

## BILL ANALYSIS

Senate Research Center

C.S.S.B. 596  
78R10532 CAS-DBY: Lindsay  
Education  
4/2/2003  
Committee Report (Substituted)

### DIGEST AND PURPOSE

Current school district “zero tolerance” policies do not give administrators flexibility in certain circumstances. C.S.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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.001, Education Code, by adding Subsection (d), 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).

SECTION 2. Amends Section 37A, Education Code, by adding Section 37.0011, as follows:

Sec. 37.0011. CULPABLE MENTAL STATE REQUIRED. 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 determines that the student had the culpable mental state required for that offense under the Penal Code.

SECTION 3. Amends Section 37.007(a), to provide that Subsection (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.

SECTION 4. (a) Makes application of Section 37.0011, Education Code, as added by this Act, prospective.

(b) Makes application of Section 37.007(a), Education Code, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.

### SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original bill in SECTION 1 by amending Section 37.001, Education Code, rather than Section 37.006, Education Code.

SECTION 2. Differs from the original bill in SECTION 2 by adding Section 37.0011 to the Education Code, rather than amending Section 37.007, Education Code.

SECTION 3. Redesignates proposed SECTION 2 as SECTION 3 and further amends it by replacing a reference to “Subsection i” with “Subsection (e).”

SECTION 4. Differs from the original bill in proposed SECTION 4 by adding new text, to make application of this Act prospective.

SECTION 5. Differs from the original bill by adding a new SECTION 5 and changing the effective date.