOTICE TO SCHOOL DISTRICT OFFICIALS OF NO FURTHER ACTION
REGARDING ALLEGED CRIMINAL ACTIVITY BY A STUDENT OFF CAMPUS

CONFIDENTIAL COMMUNICATION

(Date) _____

(District Name) _____

(Name of Superintendent or Designee) _____

(District's Address) _____

Dear _____:

Article 15.27 of the Texas Code of Criminal Procedure requires that notice be given when a student is found not guilty or if the charges have been dropped. This office therefore gives notice that it is not pursuing any further legal action against _____, a student at _____
_____ ISD.

(Briefly state actions that occurred to arrive at this result.)

Student's name _____

Student's address _____

Student's date of birth _____

Date of alleged offense _____

Please contact me at _____ (phone number) if you have any questions.

Sincerely,

_____, (Prosecuting Attorney) (Designee of Juvenile Court)

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RELATIONS WITH GOVERNMENTAL ENTITIES:
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(EXHIBIT)

EXHIBIT G

LETTER TO PROBATION OFFICERS REGARDING
ARTICLE 15.27, CODE OF CRIMINAL PROCEDURE

(Date) _____

(Chief Probation Officer) _____

(Chief Probation Officer's Address) _____

Re: Article 15.27 of the Code of Criminal Procedure

Dear _____:

We would like to ensure that we have a common understanding of certain legal requirements applicable to your agency and our school District. Since 1997, Article 15.27 of the Code of Criminal Procedure has required a parole or probation officer having jurisdiction over a student described by Subsection (a), (b), or (e) who transfers from a school or school district to another that is different from the one the student was enrolled in when arrested, referred to juvenile court, convicted, or adjudicated delinquent, to notify the new school officials (Superintendent) of the arrests or referral in a manner similar to that provided by Subsection (a) or (e)(1), or of the conviction or delinquent adjudication in a manner similar to that provided by Subsection (b) or (e)(2).

For your convenience, we have included a sample form that you may put on your letterhead. This form provides the information we need in order to meet the responsibilities the law places on the District.

Please contact me at _____ (phone number) if you have any questions.

Sincerely,

_____, (Superintendent)

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RELATIONS WITH GOVERNMENTAL ENTITIES:
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EXHIBIT H

NOTICE TO DISTRICT OFFICIALS OF ALLEGED
CRIMINAL ACTIVITY BY A TRANSFERRING STUDENT
OFF SCHOOL PROPERTY AND NOT AT A SCHOOL-RELATED EVENT

CONFIDENTIAL COMMUNICATION

(Date) _____

(District Name) _____

(Name of Superintendent or Designee) _____

(District's Address) _____

Dear _____:

Article 15.27 of the Texas Code of Criminal Procedure requires that when a student transfers from one school to another school or district other than the one in which the student was enrolled when arrested, referred to a juvenile court, convicted, or adjudicated delinquent, the parole or probation office having jurisdiction over the student shall notify the new school officials of the arrest or referral to a juvenile court, conviction, or delinquent adjudication. This office therefore gives notice that _____, a student at _____
_____ ISD, is under the jurisdiction of this probation office.

(Briefly state pertinent details of actions that occurred, indicating that the student moved from another school and was arrested, convicted, referred to a juvenile court, or adjudicated delinquent.)

Student's name _____

Student's address _____

Student's date of birth _____

Date of alleged offense _____

Please contact me at _____ (phone number) if you have any questions.

Sincerely,

_____, (Probation Officer)

DATE ISSUED: 06/18/2004
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LOCAL GOVERNMENT AUTHORITIES

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(EXHIBIT)

EXHIBIT I

ACKNOWLEDGEMENT OF REMOVAL BY LEGAL AUTHORITIES

(Student's Name) _____

(Campus Name) _____

(Date) _____ (Time) _____

Officials of _____ ISD hereby release _____
_____ (student's name) to the custody of _____ (name) of
_____ (legal entity, i.e., CPS, name of local police or sheriff's
department), in accordance with a request from the legal authorities. This release supersedes the
responsibility of the District to the student and his or her parents or guardians that would otherwise prevail.

By taking possession of this student, _____ (name of person having
legal authority), assumes the duty of reasonable care for the safety and welfare of the student.

Signature of Principal or designee _____

Signature of person taking student into custody _____

*(The form must be kept on file by the school; however, a copy may be given to the person taking custody of
the student.)*

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