

## **BILL ANALYSIS**

S.B. 2270  
By: Gallegos  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Many students are being disproportionately disciplined and given harsh or irrational punishments as a result of "zero tolerance" discipline policies adopted by school districts. Currently, Texas law authorizes, but does not require, a school district, in making decisions about student suspensions, removals, or expulsions, to consider mitigating factors such as self-defense, intent or lack of intent at the time of the incident, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of certain conduct.

S.B. 2270 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.

### **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**

S.B. 2270 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.

S.B. 2270 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.