

BILL ANALYSIS

H.B. 1688
By: Dutton
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Education Code classifies a violation of a school district rule, such as a rule of a student code of conduct, as a Class C misdemeanor, even if the violation is not otherwise a violation of any other law. As a result, Texas courts are receiving cases regarding violations of a student code of conduct that are not by any other law criminal offenses. Often, these cases are for conduct that includes chewing gum or dressing improperly at school.

To address this problem, House Bill 1688 provides that the statute making a violation of a student code of conduct a Class C misdemeanor does not apply to a student's conduct if the conduct is not an offense under other law or under a specific rule adopted by the board of trustees under Chapter 37 of the Education 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, agency, or institution.

ANALYSIS

House Bill 1688 amends §37.081 of the Education Code by providing that a board of trustees of an independent school district may employ security personnel and commission peace officers to carry out this subchapter.

The bill amends §37.081 to provide that the chief of police of the school district police department shall report only to the superintendent or to the assistant, associate or deputy superintendent designated by the superintendent. The bill removes language allowing the chief to report to the superintendent's designee.

The bill also removes language from §37.081 requiring a peace officer under this subchapter to file a bond of \$1,000.00 payable to the board of trustees and allowing the bond to be sued on in the name of any person injured until the whole amount of the bond is recovered.

The bill amends §37.102 of the Education Code to provide that §37.102(c), which makes a violation of a student code of conduct a Class C misdemeanor, does not apply to conduct by a student that is not an offense under another law or under a specific rule adopted by the board of trustees under this subchapter.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary votes, the Act takes effect September 1, 2005.