

1-1 By: Olivo (Senate Sponsor - Gallegos) H.B. No. 171  
1-2 (In the Senate - Received from the House May 4, 2009;  
1-3 May 12, 2009, read first time and referred to Committee on  
1-4 Administration; May 20, 2009, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to consideration of mitigating factors in determining  
1-9 appropriate disciplinary action to be taken against a public school  
1-10 student.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 37.001(a), Education Code, is amended to  
1-13 read as follows:

1-14 (a) The board of trustees of an independent school district  
1-15 shall, with the advice of its district-level committee established  
1-16 under Subchapter F, Chapter 11, adopt a student code of conduct for  
1-17 the district. The student code of conduct must be posted and  
1-18 prominently displayed at each school campus or made available for  
1-19 review at the office of the campus principal. In addition to  
1-20 establishing standards for student conduct, the student code of  
1-21 conduct must:

1-22 (1) specify the circumstances, in accordance with this  
1-23 subchapter, under which a student may be removed from a classroom,  
1-24 campus, or disciplinary alternative education program;

1-25 (2) specify conditions that authorize or require a  
1-26 principal or other appropriate administrator to transfer a student  
1-27 to a disciplinary alternative education program;

1-28 (3) outline conditions under which a student may be  
1-29 suspended as provided by Section 37.005 or expelled as provided by  
1-30 Section 37.007;

1-31 (4) specify that ~~whether~~ consideration will be ~~is~~  
1-32 given, as a factor in ~~each~~ ~~a~~ decision ~~concerning~~ ~~to order~~  
1-33 suspension, removal to a disciplinary alternative education  
1-34 program, or expulsion and placement in a juvenile justice  
1-35 alternative education program, regardless of whether the decision  
1-36 concerns a mandatory or discretionary action, to:

1-37 (A) self-defense;

1-38 (B) intent or lack of intent at the time the  
1-39 student engaged in the conduct;

1-40 (C) a student's disciplinary history; or

1-41 (D) a disability that substantially impairs the  
1-42 student's capacity to appreciate the wrongfulness of the student's  
1-43 conduct;

1-44 (5) provide guidelines for setting the length of a  
1-45 term of:

1-46 (A) a removal under Section 37.006; and

1-47 (B) an expulsion under Section 37.007;

1-48 (6) address the notification of a student's parent or  
1-49 guardian of a violation of the student code of conduct committed by  
1-50 the student that results in suspension, removal to a disciplinary  
1-51 alternative education program, or expulsion;

1-52 (7) prohibit bullying, harassment, and making hit  
1-53 lists and ensure that district employees enforce those  
1-54 prohibitions; and

1-55 (8) provide, as appropriate for students at each grade  
1-56 level, methods, including options, for:

1-57 (A) managing students in the classroom and on  
1-58 school grounds;

1-59 (B) disciplining students; and

1-60 (C) preventing and intervening in student  
1-61 discipline problems, including bullying, harassment, and making  
1-62 hit lists.

1-63 SECTION 2. This Act applies beginning with the 2009-2010  
1-64 school year.

2-1 SECTION 3. This Act takes effect immediately if it receives  
2-2 a vote of two-thirds of all the members elected to each house, as  
2-3 provided by Section 39, Article III, Texas Constitution. If this  
2-4 Act does not receive the vote necessary for immediate effect, this  
2-5 Act takes effect September 1, 2009.

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