

1-1 By: Hope, et al. (Senate Sponsor - Zaffirini) H.B. No. 283
1-2 (In the Senate - Received from the House May 4, 2005;
1-3 May 5, 2005, read first time and referred to Committee on
1-4 Education; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 5, Nays 1; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to admission, assignment, and conduct of certain public
1-9 school students.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 25.001(b), Education Code, is amended to
1-12 read as follows:

1-13 (b) The board of trustees of a school district or its
1-14 designee shall admit into the public schools of the district free of
1-15 tuition a person who is over five and younger than 21 years of age on
1-16 the first day of September of the school year in which admission is
1-17 sought if:

1-18 (1) the person and either parent of the person reside
1-19 in the school district;

1-20 (2) the person does not reside in the school district
1-21 but a parent of the person resides in the school district and that
1-22 parent is a joint managing conservator or the sole managing
1-23 conservator or possessory conservator of the person;

1-24 (3) the person and the person's guardian or other
1-25 person having lawful control of the person under a court order
1-26 reside within the school district;

1-27 (4) the person has established a separate residence
1-28 under Subsection (d);

1-29 (5) the person is homeless, as defined by 42 U.S.C.
1-30 Section 11302, regardless of the residence of the person, of either
1-31 parent of the person, or of the person's guardian or other person
1-32 having lawful control of the person;

1-33 (6) the person is a foreign exchange student placed
1-34 with a host family that resides in the school district by a
1-35 nationally recognized foreign exchange program, unless the school
1-36 district has applied for and been granted a waiver by the
1-37 commissioner under Subsection (e);

1-38 (7) the person resides at a residential facility
1-39 located in the district; ~~or~~

1-40 (8) the person resides in the school district and is 18
1-41 years of age or older or the person's disabilities of minority have
1-42 been removed; or

1-43 (9) the person does not reside in the school district
1-44 but the grandparent of the person:

1-45 (A) resides in the school district; and

1-46 (B) provides a substantial amount of
1-47 after-school care for the person as determined by the board.

1-48 SECTION 2. Subchapter B, Chapter 25, Education Code, is
1-49 amended by adding Section 25.0341 to read as follows:

1-50 Sec. 25.0341. TRANSFER OF VICTIMS OF BULLYING. (a) In this
1-51 section, "bullying" means engaging in written or verbal expression
1-52 or physical conduct that a school district board of trustees or the
1-53 board's designee determines:

1-54 (1) will have the effect of physically harming a
1-55 student, damaging a student's property, or placing a student in
1-56 reasonable fear of harm to the student's person or of damage to the
1-57 student's property; or

1-58 (2) is sufficiently severe, persistent, or pervasive
1-59 enough that the action or threat creates an intimidating,
1-60 threatening, or abusive educational environment for a student.

1-61 (b) On the request of a parent or other person with
1-62 authority to act on behalf of a student who is a victim of bullying,
1-63 the board of trustees of a school district or the board's designee
1-64 shall transfer the victim to:

2-1 (1) another classroom at the campus to which the
 2-2 victim was assigned at the time the bullying occurred; or

2-3 (2) a campus in the school district other than the
 2-4 campus to which the victim was assigned at the time the bullying
 2-5 occurred.

2-6 (c) The board of trustees or the board's designee shall
 2-7 verify that a student has been a victim of bullying before
 2-8 transferring the student under this section.

2-9 (d) The board of trustees or the board's designee may
 2-10 consider past student behavior when identifying a bully.

2-11 (e) The determination by the board of trustees or the
 2-12 board's designee is final and may not be appealed.

2-13 (f) A school district is not required to provide
 2-14 transportation to a student who transfers to another campus under
 2-15 Subsection (b)(2).

2-16 (g) Section 25.034 does not apply to a transfer under this
 2-17 section.

