

By: Eissler, et al. (Senate Sponsor - Lindsay) H.B. No. 603
(In the Senate - Received from the House April 28, 2005;
April 29, 2005, read first time and referred to Committee on
Education; May 20, 2005, reported favorably by the following vote:
Yeas 6, Nays 0; May 20, 2005, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the suspension, removal, or expulsion of a public
school student.

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

SECTION 1. Section 37.001, Education Code, is amended by
amending Subsection (a) and adding Subsection (e) to read as
follows:

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

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

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

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

(4) specify whether consideration is given, ~~[to~~
~~self-defense]~~ as a factor in a decision to order suspension,
removal to a disciplinary alternative education program, or
expulsion, to:

(A) self-defense;

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

(C) a student's disciplinary history; or

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

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

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007; and

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

(e) Except as provided by Section 37.007(e), this
subchapter does not require the student code of conduct to specify a
minimum term of a removal under Section 37.006 or an expulsion under
Section 37.007.

SECTION 2. 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.

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