

BILL ANALYSIS

Senate Research Center
78R2842 CAS-D

S.B. 596
By: Lindsay
Education
3/12/2003
As Filed

DIGEST AND PURPOSE

Current school district “zero tolerance” policies do not give administrators flexibility in certain circumstances. As proposed, S.B. 596 allows a school district board of trustees to adopt a written policy as part of the student code of conduct to permit a school principal or designated administrator to reduce the term of an alternative education program placement or a student’s suspension unless the student’s conduct is punishable by a felony.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 37.020(b), Education Code) of this bill

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.006, Education Code, by amending Subsection (a) and adding Subsection (m), as follows:

(a) Adds a reference to Subsection (m) as an exception to Subsection (a).

(m) Authorizes the board of trustees of a school district to adopt, as part of the student code of conduct under Section 37.001, a written policy providing for a school principal or other appropriate administrator, on the basis of mitigating circumstances, to reduce the term of an alternative education program placement otherwise prescribed by district policy or to suspend a student as provided by Section 37.005 rather than placing the student in an alternative education program for conduct specified by Subsection (a)(2)(C), (D), (E), or (F) unless the conduct specified by Subsection (a)(2)(C) or (D) is punishable as a felony. Requires a policy adopted under this subsection to consider a student’s disciplinary history, intent or lack of intent, and academic standing and authorizes the policy to consider any other mitigating circumstances the board of trustees determines to be appropriate.

SECTION 2. Amends Section 37.007, Education Code, by amending Subsection (a) and adding Subsection (i), as follows:

(a) Adds a reference to Subsection (i) as an exception to Subsection (a).

(i) Authorizes the board of trustees of a school district to adopt, as part of the student code of conduct under Section 37.001, a written policy providing for the board or the board’s designee, on the basis of mitigating circumstances, to reduce the term of any expulsion otherwise prescribed by district policy or to place a student in an alternative education program rather than expelling the student for conduct specified by Subsection (a)(1). Requires a policy adopted under this subsection to consider a student’s disciplinary history, intent or lack of intent, and academic standing and consider any other mitigating circumstances the board of trustees determines to be appropriate. Prohibits the board of trustees from adopting a policy under this subsection that conflicts with Subsection (e).

SECTION 3. Amends Section 37.020, Education Code, as follows:

Sec. 37.020. REPORTS RELATING TO EXPULSIONS AND ALTERNATIVE EDUCATION PROGRAM PLACEMENTS. (a) Creates new subsection from existing text.

(b) Requires the commissioner of education by rule to provide for appropriate reporting of action taken under Sections 37.006(m) and 37.007(i).

SECTION 4. Effective date: upon passage or September 1, 2003.