2-18 SECTION 3. Section 37.001, Education Code, is amended by
 2-19 amending Subsection (a) and adding Subsections (b) and (b-1) to
 2-20 read as follows:

2-21 (a) The board of trustees of an independent school district
 2-22 shall, with the advice of its district-level committee established
 2-23 under Subchapter F, Chapter 11, adopt a student code of conduct for
 2-24 the district. The student code of conduct must be posted and
 2-25 prominently displayed at each school campus or made available for
 2-26 review at the office of the campus principal. In addition to
 2-27 establishing standards for student conduct, the student code of
 2-28 conduct must:

2-29 (1) specify the circumstances, in accordance with this
 2-30 subchapter, under which a student may be removed from a classroom,
 2-31 campus, or disciplinary alternative education program;

2-32 (2) specify conditions that authorize or require a
 2-33 principal or other appropriate administrator to transfer a student
 2-34 to a disciplinary alternative education program;

2-35 (3) outline conditions under which a student may be
 2-36 suspended as provided by Section 37.005 or expelled as provided by
 2-37 Section 37.007;

2-38 (4) specify whether consideration is given to
 2-39 self-defense as a factor in a decision to order suspension, removal
 2-40 to a disciplinary alternative education program, or expulsion;

2-41 (5) provide guidelines for setting the length of a
 2-42 term of:

2-43 (A) a removal under Section 37.006; and

2-44 (B) an expulsion under Section 37.007; ~~and~~

2-45 (6) address the notification of a student's parent or
 2-46 guardian of a violation of the student code of conduct committed by
 2-47 the student that results in suspension, removal to a disciplinary
 2-48 alternative education program, or expulsion;

2-49 (7) prohibit bullying, harassment, and making hit
 2-50 lists and ensure that district employees enforce those
 2-51 prohibitions; and

2-52 (8) provide, as appropriate for students at each grade
 2-53 level, methods, including options, for:

2-54 (A) managing students in the classroom and on
 2-55 school grounds;

2-56 (B) disciplining students; and

2-57 (C) preventing and intervening in student
 2-58 discipline problems, including bullying, harassment, and making
 2-59 hit lists.

2-60 (b) In this section:

2-61 (1) "Harassment" means threatening to cause harm or
 2-62 bodily injury to another student, engaging in sexually intimidating
 2-63 conduct, causing physical damage to the property of another
 2-64 student, subjecting another student to physical confinement or
 2-65 restraint, or maliciously taking any action that substantially
 2-66 harms another student's physical or emotional health or safety.

2-67 (2) "Hit list" means a list of people targeted to be
 2-68 harmed, using:

2-69 (A) a firearm, as defined by Section 46.01(3),

3-1 Penal Code;
3-2 (B) a knife, as defined by Section 46.01(7),
3-3 Penal Code; or
3-4 (C) any other object to be used with intent to
3-5 cause bodily harm.

3-6 (b-1) The methods adopted under Subsection (a)(8) must
3-7 provide that a student who is enrolled in a special education
3-8 program under Subchapter A, Chapter 29, may not be disciplined for
3-9 conduct prohibited in accordance with Subsection (a)(7) until an
3-10 admission, review, and dismissal committee meeting has been held to
3-11 review the conduct.

3-12 SECTION 4. Section 37.083(a), Education Code, is amended to
3-13 read as follows:

3-14 (a) Each school district shall adopt and implement a
3-15 discipline management program to be included in the district
3-16 improvement plan under Section 11.252. The program must provide
3-17 for prevention of and education concerning unwanted physical or
3-18 verbal aggression, sexual harassment, and other forms of bullying
3-19 in school, on school grounds, and in school vehicles.

3-20 SECTION 5. This Act takes effect immediately if it receives
3-21 a vote of two-thirds of all the members elected to each house, as
3-22 provided by Section 39, Article III, Texas Constitution. If this
3-23 Act does not receive the vote necessary for immediate effect, this
3-24 Act takes effect September 1, 2005.

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