

By: VanDeaver

H.B. No. 1066

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a psychological assessment of homicidal risk of a
3 public school student following the student's expulsion or
4 placement in a disciplinary alternative education program for
5 certain conduct.

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

7 SECTION 1. Subchapter A, Chapter 37, Education Code, is
8 amended by adding Section 37.025 to read as follows:

9 Sec. 37.025. PSYCHOLOGICAL ASSESSMENT OF HOMICIDAL RISK
10 REQUIRED FOR CERTAIN STUDENTS TO RETURN TO REGULAR CLASSROOM OR
11 CAMPUS. (a) This section applies to a student who was expelled or
12 placed in a disciplinary alternative education program for:

13 (1) engaging in conduct that contains the elements of
14 the offense of unlawfully carrying weapons under Section 46.02,
15 Penal Code, or an offense relating to prohibited weapons under
16 Section 46.05, Penal Code; or

17 (2) engaging in conduct involving a public school that
18 contains the elements of the offense of false alarm or report under
19 Section 42.06, Penal Code, or terroristic threat under Section
20 22.07, Penal Code.

21 (b) Not later than the seventh day before the proposed date
22 of the transition of a student described by Subsection (a) to a
23 regular classroom or campus, the school district shall require the
24 student to undergo a psychological assessment of homicidal risk.

1 The assessment must be conducted by a psychologist, and the results
2 of the assessment must be provided to the district.

3 (c) Not later than the third day after the date on which a
4 school district receives the results of a student's psychological
5 assessment of homicidal risk under Subsection (b), the campus
6 behavior coordinator or other appropriate administrator at the
7 student's assigned campus shall schedule a conference among the
8 campus behavior coordinator or other appropriate administrator,
9 the student, the student's parent or person standing in parental
10 relation to the student, and the psychologist who conducted the
11 assessment. At the conference, the student is entitled to a written
12 copy of the results of the student's assessment and an opportunity
13 to respond to those results. The student may not be returned to a
14 regular classroom or campus pending the conference.

15 (d) Following a conference under Subsection (c), the campus
16 behavior coordinator or other appropriate administrator shall
17 determine whether, based on the results of the student's assessment
18 and information provided at the conference, the student's presence
19 in a regular classroom or at a regular campus would pose a risk
20 because the student's presence would:

21 (1) threaten the safety of other students or district
22 employees; or

23 (2) be detrimental to the educational process.

24 (e) If the campus behavior coordinator or other appropriate
25 administrator makes a determination that a student's presence in a
26 regular classroom or at a regular campus would pose a risk under
27 Subsection (d), the student may not be returned to a regular

1 classroom or campus.

2 (f) If school district policy allows a student to appeal to
3 the board of trustees or the board's designee a determination of the
4 campus behavior coordinator or other appropriate administrator
5 under Subsection (d), the decision of the board or the board's
6 designee is final and may not be appealed.

7 (g) Not later than the 45th day after the date a campus
8 behavior coordinator or other appropriate administrator makes a
9 determination described by Subsection (e) regarding a student, the
10 school district in which the student resides shall require the
11 student to undergo another psychological assessment of homicidal
12 risk in accordance with this section.

13 (h) A psychological assessment of homicidal risk conducted
14 under this section shall be provided to a student at no cost to the
15 student or the student's parent or person standing in parental
16 relation to the student.

17 (i) The commissioner shall adopt rules necessary to
18 implement this section.

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

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