

By: Olivo

H.B. No. 2901

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a school district to refer a student for prosecution of the offense of disorderly conduct.

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

SECTION 1. Section 37.101, Education Code, is amended to read as follows:

Sec. 37.101. APPLICABILITY OF CRIMINAL LAWS. (a) The criminal laws of the state apply in the areas under the control and jurisdiction of the board of trustees of any school district in this state.

(b) Except as provided by Subsection (c), a school district may not refer a student for prosecution of the offense of disorderly conduct under Section 42.01, Penal Code, on the basis of a minor violation of the student code of conduct adopted under Section 37.001. For purposes of this subsection, minor violations include chewing gum, talking in class, eating or drinking outside of designated areas, running in hallways, making unreasonable noises, and other disruptive behaviors for which the code of conduct does not permit suspension, expulsion, or placement in a disciplinary alternative education program.

(c) Subsection (b) does not apply in circumstances in which a student persistently engages in minor violations of the student code of conduct adopted under Section 37.001, provided that the school district has:

1 (1) previously attempted through district
2 disciplinary measures to correct the student's behavior; and
3 (2) informed or attempted to inform the student's
4 parent regarding the student's behavior.

5 SECTION 2. This Act applies beginning with the 2009-2010
6 school year.

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