

By: Olivo

H.B. No. 843

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the discipline of public school students who
3 voluntarily surrender prohibited items.

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

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

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

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

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

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

24 (4) specify whether consideration is given, as a

1 factor in a decision to order suspension, removal to a disciplinary
2 alternative education program, or expulsion, to:

3 (A) self-defense;

4 (B) intent or lack of intent at the time the
5 student engaged in the conduct;

6 (C) a student's disciplinary history; or

7 (D) a disability that substantially impairs the
8 student's capacity to appreciate the wrongfulness of the student's
9 conduct;

10 (5) provide guidelines for setting the length of a
11 term of:

12 (A) a removal under Section 37.006; and

13 (B) an expulsion under Section 37.007;

14 (6) address the notification of a student's parent or
15 guardian of a violation of the student code of conduct committed by
16 the student that results in suspension, removal to a disciplinary
17 alternative education program, or expulsion;

18 (7) prohibit bullying, harassment, and making hit
19 lists and ensure that district employees enforce those
20 prohibitions; ~~and~~

21 (8) provide, as appropriate for students at each grade
22 level, methods, including options, for:

23 (A) managing students in the classroom and on
24 school grounds;

25 (B) disciplining students; and

26 (C) preventing and intervening in student
27 discipline problems, including bullying, harassment, and making

1 hit lists; and

2 (9) provide guidelines under which:

3 (A) a student who unknowingly brings to school a
4 prohibited item, including an item described by Section
5 37.007(a)(1) or (b)(2), may avoid disciplinary action by turning
6 over the item to a school official; and

7 (B) the school official must provide written
8 notice of the incident to the student's parent.

9 SECTION 2. Sections 37.007(a) and (b), Education Code, are
10 amended to read as follows:

11 (a) A student shall be expelled from a school if the
12 student, on school property or while attending a school-sponsored
13 or school-related activity on or off of school property:

14 (1) uses, exhibits, or knowingly possesses:

15 (A) a firearm as defined by Section 46.01(3),
16 Penal Code;

17 (B) an illegal knife as defined by Section
18 46.01(6), Penal Code, or by local policy;

19 (C) a club as defined by Section 46.01(1), Penal
20 Code; or

21 (D) a weapon listed as a prohibited weapon under
22 Section 46.05, Penal Code;

23 (2) engages in conduct that contains the elements of
24 the offense of:

25 (A) aggravated assault under Section 22.02,
26 Penal Code, sexual assault under Section 22.011, Penal Code, or
27 aggravated sexual assault under Section 22.021, Penal Code;

1 (B) arson under Section 28.02, Penal Code;

2 (C) murder under Section 19.02, Penal Code,
3 capital murder under Section 19.03, Penal Code, or criminal
4 attempt, under Section 15.01, Penal Code, to commit murder or
5 capital murder;

6 (D) indecency with a child under Section 21.11,
7 Penal Code;

8 (E) aggravated kidnapping under Section 20.04,
9 Penal Code;

10 (F) aggravated robbery under Section 29.03,
11 Penal Code;

12 (G) manslaughter under Section 19.04, Penal
13 Code; or

14 (H) criminally negligent homicide under Section
15 19.05, Penal Code; or

16 (3) engages in conduct specified by Section
17 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

18 (b) A student may be expelled if the student:

19 (1) engages in conduct involving a public school that
20 contains the elements of the offense of false alarm or report under
21 Section 42.06, Penal Code, or terroristic threat under Section
22 22.07, Penal Code;

23 (2) while on or within 300 feet of school property, as
24 measured from any point on the school's real property boundary
25 line, or while attending a school-sponsored or school-related
26 activity on or off of school property:

27 (A) sells, gives, or delivers to another person

1 or knowingly possesses, uses, or is under the influence of any
2 amount of:

3 (i) marihuana or a controlled substance, as
4 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
5 Section 801 et seq.;

6 (ii) a dangerous drug, as defined by
7 Chapter 483, Health and Safety Code; or

8 (iii) an alcoholic beverage, as defined by
9 Section 1.04, Alcoholic Beverage Code;

10 (B) engages in conduct that contains the elements
11 of an offense relating to an abusable volatile chemical under
12 Sections 485.031 through 485.033 [~~485.034~~], Health and Safety Code;

13 (C) engages in conduct that contains the elements
14 of an offense under Section 22.01(a)(1), Penal Code, against a
15 school district employee or a volunteer as defined by Section
16 22.053; or

17 (D) engages in conduct that contains the elements
18 of the offense of deadly conduct under Section 22.05, Penal Code;

19 (3) subject to Subsection (d), while within 300 feet
20 of school property, as measured from any point on the school's real
21 property boundary line:

22 (A) engages in conduct specified by Subsection
23 (a); or

24 (B) possesses a firearm, as defined by 18 U.S.C.
25 Section 921; or

26 (4) engages in conduct that contains the elements of
27 any offense listed in Subsection (a)(2)(A) or (C) or the offense of

1 aggravated robbery under Section 29.03, Penal Code, against another
2 student, without regard to whether the conduct occurs on or off of
3 school property or while attending a school-sponsored or
4 school-related activity on or off of school property.

5 SECTION 3. This Act applies beginning with the 2007-2008
6 school year.

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