

## **BILL ANALYSIS**

C.S.H.B. 278  
By: Madden  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under Section 37.102, Education Code, the board of trustees of a school district can adopt rules for the safety and welfare of students, employees, and property. Under current law, violations of such rules are Class C misdemeanors.

Subsequent to enactment of these provisions, certain districts have chosen to prosecute students in municipal and justice courts for breaking school policy for minor infractions such as tardiness for a class, chewing gum, etc. Where this has occurred, it has unnecessarily burdened the municipal and justice courts with cases that do not belong in the judicial system. Also note that, if students are found guilty, they receive a criminal record for breaking a school policy.

By amending Section 37.102(c) of the Texas Education Code, this bill would provide that the only criminal offense created for a violation of a rule adopted by a school district under Chapter 37, Subchapter D, of the Education Code (PROTECTION OF BUILDINGS AND GROUNDS) would relate to the violation of a rule concerning the operation and parking of a vehicle on school property. Such an offense would be a Class C misdemeanor.

Other violations of school district rules adopted under Chapter 37, Subchapter D, would be dealt with outside of the judicial system.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

This bill amends Section 37.102(c), Education Code to provide that a person who violates any rule adopted under Subchapter D of Chapter 37, Education Code providing for the operation of a and parking of vehicles on school property commits a Class C misdemeanor. Provisions of current law relating to the creation of a Class C misdemeanor for violations of other rules adopted under Subchapter D of Chapter 37, Education Code, are stricken in this bill.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill repealed Section 37.102(c), Education Code, in its entirety, and included provisions relating to how the repeal affected offenses committed before the effective date of the repeal. The substitute bill does not repeal Section 37.102(c), but rather amends it in the manner described above in the ANALYSIS section.