

BILL ANALYSIS

Senate Research Center
81R16636 KKA-D

C.S.S.B. 2270
By: Gallegos
Education
4/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many students are being disproportionately disciplined and given harsh or irrational punishments due to "zero tolerance" discipline policies adopted by school districts. Currently, Texas law authorizes, but does not require, school districts 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 in regard to student suspensions, removals, or expulsions.

C.S.S.B. 2270 amends current law relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.001(a), Education Code, to require the student code of conduct, in addition to establishing standards for student conduct, to specify that consideration will be given as a factor in each decision concerning, rather than to specify whether consideration is given as a factor in a decision to order, suspension, removal to a disciplinary alternative education program, or expulsion, and placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

SECTION 2. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 3. Effective date: upon passage or September 1, 2009.