

BILL ANALYSIS

C.S.H.B. 171
By: Olivo
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many students are unreasonably disciplined because of a school district's choice not to consider mitigating factors when evaluating a student's action in a decision regarding suspension, removal, expulsion, or placement in a juvenile justice alternative education program. Current law authorizes, but does not require, school districts to consider mitigating factors such as self-defense, intent or lack of intent at the time the student engaged in certain conduct, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct. Such factors are clearly relevant and consideration of such factors is clearly necessary in making a fair and impartial decision as to the manner in which a student is disciplined.

C.S.H.B. 171 requires a school district's student code of conduct to state that mitigating factors will be considered by the school district and district schools in certain decisions concerning student discipline to achieve an effective and just disciplinary result.

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

C.S.H.B. 171 amends the Education Code to require a school district's student code of conduct to specify that consideration will be given to certain mitigating factors, rather than to specify whether consideration is given, in each decision concerning a student's suspension, removal to a disciplinary alternative education program, or expulsion. The bill extends the requirement to have the student code of conduct specify that consideration will be given to those factors also in a decision concerning a student's placement in a juvenile justice alternative education program and to specify that such consideration will be given in each decision concerning such disciplinary actions regardless of whether the decision concerns a mandatory or discretionary action.

C.S.H.B. 171 makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 171 differs from the original by extending the requirement for a district's student code of conduct to specify that consideration will be given to certain factors in a decision concerning disciplinary actions to include a decision concerning a student's placement in a juvenile justice

alternative education program and to specify that such consideration will be given in each decision regardless of whether the decision concerns a mandatory or discretionary action.