

By: West, Royce

S.B. No. 1356

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the inclusion in a public school district student code  
3 of conduct of a provision requiring consideration of a culpable  
4 mental state in disciplinary decisions.

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

6 SECTION 1. Section 37.001(a), Education Code, is amended to  
7 read as follows:

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

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

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

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

1           (4) specify whether consideration is given to a  
2 culpable mental state as a factor in a decision to order suspension,  
3 removal to a disciplinary alternative education program, or  
4 expulsion;

5           (5) specify whether consideration is given to  
6 self-defense as a factor in a decision to order suspension, removal  
7 to a disciplinary alternative education program, or expulsion;

8           (6) [~~(5)~~] provide guidelines for setting the length of  
9 a term of:

10                   (A) a removal under Section 37.006; and

11                   (B) an expulsion under Section 37.007; and

12           (7) [~~(6)~~] address the notification of a student's  
13 parent or guardian of a violation of the student code of conduct  
14 committed by the student that results in suspension, removal to a  
15 disciplinary alternative education program, or expulsion.

16           SECTION 2. This Act applies beginning with the 2005-2006  
17 school year.

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