

By: Mercer, Hochberg, Zedler, Campbell

H.B. No. 1857

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transfer of public school students who are the
3 victims of certain criminal conduct or the siblings of the victims.

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

5 SECTION 1. Subchapter B, Chapter 25, Education Code, is
6 amended by adding Section 25.0341 to read as follows:

7 Sec. 25.0341. TRANSFER OF VICTIMS OR SIBLINGS. (a) This
8 section applies only to:

9 (1) a student who is the victim of conduct described by
10 Section 37.006(a)(2)(B) or 37.007(a)(2)(A):

11 (A) committed by another student who, at the time
12 the conduct occurred, was assigned to the same campus as the victim;
13 and

14 (B) for which the student committing the conduct
15 has been placed in an alternative education program under Section
16 37.008 or expelled under Section 37.007; or

17 (2) a sibling of a student described by Subdivision
18 (1) who:

19 (A) is assigned to the same campus as the student
20 described by Subdivision (1); and

21 (B) has received a threat in connection with the
22 conduct.

23 (b) On the request of a parent or other person with
24 authority to act on behalf of a student who is a victim or a victim's

1 sibling to whom this section applies, the board of trustees of the
2 school district shall transfer the victim or sibling to a district
3 campus other than:

4 (1) the campus to which the victim or sibling was
5 assigned at the time the conduct occurred; or

6 (2) the campus to which the student who committed the
7 conduct is assigned, if that student has been assigned to a
8 different campus since the conduct occurred.

9 (c) A transfer under this section must be to a campus
10 agreeable to the parent or other person with authority to act on
11 behalf of the student.

12 (d) This section applies regardless of whether the conduct
13 occurred on or off of school property.

14 (e) Section 25.034 does not apply to a transfer under this
15 section.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.

COMMITTEE AMENDMENT NO. 1

Amend HB 1857 by Mercer as follows:

Page 1, lines 7-22 is amended as follows:

Sec. 25.0341. TRANSFER OF VICTIMS OR SIBLINGS. (a) This section applies only to:

(1) a student who is the victim of conduct described by Section 37.006(a)(2)(b) or 37.007(a)(2)(A) committed by another student who, at the time the conduct occurred, was assigned to the same campus as the victim; or

(2) a sibling of a student described by Subdivision (1) who is assigned to the same campus as the student described by Subdivision (1).

Page 2, line 9-11 is amended as follows:

(c) In making a transfer under this section, a school district must consider input from the parent or other person with authority to act on behalf of the student regarding the campus location of the transfer.

Hochberg