

By: Toth

H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a public school classroom safety review and referral
3 program for students who engage in violent criminal conduct;
4 creating a criminal offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 37, Education Code, is
7 amended by adding Section 37.088 to read as follows:

8 Sec. 37.088. CLASSROOM SAFETY REVIEW AND REFERRAL PROGRAM.

9 (a) If, after an investigation is completed, the principal of a
10 public primary or secondary school has reasonable grounds to
11 believe that a student engaged in violent criminal conduct,
12 including assaultive conduct, the principal shall:

13 (1) refer the student to the classroom safety review
14 committee established under Subsection (b); or

15 (2) make a report to any school district police
16 department, if applicable, or the police department of the
17 municipality in which the school is located or, if the school is not
18 in a municipality, the sheriff of the county in which the school is
19 located.

20 (b) Before the beginning of each school year, a public
21 primary or secondary school shall establish a classroom safety
22 review committee that consists of five classroom teachers who are
23 selected from all classroom teachers employed by the school through
24 a nomination and election process, as determined by the school.

1 (c) If a student is referred to the classroom safety review
2 committee under Subsection (a)(1), the committee shall review all
3 electronic, written, and verbal evidence or testimony or video
4 provided to the committee and interview any eyewitnesses. After
5 review, the committee shall, by majority vote, refer the student
6 to:

7 (1) a person designated by the school as the juvenile
8 diversion administrator under Subsection (d); or

9 (2) the classroom safety referral board established
10 under Subsection (e).

11 (d) A public primary or secondary school shall designate a
12 person as the juvenile diversion administrator for the school. If
13 the classroom safety review committee refers a student to the
14 juvenile diversion administrator under Subsection (c)(1), the
15 juvenile diversion administrator shall:

16 (1) require the student to perform a certain number of
17 hours of community service;

18 (2) require the student to participate in tutoring; or

19 (3) make a determination that the student is not
20 required to take any additional actions.

21 (e) A public primary or secondary school shall establish a
22 classroom safety referral board that consists of:

23 (1) two teachers who serve on the classroom safety
24 review committee;

25 (2) an assistant district attorney of the county in
26 which the school is located;

27 (3) an investigator from the sheriff's office in the

1 county in which the school is located; and

2 (4) a parent of a student enrolled at the school
3 selected by the board of trustees of the school district.

4 (f) If the classroom safety review committee refers a
5 student to the classroom safety referral board, the board shall
6 review all electronic, written, and verbal evidence or testimony or
7 video provided to the board and may hear new testimony from the
8 student or an eyewitness of the conduct. After review, the board, by
9 majority vote, shall:

10 (1) report the student's conduct to the local law
11 enforcement agency; or

12 (2) refer the student to the juvenile diversion
13 administrator under Subsection (d).

14 (g) Materials and information provided to or produced by the
15 classroom safety review committee or the classroom safety referral
16 board during a student review under this section must be maintained
17 in the student's school record until the student's 24th birthday.

18 (h) A person commits an offense if the person destroys
19 material or information described by Subsection (g) before the
20 period of maintenance required under that subsection has expired.
21 An offense under this subsection is a Class A misdemeanor.

22 (i) If an educator commits an offense under Subsection (h),
23 the educator may be subject to termination or suspension of the
24 educator's contract.

25 (j) Any testimony provided by an educator to the classroom
26 safety review committee or the classroom safety referral board
27 under this section is confidential and may not be disclosed to any

1 other person.

2 SECTION 2. This Act applies beginning with the 2023-2024
3 school year.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.