

1-1 By: Gallegos S.B. No. 2270
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Education; April 24, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 8, Nays 0; April 24, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2270 By: Gallegos

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to consideration of mitigating factors in determining
1-10 appropriate disciplinary action to be taken against a public school
1-11 student.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 37.001, Education Code,
1-14 is amended to read as follows:

1-15 (a) The board of trustees of an independent school district
1-16 shall, with the advice of its district-level committee established
1-17 under Subchapter F, Chapter 11, adopt a student code of conduct for
1-18 the district. The student code of conduct must be posted and
1-19 prominently displayed at each school campus or made available for
1-20 review at the office of the campus principal. In addition to
1-21 establishing standards for student conduct, the student code of
1-22 conduct must:

1-23 (1) specify the circumstances, in accordance with this
1-24 subchapter, under which a student may be removed from a classroom,
1-25 campus, or disciplinary alternative education program;

1-26 (2) specify conditions that authorize or require a
1-27 principal or other appropriate administrator to transfer a student
1-28 to a disciplinary alternative education program;

1-29 (3) outline conditions under which a student may be
1-30 suspended as provided by Section 37.005 or expelled as provided by
1-31 Section 37.007;

1-32 (4) specify that [whether] consideration will be [is]
1-33 given, as a factor in each [a] decision concerning [to order]
1-34 suspension, removal to a disciplinary alternative education
1-35 program, or expulsion and placement in a juvenile justice
1-36 alternative education program, regardless of whether the decision
1-37 concerns a mandatory or discretionary action, to:

1-38 (A) self-defense;

1-39 (B) intent or lack of intent at the time the
1-40 student engaged in the conduct;

1-41 (C) a student's disciplinary history; or

1-42 (D) a disability that substantially impairs the
1-43 student's capacity to appreciate the wrongfulness of the student's
1-44 conduct;

1-45 (5) provide guidelines for setting the length of a
1-46 term of:

1-47 (A) a removal under Section 37.006; and

1-48 (B) an expulsion under Section 37.007;

1-49 (6) address the notification of a student's parent or
1-50 guardian of a violation of the student code of conduct committed by
1-51 the student that results in suspension, removal to a disciplinary
1-52 alternative education program, or expulsion;

1-53 (7) prohibit bullying, harassment, and making hit
1-54 lists and ensure that district employees enforce those
1-55 prohibitions; and

1-56 (8) provide, as appropriate for students at each grade
1-57 level, methods, including options, for:

1-58 (A) managing students in the classroom and on
1-59 school grounds;

1-60 (B) disciplining students; and

1-61 (C) preventing and intervening in student
1-62 discipline problems, including bullying, harassment, and making
1-63 hit lists.

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

2-3 SECTION 3. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2009.

2-8

* * * * *