

AN ACT

relating to admission, assignment, and conduct of certain public school students.

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

SECTION 1. Section 25.001(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if:

(1) the person and either parent of the person reside in the school district;

(2) the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3) the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4) the person has established a separate residence under Subsection (d);

(5) the person is homeless, as defined by 42 U.S.C. Section 11302, regardless of the residence of the person, of either

1 parent of the person, or of the person's guardian or other person  
2 having lawful control of the person;

3 (6) the person is a foreign exchange student placed  
4 with a host family that resides in the school district by a  
5 nationally recognized foreign exchange program, unless the school  
6 district has applied for and been granted a waiver by the  
7 commissioner under Subsection (e);

8 (7) the person resides at a residential facility  
9 located in the district; ~~or~~

10 (8) the person resides in the school district and is 18  
11 years of age or older or the person's disabilities of minority have  
12 been removed; or

13 (9) the person does not reside in the school district  
14 but the grandparent of the person:

15 (A) resides in the school district; and

16 (B) provides a substantial amount of  
17 after-school care for the person as determined by the board.

18 SECTION 2. Subchapter B, Chapter 25, Education Code, is  
19 amended by adding Section 25.0341 to read as follows:

20 Sec. 25.0341. TRANSFER OF VICTIMS OF BULLYING. (a) In this  
21 section, "bullying" means engaging in written or verbal expression  
22 or physical conduct that a school district board of trustees or the  
23 board's designee determines:

24 (1) will have the effect of physically harming a  
25 student, damaging a student's property, or placing a student in  
26 reasonable fear of harm to the student's person or of damage to the  
27 student's property; or

1           (2) is sufficiently severe, persistent, or pervasive  
2 enough that the action or threat creates an intimidating,  
3 threatening, or abusive educational environment for a student.

4           (b) On the request of a parent or other person with  
5 authority to act on behalf of a student who is a victim of bullying,  
6 the board of trustees of a school district or the board's designee  
7 shall transfer the victim to:

8           (1) another classroom at the campus to which the  
9 victim was assigned at the time the bullying occurred; or

10           (2) a campus in the school district other than the  
11 campus to which the victim was assigned at the time the bullying  
12 occurred.

13           (c) The board of trustees or the board's designee shall  
14 verify that a student has been a victim of bullying before  
15 transferring the student under this section.

16           (d) The board of trustees or the board's designee may  
17 consider past student behavior when identifying a bully.

18           (e) The determination by the board of trustees or the  
19 board's designee is final and may not be appealed.

20           (f) A school district is not required to provide  
21 transportation to a student who transfers to another campus under  
22 Subsection (b)(2).

23           (g) Section 25.034 does not apply to a transfer under this  
24 section.

25           SECTION 3. Section 37.001, Education Code, is amended by  
26 amending Subsection (a) and adding Subsections (b) and (b-1) to  
27 read as follows:

1           (a) The board of trustees of an independent school district  
2 shall, with the advice of its district-level committee established  
3 under Subchapter F, Chapter 11, adopt a student code of conduct for  
4 the district. The student code of conduct must be posted and  
5 prominently displayed at each school campus or made available for  
6 review at the office of the campus principal. In addition to  
7 establishing standards for student conduct, the student code of  
8 conduct must:

9           (1) specify the circumstances, in accordance with this  
10 subchapter, under which a student may be removed from a classroom,  
11 campus, or disciplinary alternative education program;

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

15           (3) outline conditions under which a student may be  
16 suspended as provided by Section 37.005 or expelled as provided by  
17 Section 37.007;

18           (4) specify whether consideration is given to  
19 self-defense as a factor in a decision to order suspension, removal  
20 to a disciplinary alternative education program, or expulsion;

21           (5) provide guidelines for setting the length of a  
22 term of:

23                   (A) a removal under Section 37.006; and

24                   (B) an expulsion under Section 37.007; ~~and~~

25           (6) address the notification of a student's parent or  
26 guardian of a violation of the student code of conduct committed by  
27 the student that results in suspension, removal to a disciplinary

1 alternative education program, or expulsion;

2 (7) prohibit bullying, harassment, and making hit  
3 lists and ensure that district employees enforce those  
4 prohibitions; and

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

7 (A) managing students in the classroom and on  
8 school grounds;

9 (B) disciplining students; and

10 (C) preventing and intervening in student  
11 discipline problems, including bullying, harassment, and making  
12 hit lists.

13 (b) In this section:

14 (1) "Harassment" means threatening to cause harm or  
15 bodily injury to another student, engaging in sexually intimidating  
16 conduct, causing physical damage to the property of another  
17 student, subjecting another student to physical confinement or  
18 restraint, or maliciously taking any action that substantially  
19 harms another student's physical or emotional health or safety.

20 (2) "Hit list" means a list of people targeted to be  
21 harmed, using:

22 (A) a firearm, as defined by Section 46.01(3),  
23 Penal Code;

24 (B) a knife, as defined by Section 46.01(7),  
25 Penal Code; or

26 (C) any other object to be used with intent to  
27 cause bodily harm.

1        (b-1) The methods adopted under Subsection (a)(8) must  
2 provide that a student who is enrolled in a special education  
3 program under Subchapter A, Chapter 29, may not be disciplined for  
4 conduct prohibited in accordance with Subsection (a)(7) until an  
5 admission, review, and dismissal committee meeting has been held to  
6 review the conduct.

7        SECTION 4. Section 37.083(a), Education Code, is amended to  
8 read as follows:

9        (a) Each school district shall adopt and implement a  
10 discipline management program to be included in the district  
11 improvement plan under Section 11.252. The program must provide  
12 for prevention of and education concerning unwanted physical or  
13 verbal aggression, sexual harassment, and other forms of bullying  
14 in school, on school grounds, and in school vehicles.

15        SECTION 5. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 283 was passed by the House on May 3, 2005, by the following vote: Yeas 143, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 283 on May 24, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 283 on May 28, 2005, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 283

I certify that H.B. No. 283 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 283 on May 28, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor