

By: Smith of Tarrant

H.B. No. 254

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the expulsion of a public school student who engages in
3 certain conduct off campus or while the student is not at a
4 school-related activity.

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

6 SECTION 1. Section 37.007, Education Code, is amended by
7 adding Subsections (j) and (k) to read as follows:

8 (j) Subject to Subsection (h), but notwithstanding any
9 other provision of this subchapter, a student shall be expelled
10 from a school based on conduct occurring off campus and while the
11 student is not in attendance at a school-sponsored or
12 school-related activity if:

13 (1) the student receives deferred prosecution under
14 Section 53.03, Family Code, for conduct defined as a capital felony
15 or felony of the first degree by the Penal Code;

16 (2) a court or jury finds that the student has engaged
17 in delinquent conduct under Section 54.03, Family Code, for conduct
18 defined as a capital felony or felony of the first degree by the
19 Penal Code; or

20 (3) the superintendent or the superintendent's
21 designee has a reasonable belief that the student has engaged in
22 conduct defined as a capital felony or felony of the first degree by
23 the Penal Code.

24 (k) For purposes of Subsection (j)(3), in determining

1 whether there is a reasonable belief that a student has engaged in
2 conduct defined as a capital felony or felony of the first degree by
3 the Penal Code, the superintendent or the superintendent's designee
4 may consider all available information, including the information
5 furnished under Article 15.27, Code of Criminal Procedure.

6 SECTION 2. Sections 37.007(j) and (k), Education Code, as
7 added by this Act, apply only to the expulsion of a public school
8 student who engages in conduct described by those sections on or
9 after the effective date of this Act.

10 SECTION 3. This Act applies beginning with the 2007-2008
11 school year.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.