

# “Is He Dangerous or Not Dangerous, Only His Juvenile Records Know for Sure”

## Obtaining Juvenile Records of a Violent Student



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1

1

## WHY SHOULD I CARE ABOUT THE TEXAS CODE OF CRIMINAL PROCEDURE §15.27?

- It tells you if your student committed a crime!
- A law enforcement agency that arrests any person or refers a child to authorities for any felony offense and some misdemeanors, shall orally notify the Superintendent or designee in school district in which the student is enrolled within 24 hours

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2

2

## SO, WHAT MISDEMEANORS FALL WITHIN THE §15.27 NOTICE OF ARREST REQUIREMENTS?

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- Unlawful restraint,
- Indecent exposure,
- deadly conduct,
- Terroristic threat,
- Engaging in organized criminal activity,
- Unlawful use, sale possession of controlled substance,
- Drug paraphernalia, or marijuana,
- Unlawful possession of any weapons or devices in the Penal Code Section 46.01(1)-(14) or weapon listed as a prohibited weapon under Section 46.05 of the Penal Code

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3

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## I GOT MY 15.27 NOTICE THAT A STUDENT COMMITTED THE FELONY OFFENSE OF AGGRAVATED ASSAULT WITH A DEADLY WEAPON. **IS THAT IT?**

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- Superintendent may obtain additional information from law enforcement
- Is it necessary to conduct a threat assessment?
- Prepare a Safety Plan

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## SO, CAN THE SUPERINTENDENT SHARE THE 15.27 NOTICE?

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- While it remains confidential, the superintendent or designee shall immediately notify all instructional or support personnel who have responsibility for supervision of the student

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## WHAT TYPE OF RECORDS COULD BE HELPFUL RELATED TO A NOTICE OF ARREST?

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- Context of offense is critical
- Incident Reports
- Narratives from officers
- Probation related records

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## WHAT ABOUT ACCESSING JUVENILE RECORDS?

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- It is interesting how in light of increased targeted school violence that these juvenile records are becoming more relevant to threat assessment and safety plans.

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7

7

## IF JUVENILE RECORDS ARE CONFIDENTIAL, HOW DOES A SCHOOL ACCESS THE RELEVANT RECORDS?

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- CODE OF CRIM. PROC. §15.27 - Boards can enter into MOUs with law enforcement to exchange records
- TEX FAM CODE §58.007 (b)(8), allows a school district to petition the Juvenile or County Court to establish a legitimate interest

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8

8

## LET'S SAY I OBTAINED JUVENILE RECORDS, HOW SHOULD THEY BE UTILIZED?

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- Share with the Threat Assessment Team
- Create safety protocols
- Consider relevance to Child Find
- Consider the need for additional psychological evaluation
- Consider the need for a more restrictive placement, including residential treatment centers
- Negotiate with the County Attorney regarding measures to ensure community safety and the prevention of targeted school violence
- These are FERPA-protected records

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9

9

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If you're interested in the School Safety Blueprint-  
Empowering District Personnel on Safety and  
Mental Health Challenges, please contact Denise  
Hays. You may use this link to view a short video,  
[here](#) regarding the School Safety Blueprint.

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10

10

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