

By: Anderson

H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment of a site-based school discipline  
3 policy committee under Subchapter F, Chapter 11, Education Code.

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

5 SECTION 1. Section 11.253, Subchapter F, Chapter 11,  
6 Education Code, is amended to read as follows:

7 11.253. CAMPUS PLANNING AND SITE-BASED DECISION-MAKING.

8 (a) Each school district shall maintain current policies and  
9 procedures to ensure that effective planning and site-based  
10 decision-making occur at each campus to direct and support the  
11 improvement of student performance for all students.

12 (b) Each district's policy and procedures shall establish  
13 campus-level planning and decision-making committees as provided  
14 for through the procedures provided by Sections 11.251(b)-(e).

15 (c) Each school year, the principal of each school campus,  
16 with the assistance of the campus-level committee, shall develop,  
17 review, and revise the campus improvement plan for the purpose of  
18 improving student performance for all student populations,  
19 including students in special education programs under Subchapter  
20 A, Chapter 29, with respect to the academic excellence indicators  
21 adopted under Section 39.051 and any other appropriate performance  
22 measures for special needs populations.

23 (d) Each campus improvement plan must:

24 (1) assess the academic achievement for each student

1 in the school using the academic excellence indicator system as  
2 described by Section 39.051;

3 (2) set the campus performance objectives based on the  
4 academic excellence indicator system, including objectives for  
5 special needs populations, including students in special education  
6 programs under Subchapter A, Chapter 29;

7 (3) identify how the campus goals will be met for each  
8 student;

9 (4) determine the resources needed to implement the  
10 plan;

11 (5) identify staff needed to implement the plan;

12 (6) set timelines for reaching the goals;

13 (7) measure progress toward the performance  
14 objectives periodically to ensure that the plan is resulting in  
15 academic improvement;

16 (8) include goals and methods for violence prevention  
17 and intervention on campus as approved by the site-based school  
18 discipline policy committee under Section 11.2531 of this chapter;  
19 and

20 (9) provide for a program to encourage parental  
21 involvement at the campus.

22 (e) If a site-based school discipline policy committee is  
23 not established, the portion of a campus improvement plan under  
24 Subsection (d)(8) of this section shall be the responsibility of  
25 the campus-level committee.

26 (f) ~~(e)~~ In accordance with the administrative procedures  
27 established under Section 11.251(b), the campus-level committee

1 shall be involved in decisions in the areas of planning, budgeting,  
2 curriculum, staffing patterns, staff development, and school  
3 organization. The campus-level committee must approve the portions  
4 of the campus plan addressing campus staff development needs.

5 (g) ~~(f)~~ This section does not create a new cause of action or  
6 require collective bargaining.

7 (h) ~~(g)~~ Each campus-level committee shall hold at least one  
8 public meeting per year. The required meeting shall be held after  
9 receipt of the annual campus rating from the agency to discuss the  
10 performance of the campus and the campus performance objectives.  
11 District policy and campus procedures must be established to ensure  
12 that systematic communications measures are in place to  
13 periodically obtain broad-based community, parent, and staff  
14 input, and to provide information to those persons regarding the  
15 recommendations of the campus-level committees.

16 (i) ~~(h)~~ A principal shall regularly consult the  
17 campus-level committee and the site-based school discipline policy  
18 committee in the planning, operation, supervision, and evaluation  
19 of the campus educational program.

20 SECTION 2. Subchapter F, Chapter 11, Education Code, is  
21 amended by adding Section 11.2531 to read as follows:

22 Section 11.2531. SITE-BASED SCHOOL DISCIPLINE POLICY  
23 COMMITTEE. (a) Each school district shall allow for the provision  
24 and establishment of a site-based school discipline policy  
25 committee established under this chapter.

26 (b) Membership in a site-based school discipline policy  
27 committee is restricted to full-time classroom teachers.

