

By: Anderson

H.B. No. 52

A BILL TO BE ENTITLED

AN ACT

relating to site-based public school discipline policy committees.

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

SECTION 1. Sections 11.253(d) and (h), Education Code, are amended to read as follows:

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the academic excellence indicator system as described by Section 39.051;

(2) set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus as approved by a site-based school

1 discipline policy committee established under Section 11.2531, if
2 such a committee is established; and

3 (9) provide for a program to encourage parental
4 involvement at the campus.

5 (h) A principal shall regularly consult the campus-level
6 committee and a site-based school discipline policy committee
7 established under Section 11.2531, if such a committee is
8 established, in the planning, operation, supervision, and
9 evaluation of the campus educational program.

10 SECTION 2. Subchapter F, Chapter 11, Education Code, is
11 amended by adding Section 11.2531 to read as follows:

12 Sec. 11.2531. SITE-BASED SCHOOL DISCIPLINE POLICY
13 COMMITTEE. (a) Each school district shall permit the
14 establishment of a site-based school discipline policy committee at
15 a district campus.

16 (b) A group of classroom teachers at a campus may establish
17 a site-based school discipline policy committee by a petition
18 containing the signatures of at least 50 percent of the classroom
19 teachers at the campus. If such a petition is submitted to the
20 principal not later than the 10th instructional day of a school
21 year, the principal shall approve the establishment of the
22 committee.

23 (c) A member of a site-based school discipline policy
24 committee must be a full-time classroom teacher.

25 (d) Not later than the 20th instructional day of a school
26 year, the committee shall meet and elect by secret ballot an
27 executive board from its membership. The board shall establish

1 policies concerning the time and manner of committee and board
2 meetings.

3 (e) A site-based school discipline policy committee shall
4 establish policies regarding:

5 (1) discipline management and the student code of
6 conduct in accordance with Chapter 37;

7 (2) goals and methods for violence prevention and
8 intervention on campus;

9 (3) teacher and school personnel safety; and

10 (4) methods for teachers to address the committee or
11 the board regarding individual or systematic concerns in matters of
12 school discipline or school personnel safety.

13 SECTION 3. Section 37.001(a), Education Code, as amended by
14 H.B. Nos. 283 and 603, Acts of the 79th Legislature, Regular
15 Session, 2005, is amended to read as follows:

16 (a) The board of trustees of an independent school district
17 shall, with the advice of its district-level committee established
18 under Subchapter F, Chapter 11, and of the site-based school
19 discipline policy committees for campuses in the district, if such
20 committees are established, adopt a student code of conduct for the
21 district. The student code of conduct must be posted and
22 prominently displayed at each school campus or made available for
23 review at the office of the campus principal. In addition to
24 establishing standards for student conduct, the student code of
25 conduct must:

26 (1) specify the circumstances, in accordance with this
27 subchapter, under which a student may be removed from a classroom,

1 campus, or disciplinary alternative education program;

2 (2) specify conditions that authorize or require a
3 principal or other appropriate administrator to transfer a student
4 to a disciplinary alternative education program;

5 (3) outline conditions under which a student may be
6 suspended as provided by Section 37.005 or expelled as provided by
7 Section 37.007;

8 (4) specify whether consideration is given, as a
9 factor in a decision to order suspension, removal to a disciplinary
10 alternative education program, or expulsion, to:

11 (A) self-defense;

12 (B) intent or lack of intent at the time the
13 student engaged in the conduct;

14 (C) a student's disciplinary history; or

15 (D) a disability that substantially impairs the
16 student's capacity to appreciate the wrongfulness of the student's
17 conduct;

18 (5) provide guidelines for setting the length of a
19 term of:

20 (A) a removal under Section 37.006; and

21 (B) an expulsion under Section 37.007;

22 (6) address the notification of a student's parent or
23 guardian of a violation of the student code of conduct committed by
24 the student that results in suspension, removal to a disciplinary
25 alternative education program, or expulsion;

26 (7) prohibit bullying, harassment, and making hit
27 lists and ensure that district employees enforce those

1 prohibitions; and

2 (8) provide, as appropriate for students at each grade
3 level, methods, including options, for:

4 (A) managing students in the classroom and on
5 school grounds;

6 (B) disciplining students; and

7 (C) preventing and intervening in student
8 discipline problems, including bullying, harassment, and making
9 hit lists.

10 SECTION 4. Section 37.002(c), Education Code, is amended to
11 read as follows:

12 (c) If a teacher removes a student from class under
13 Subsection (b), the principal may place the student into another
14 appropriate classroom, into in-school suspension, or into a
15 disciplinary alternative education program as provided by Section
16 37.008. The principal may not return the student to that teacher's
17 class without the teacher's consent unless the site-based school
18 discipline policy committee established under Section 11.2531 or,
19 if such a committee is not established, the committee established
20 under Section 37.003 determines that such placement is the best or
21 only alternative available. The terms of the removal may prohibit
22 the student from attending or participating in school-sponsored or
23 school-related activity.

24 SECTION 5. Section 37.002(d), Education Code, as amended by
25 H.B. No. 603, Acts of the 79th Legislature, Regular Session, 2005,
26 is amended to read as follows:

27 (d) A teacher shall remove from class and send to the

1 principal for placement in a disciplinary alternative education
2 program or for expulsion, as appropriate, a student who engages in
3 conduct described under Section 37.006 or 37.007. The student may
4 not be returned to that teacher's class without the teacher's
5 consent unless the site-based school discipline policy committee
6 established under Section 11.2531 or, if such a committee is not
7 established, the committee established under Section 37.003
8 determines that such placement is the best or only alternative
9 available. If the teacher removed the student from class because
10 the student has engaged in the elements of any offense listed in
11 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C)
12 against the teacher, the student may not be returned to the
13 teacher's class without the teacher's consent. The teacher may not
14 be coerced to consent.

15 SECTION 6. This Act applies beginning with the 2005-2006
16 school year.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect on the 91st day after the last day of the
22 legislative session.