

By: Eissler

H.B. No. 3307

A BILL TO BE ENTITLED

AN ACT

relating to the discipline of public school students.

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

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

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

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

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

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

(4) specify that ~~[whether]~~ consideration will be ~~[is]~~ given, as a factor in a decision regarding ~~[to order]~~ suspension,

1 removal to a disciplinary alternative education program, or  
2 expulsion, to:

3 (A) self-defense;

4 (B) intent or lack of intent at the time the  
5 student engaged in the conduct;

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

7 (D) a disability that substantially impairs the  
8 student's capacity to appreciate the wrongfulness of the student's  
9 conduct;

10 (5) provide guidelines for setting the length of a  
11 term of:

12 (A) a removal under Section 37.006; and

13 (B) an expulsion under Section 37.007;

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

18 (7) prohibit bullying, harassment, and making hit  
19 lists and ensure that district employees enforce those  
20 prohibitions; and

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

23 (A) managing students in the classroom and on  
24 school grounds;

25 (B) disciplining students; and

26 (C) preventing and intervening in student  
27 discipline problems, including bullying, harassment, and making

1 hit lists.

2 SECTION 2. Subchapter A, Chapter 37, Education Code, is  
3 amended by adding Section 37.0012 to read as follows:

4 Sec. 37.0012. DESIGNATION OF CAMPUS DISCIPLINE OFFICER. (a)  
5 A person at each campus must be designated to serve as the campus  
6 discipline officer. The person designated may be the principal of  
7 the campus or any other campus administrator selected by the  
8 principal.

9 (b) The campus discipline officer is primarily responsible  
10 for maintaining student discipline and the implementation of this  
11 subchapter.

12 (c) The specific duties of the campus discipline officer may  
13 be established by campus or district policy. Unless otherwise  
14 provided by campus or district policy:

15 (1) a duty imposed on a campus principal or other  
16 campus administrator under this subchapter shall be performed by  
17 the campus discipline officer; and

18 (2) a power granted to a campus principal or other  
19 campus administrator under this subchapter may be exercised by the  
20 campus discipline officer.

21 SECTION 3. Section 37.002, Education Code, is amended by  
22 amending Subsection (a) and adding Subsection (e) to read as  
23 follows:

24 (a) A teacher may send a student to the campus discipline  
25 officer's [~~principal's~~] office to maintain effective discipline in  
26 the classroom. The campus discipline officer [~~principal~~] shall  
27 respond by employing appropriate discipline management techniques

1 consistent with the student code of conduct adopted under Section  
2 37.001 that can reasonably be expected to improve the student's  
3 behavior before returning the student to the classroom.

4 (e) A school district or employee of a school district may  
5 not retaliate against a teacher for taking action authorized by  
6 this section.

7 SECTION 4. This Act applies beginning with the 2009-2010  
8 school year.

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