

BILL ANALYSIS

C.S.S.B. 126
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Every year hundreds of kids are victims of classroom bullying and this type of behavior impedes on students trying to learn in the classroom. This bill allows a victimized student of bullying to transfer to another classroom or school within the district thereby creating a stable learning environment for the victimized student.

This bill also provides local school administrators flexibility when reviewing incidents where students may be suspended, expelled, or removed to a disciplinary alternative education program due to zero tolerance. This legislation allows for the student's intent or lack thereof to be considered when evaluating an incident, including a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. Additionally, the code of conduct needs to prohibit bullying, harassment and making hit lists and provide options for managing, disciplining and preventing discipline problems. By reducing these interruptions, an improved environment is developed in schools thereby fostering the educational process.

This bill also establishes residency requirements for a person not residing in the district but has grandparents residing in the district and spends a substantial amount of after-school time in that residence.

CSSB 126 addresses many of the problems which are a growing epidemic in schools and provides solutions leading to an improved educational environment for students in Texas.

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

CSSB 126 amends the Education Code in that the board of trustees of a school district or its designee is to admit into public schools of the district, free of tuition, a person in which admission is sought if, the person does not reside in the school district but the grandparent of the person resides in the school district and provides a substantial amount of after-school care for the person as determined by the board.

CSSB 126 defines bullying and upon a request of a parent or other person with authority to act on behalf of the student who is a victim of bullying the board of trustees of a school district or the board's designee shall transfer the victim to another classroom at the campus to which the victim was assigned at the time of the bullying or a campus in the school district other than the campus to which the victim was assigned at the time of bullying. The board of trustees or designee is required to verify the student was a victim of bullying before transferring the student. The board of trustee's may consider past student behavior when identifying the bully. The determination by the board of trustees or designee is final and may not be appealed. A school district is not required to provide transportation to a student who transfers to another campus under this subsection. Section 25.034 does not apply to a transfer under this section.

CSSB 126 amends the Education Code in that the student code of conduct must specify whether consideration is given as a factor in a decision to order suspension, removal to a disciplinary alternative education program or expulsion to, self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history, or a disability that substantially

impairs the student's capacity to appreciate the wrongfulness of the student's conduct consistent with Section 37.004. Additionally, the student code of conduct must prohibit bullying, harassment and making hit lists and ensure district employees enforce those prohibitions and provide, as appropriate at each grade level, methods for managing students, disciplining students and preventing and intervening in student discipline problems. The bill defines harassment and hit list. Additionally, the substitute provides that methods adopted under subsection (a)(8) must provide that a student enrolled in special education may not be disciplined for conduct prohibited in accordance with subsection (a)(7) until an admission, review and dismissal committee meeting has been held to review the conduct.

Each school district shall adopt and implement a discipline management program. The program must provide for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment and other forms of bullying in school, on school grounds and in school vehicles.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute expands that the board of trustees of a school district is to admit into the public schools of the district in which admission is sought a person who does not reside in the school district but the grandparent of the person resides in the school district and provides a substantial amount of after-school child care for the person as determined by the board. The substitute defines bullying and provides for the transfer of victims of bullying. The substitute creates an additional component within the student code of conduct to specify whether consideration is given to a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. The substitute creates additional components for which the student code of conduct must meet. The substitute creates a definition for harassment and hit list and expands language for a student enrolled in a special education program. The substitute also amends language in what is to be provided in a discipline management program.