

BILL ANALYSIS

H.B. 1857
By: Mercer
Public Education
Committee Report (Amended)

BACKGROUND

A 1996 Children's Institute International Poll of American Adolescents revealed that 47 percent of all teens believed their schools were becoming more violent, 10 percent feared being shot or hurt by classmates carrying weapons to schools, and more than 20 percent were afraid to go to restrooms because these unsupervised areas were frequent sites of student victimization (National Center for Educational Statistics, 1998). Youth violence extracts an enormous toll on the United States' resources.

PURPOSE

House Bill 1857 provides for the transfer of public school students who are the victims of certain criminal conduct. This bill would prevent students who are victims of criminal conduct from being re-victimized and threatened by the same student perpetrator.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1857 amends the Education Code by adding a section relating to the transfer of public school students who are the victims of certain criminal conduct or the siblings of the victims. The bill stipulates that this added section applies to a student who is the victim of assault, aggravated assault, sexual assault, or aggravated sexual assault committed by another student who was assigned to the same campus as the victim and has been placed in an alternative education program.

The bill requires the board of trustees, on request of the victim's parent, to transfer the victim to a district campus other than the campus to which the victim was assigned at the time the conduct occurred or the campus to which the student who committed the conduct is assigned. The bill requires that such a transfer be to a campus agreeable to the parent and that this added section applies regardless of whether the conduct occurred on or off of school property.

The bill stipulates that these provisions apply to victims' siblings if assigned to the same campus as the victim and have also received a threat in connection with the conduct.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 stipulates that this added section applies to a student who is the victim of assault, aggravated assault, sexual assault, or aggravated sexual assault committed by another student who was assigned to the same campus as the victim, or the sibling of such a victimized student. The amendment requires a school district to consider input from the student's parent regarding the location of the transfer of a victimized student.