

By: Anderson

H.B. No. 368

A BILL TO BE ENTITLED

AN ACT

relating to site-based public school discipline policy committees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 11.253(d) and (h), Education Code, are amended to read as follows:

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the academic excellence indicator system as described by Section 39.051;

(2) set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus as approved by a site-based school

1 discipline policy committee established under Section 11.2531, if  
2 such a committee is established; and

3 (9) provide for a program to encourage parental  
4 involvement at the campus.

5 (h) A principal shall regularly consult the campus-level  
6 committee and a site-based school discipline policy committee  
7 established under Section 11.2531, if such a committee is  
8 established, in the planning, operation, supervision, and  
9 evaluation of the campus educational program.

10 SECTION 2. Subchapter F, Chapter 11, Education Code, is  
11 amended by adding Section 11.2531 to read as follows:

12 Sec. 11.2531. SITE-BASED SCHOOL DISCIPLINE POLICY  
13 COMMITTEE. (a) Each school district shall permit the  
14 establishment of a site-based school discipline policy committee at  
15 a district campus.

16 (b) A group of classroom teachers at a campus may establish  
17 a site-based school discipline policy committee by a petition  
18 containing the signatures of at least 50 percent of the classroom  
19 teachers at the campus. If such a petition is submitted to the  
20 principal not later than the 10th instructional day of a school  
21 year, the principal shall approve the establishment of the  
22 committee.

23 (c) A member of a site-based school discipline policy  
24 committee must be a full-time classroom teacher.

25 (d) Not later than the 20th instructional day of a school  
26 year, the committee shall meet and elect by secret ballot an  
27 executive board from its membership. The board shall establish

1 policies concerning the time and manner of committee and board  
2 meetings.

3 (e) A site-based school discipline policy committee shall  
4 establish policies regarding:

5 (1) discipline management and the student code of  
6 conduct in accordance with Chapter 37;

7 (2) goals and methods for violence prevention and  
8 intervention on campus;

9 (3) the safety of teachers and other school personnel;  
10 and

11 (4) methods for teachers to address the committee or  
12 the board regarding individual or systematic concerns in matters of  
13 school discipline or school personnel safety.

14 SECTION 3. Section 37.001(a), Education Code, is amended to  
15 read as follows:

16 (a) The board of trustees of an independent school district  
17 shall, with the advice of its district-level committee established  
18 under Subchapter F, Chapter 11, and of the site-based school  
19 discipline policy committees for campuses in the district, if such  
20 committees are established, adopt a student code of conduct for the  
21 district. The student code of conduct must be posted and  
22 prominently displayed at each school campus or made available for  
23 review at the office of the campus principal. In addition to  
24 establishing standards for student conduct, the student code of  
25 conduct must:

26 (1) specify the circumstances, in accordance with this  
27 subchapter, under which a student may be removed from a classroom,

1 campus, or disciplinary alternative education program;

2 (2) specify conditions that authorize or require a  
3 principal or other appropriate administrator to transfer a student  
4 to a disciplinary alternative education program;

5 (3) outline conditions under which a student may be  
6 suspended as provided by Section 37.005 or expelled as provided by  
7 Section 37.007;

8 (4) specify whether consideration is given, as a  
9 factor in a decision to order suspension, removal to a disciplinary  
10 alternative education program, or expulsion, to:

11 (A) self-defense;

12 (B) intent or lack of intent at the time the  
13 student engaged in the conduct;

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

15 (D) a disability that substantially impairs the  
16 student's capacity to appreciate the wrongfulness of the student's  
17 conduct;

18 (5) provide guidelines for setting the length of a  
19 term of:

20 (A) a removal under Section 37.006; and

21 (B) an expulsion under Section 37.007;

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

26 (7) prohibit bullying, harassment, and making hit  
27 lists and ensure that district employees enforce those

1 prohibitions; and

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

4 (A) managing students in the classroom and on  
5 school grounds;

6 (B) disciplining students; and

7 (C) preventing and intervening in student  
8 discipline problems, including bullying, harassment, and making  
9 hit lists.

10 SECTION 4. Sections 37.002(c) and (d), Education Code, are  
11 amended to read as follows:

12 (c) If a teacher removes a student from class under  
13 Subsection (b), the principal may place the student into another  
14 appropriate classroom, into in-school suspension, or into a  
15 disciplinary alternative education program as provided by Section  
16 37.008. The principal may not return the student to that teacher's  
17 class without the teacher's consent unless the site-based school  
18 discipline policy committee established under Section 11.2531 or,  
19 if such a committee is not established, the committee established  
20 under Section 37.003 determines that such placement is the best or  
21 only alternative available. The terms of the removal may prohibit  
22 the student from attending or participating in school-sponsored or  
23 school-related activity.

24 (d) A teacher shall remove from class and send to the  
25 principal for placement in a disciplinary alternative education  
26 program or for expulsion, as appropriate, a student who engages in  
27 conduct described under Section 37.006 or 37.007. The student may

1 not be returned to that teacher's class without the teacher's  
2 consent unless the site-based school discipline policy committee  
3 established under Section 11.2531 or, if such a committee is not  
4 established, the committee established under Section 37.003  
5 determines that such placement is the best or only alternative  
6 available. If the teacher removed the student from class because  
7 the student has engaged in the elements of any offense listed in  
8 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C)  
9 against the teacher, the student may not be returned to the  
10 teacher's class without the teacher's consent. The teacher may not  
11 be coerced to consent.

12 SECTION 5. This Act applies beginning with the 2009-2010  
13 school year.

14 SECTION 6. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.