

By: Baxter

H.B. No. 3458

A BILL TO BE ENTITLED

AN ACT

relating to a student victim of assault.

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

SECTION 1. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CONTACT BETWEEN STUDENT WHO COMMITS ASSAULT AND STUDENT VICTIM. (a) This section applies only to:

(1) a student who:

(A) has been convicted of an offense described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A);

(B) has been found by a court to have engaged in delinquent conduct on the basis of conduct described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A); or

(C) has been accused of committing an offense described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A) or of engaging in conduct that contains the elements of such an offense, and has had a protective order issued against the student in connection with the alleged offense or conduct; and

(2) a student who is the victim of conduct described by Subdivision (1).

(b) A student who is a victim to whom Subsection (a)(2) applies who is assigned to the same campus as the student who committed the offense or engaged in the conduct may notify a counselor at the campus, or in the student's school district if the

1 campus does not have a counselor, of the offense or other conduct  
2 and request that the counselor attempt to ensure limited contact  
3 between the victim and the other student in the manner provided by  
4 Subsection (c).

5 (c) For purposes of this subsection, "parent" includes a  
6 person standing in parental relation. On receiving a request under  
7 Subsection (b) from a student who is a victim, the counselor shall  
8 suggest to the parent of the student who committed the offense or  
9 engaged in the conduct that the parent attempt to transfer the  
10 student to or enroll the student in another school. If the  
11 student's parent refuses or is unable to transfer the student to or  
12 enroll the student in another school, the counselor shall develop a  
13 plan for ensuring that the student and the student who is the victim  
14 have limited contact during the school day and during any  
15 extracurricular activities. The counselor shall coordinate with  
16 the parent of the student who committed the offense or engaged in  
17 the conduct and the parent of the victim separately in developing  
18 the plan.

19 (d) The counselor shall continue to serve as a resource to  
20 both students. The counselor cannot be held responsible for either  
21 student's violation of the plan.

22 SECTION 2. This Act applies beginning with the 2005-2006  
23 school year.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.