

Texas Classroom Teachers Association

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Testimony of the Texas Classroom Teachers Association Before the Senate Education Committee March 22, 2007

We are pleased to support SB 1067, and appreciate Chairman Shapiro's sponsorship of this important measure.

Many of you may have seen news accounts of a reported assault on an Austin teacher who was not aware of the student's status as a registered sex offender. This incident took place despite current laws on the books that required law enforcement to notify the school district administration within 24 hours of the student's enrollment, and that required school administrators to promptly notify teachers and other faculty who have responsibility for supervising the student.

Though the number of registered sex offenders enrolled in Texas schools is quite low, the potential for harm if they re-offend is high. We believe that SB 1067 offers a reasonable approach to providing an education to the student who is a registered sex offender while still providing as safe as possible an environment for other students and faculty.

SB 1067 provides for the automatic assignment of a student who is required to register as a sex offender in a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP), rather than the regular classroom. Further, the bill would clarify and strengthen notice requirements to schools and educators responsible for the supervision of registered sex offenders.

Placing registered sex offenders in a DAEP or JJAEP provides protection to other students, who may not be aware of the sex offender's status, and to faculty. Every district is required to have a DAEP, and districts in counties with populations greater than 125,000 have access to JJAEPs through memoranda of understanding with the juvenile boards of the counties. These programs are designed for students who need closer supervision due to disciplinary problems or the potential for violence. A more closely supervised environment where the faculty is aware of the type of risk posed by the student allows a far better opportunity for closer monitoring and avoidance of potentially dangerous situations.

The automatic nature of the placement is not unprecedented, since there are other offenses in the Texas Education Code that result in a mandatory DAEP placement. Further, not all juveniles in Texas who have been adjudicated for conduct that would usually require registration as a sex offender are required to register. Judges have considerable discretion under the Penal Code and Code of Criminal Procedure to waive the registration requirement if the offender is determined not to pose a significant risk to others. In our view, if a judge views a student as a sufficient risk to others that the student is required to register as a sex offender, we think that schools should be required to heed that warning and place the offender in a more secure environment for the safety of other students and faculty.

Finally, the Austin incident came as a shock to many who had never contemplated the possibility that registered sex offenders might be enrolled as students in the schools. In many jurisdictions, a registered sex offender cannot reside within a prescribed distance from a school, yet current law allows that sex offender to be sitting in the classroom with other students who are unaware of the potential risk posed.

We urge your support for the passage of SB 1067, and thank you for the opportunity to present our perspective.