

BILL ANALYSIS

H.B. 851
By: Olivo
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

With respect to making a decision regarding suspension, removal to a disciplinary alternative education program, or expulsion, current law authorizes, but does not require, consideration of self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct. These factors are clearly necessary and relevant in making a fair and impartial decision with respect to the appropriate discipline for a student's misbehavior.

Because current law authorizes, but does not require, consideration of these factors, discipline may be administered in an arbitrary manner. The purpose of this bill is to require that these factors be considered in the interest of achieving fundamental fairness in disciplinary actions.

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 requires that the board of trustees of an independent school district, in its code of conduct required by Section 37.001(a), Education Code, must specify that consideration will be given in a decision regarding suspension, removal to a disciplinary alternative education program, or expulsion, to self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct.

The bill provides that the Act applies with the beginning of the 2007-2008 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.