

By: Olivo, Dutton, et al.

H.B. No. 851

A BILL TO BE ENTITLED

1 AN ACT

2 relating to consideration of mitigating factors in determining  
3 appropriate disciplinary action to be taken against a public school  
4 student.

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 that [~~whether~~] consideration will be [~~is~~]  
2 given, as a factor in a decision regarding [~~to order~~] suspension,  
3 removal to a disciplinary alternative education program, or  
4 expulsion, to:

5                   (A) self-defense;

6                   (B) intent or lack of intent at the time the  
7 student engaged in the conduct;

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

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

12           (5) provide guidelines for setting the length of a  
13 term of:

14                   (A) a removal under Section 37.006; and

15                   (B) an expulsion under Section 37.007;

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

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

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

25                   (A) managing students in the classroom and on  
26 school grounds;

27                   (B) disciplining students; and

1                   (C) preventing and intervening in student  
2 discipline problems, including bullying, harassment, and making  
3 hit lists.

4           SECTION 2. This Act applies beginning with the 2007-2008  
5 school year.

6           SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.