

## **BILL ANALYSIS**

S.B. 596  
By: Lindsay  
Public Education  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Current school district "zero tolerance" policies do not give administrators flexibility in certain circumstances. S.B. 596 provides that the student code of conduct is not required to specify any particular minimum term of an alternative education placement or of an expulsion. This bill also prohibits a school district from punishing a student based on conduct that contains the elements of an offense under the Penal Code unless certain persons review the conduct and reasonably believe that the student had the culpable mental state required for that offense under the Penal Code.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

S.B. 596 amends the Education Code to provide that this subchapter does not require the student code of conduct to specify any particular minimum term of an alternative education placement under Section 37.006 or of an expulsion under Section 37.007, except as provided by Section 37.007(e).

The bill prohibits a school district from punishing a student under this subchapter based on conduct that contains the elements of an offense under the Penal Code unless the principal, board of trustees, or other person authorized under Section 37.009 to review the conduct, reasonably believes that the student had the culpable mental state required for that offense under the Penal Code.

The bill provides that 37.007(e) is an exception to requiring a student to be expelled from a school if the student intentionally, knowingly, or recklessly uses certain illegal items or engages in certain illegal activities, on school property or while attending a school-sponsored or school-related activity on or off of school property.

The bill makes application of Sections 37.0011 and 37.007(a), Education Code, as added by this Act, prospective.

### **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 prohibits a board of trustees from adopting or enforcing a rule under Section 37.102 under which a violation of the student code of conduct (Section 37.001) is an offense unless that violation would otherwise be an offense under, local, state, or federal law. Committee Amendment No. 2 amends Section 37.008 to require that each school district provide an alternative education program that provides students in accordance with commissioner rule, a course necessary for a high school student to fulfill the student's graduation requirements in a timely manner. Committee Amendment No. 3 modifies Section 37.0011 relating to culpable mental state and deletes previously added text: "except as provided under Subsection (e), intentionally, knowingly, or recklessly."

