

By: Olivo

H.B. No. 2477

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to placement of a student who has engaged in conduct for  
3 which the student may be expelled from public school.

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

5 SECTION 1. Sections 37.007(e) and (g), Education Code, are  
6 amended to read as follows:

7 (e) In accordance with 20 U.S.C. Section 7151, a local  
8 educational agency, including a school district, home-rule school  
9 district, or open-enrollment charter school, shall expel a student  
10 who brings a firearm, as defined by 18 U.S.C. Section 921, to  
11 school. The student must be expelled from the student's regular  
12 campus for a period of at least one year, except that:

13 (1) the superintendent or other chief administrative  
14 officer of the school district or of the other local educational  
15 agency, as defined by 20U.S.C. Section 7801, may modify the length  
16 of the expulsion in the case of an individual student;

17 (2) the district or other local educational agency  
18 shall provide educational services to an expelled student in a  
19 disciplinary alternative education program as provided by Section  
20 37.008 if the student is younger than 10 years of age on the date of  
21 expulsion; and

22 (3) the district or other local educational agency  
23 shall ~~may~~ provide educational services to an expelled student who  
24 is 10 years of age or older in a disciplinary alternative education

1 program as provided in Section 37.008 unless, after placement in  
2 the program, the student engages in conduct described by Subsection  
3 (a) or is expelled from the program.

4 (g) In addition to any notice required under Article 15.27,  
5 Code of Criminal Procedure, a school district shall inform each  
6 educator who has responsibility for, or is under the direction and  
7 supervision of an educator who has responsibility for, the  
8 instruction of a student who has engaged in any violation listed in  
9 this section of the student's misconduct. Each educator shall keep  
10 the information received under this subsection confidential from  
11 any person not entitled to the information under this subsection,  
12 except that the educator may share the information with the  
13 student's parent or guardian as provided for by state or federal  
14 law. A teacher who receives information under this subsection may  
15 not, solely on the basis of that information, remove the student  
16 from the student's regularly assigned class. The State Board for  
17 Educator Certification may revoke or suspend the certification of  
18 an educator who intentionally violates this subsection.

19 SECTION 2. This Act applies beginning with the 2009-2010  
20 school year.

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