

By: West, Royce

S.B. No. 1121

A BILL TO BE ENTITLED

AN ACT

relating to public school disciplinary procedures.

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

SECTION 1. Sections 37.009(a) and (f), Education Code, are amended to read as follows:

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2), 37.005, or 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written [~~or oral~~] notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. In a conference for removal under Section 37.005 or 37.006, the notice must also include a written statement of the manner in which the student is a safety concern for the campus. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the student code of conduct. If school

1 district policy allows a student to appeal to the board of trustees
2 or the board's designee a decision of the principal or other
3 appropriate administrator, other than an expulsion under Section
4 37.007, the decision of the board or the board's designee is final
5 and may not be appealed. If the period of the placement is
6 inconsistent with the guidelines included in the student code of
7 conduct under Section 37.001(a)(5), the order must give notice of
8 the inconsistency. The period of the placement may not exceed one
9 year unless, after a review, the district determines that:

10 (1) the student is a threat to the safety of other
11 students or to district employees; or

12 (2) extended placement is in the best interest of the
13 student.

14 (f) Before a student may be expelled under Section 37.007,
15 the board or the board's designee must provide the student a hearing
16 at which the student is afforded appropriate due process as
17 required by the federal constitution and which the student's parent
18 or guardian is invited, in writing, to attend. At the hearing, the
19 student is entitled to be represented by the student's parent or
20 guardian or another adult who can provide guidance to the student
21 and who is not an employee of the school district. At the hearing,
22 the student is entitled to written notice that includes the reasons
23 for the removal and a statement of the manner in which the student
24 is a safety concern for the campus. If the school district makes a
25 good-faith effort to inform the student and the student's parent or
26 guardian of the time and place of the hearing, the district may hold
27 the hearing regardless of whether the student, the student's parent

1 or guardian, or another adult representing the student attends. If
2 the decision to expel a student is made by the board's designee, the
3 decision may be appealed to the board. The decision of the board
4 may be appealed by trial de novo to a district court of the county in
5 which the school district's central administrative office is
6 located.

7 SECTION 2. This Act applies beginning with the 2005-2006
8 school year.

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