1       (c) A site-based school discipline policy committee may be  
2 established by a petition of the classroom teachers of a campus. If  
3 a petition requesting the establishment of a site-based school  
4 discipline policy committee, containing the names of at least 25  
5 percent of the classroom teachers of a campus, is delivered to the  
6 principal by the end of the tenth instructional day of an academic  
7 year, the establishment of the committee shall be approved.

8       (d) Not later than the twentieth instructional day of an  
9 academic year, the committee shall meet and choose an executive  
10 board from its membership by secret ballot. The board shall  
11 establish policies regarding frequency of committee and board  
12 meetings.

13       (e) A site-based school discipline policy committee shall  
14 establish policies regarding:

15               (1) discipline management and student code of conduct  
16 in accordance with Subtitle G, Chapter 37, Education Code;

17               (2) goals and methods for violence prevention and  
18 intervention on campus;

19               (3) teacher and school personnel safety; and

20               (4) methods for teachers to address the committee or  
21 the board regarding individual or systematic concerns in matters of  
22 school discipline or school personnel safety.

23       SECTION 3. Sections 37.001 and 37.002, Subtitle G, Chapter  
24 37, Education Code, are amended to read as follows:

25       37.001. STUDENT CODE OF CONDUCT. (a) The board of trustees  
26 of an independent school district shall, with the advice of its  
27 district-level committee and site-based school discipline policy

1 committee established under Subchapter F, Chapter 11, adopt a  
2 student code of conduct for the district. The student code of  
3 conduct must be posted and prominently displayed at each school  
4 campus or made available for review at the office of the campus  
5 principal. In addition to establishing standards for student  
6 conduct, the student code of conduct must:

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

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

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

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

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

21 (A) a removal under Section 37.006; and

22 (B) an expulsion under Section 37.007; and

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

27 (b) ~~(c)~~ Once the student code of conduct is promulgated, any

1 change or amendment must be approved by the board of trustees.

2 (c) ~~(d)~~ Each school year, a school district shall provide  
3 parents notice of and information regarding the student code of  
4 conduct.

5 37.002. REMOVAL BY TEACHER. (a) A teacher may send a  
6 student to the principal's office to maintain effective discipline  
7 in the classroom. The principal shall respond by employing  
8 appropriate discipline management techniques consistent with the  
9 student code of conduct adopted under Section 37.001.

10 (b) A teacher may remove from class a student:

11 (1) who has been documented by the teacher to  
12 repeatedly interfere with the teacher's ability to communicate  
13 effectively with the students in the class or with the ability of  
14 the student's classmates to learn; or

15 (2) whose behavior the teacher determines is so  
16 unruly, disruptive, or abusive that it seriously interferes with  
17 the teacher's ability to communicate effectively with the students  
18 in the class or with the ability of the student's classmates to  
19 learn.

20 (c) If a teacher removes a student from class under  
21 Subsection (b), the principal may place the student into another  
22 appropriate classroom, into in-school suspension, or into a  
23 disciplinary alternative education program as provided by Section  
24 37.008. The principal may not return the student to that teacher's  
25 class without the teacher's consent ~~unless the committee~~  
26 ~~established under Section 37.003 determines that such placement is~~  
27 ~~the best or only alternative available.~~ The terms of the removal

1 may prohibit the student from attending or participating in  
2 school-sponsored or school-related activity.

3 (d) A teacher shall remove from class and send to the  
4 principal for placement in a disciplinary alternative education  
5 program or for expulsion, as appropriate, a student who engages in  
6 conduct described under Section 37.006 or 37.007. The student may  
7 not be returned to that teacher's class without the teacher's  
8 consent ~~unless the committee established under Section 37.003~~  
9 ~~determines that such placement is the best or only alternative~~  
10 ~~available.~~

11 SECTION 4. Section 37.003, Subtitle G, Chapter 37,  
12 Education Code, is repealed.

13 SECTION 5. This Act applies beginning with the 2005-2006  
14 school year.

15 SECTION 6. 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.