

BILL ANALYSIS

H.B. 968
By: Strama
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Certain crimes committed by public school students in and around public schools result in certain disciplinary measures. Interested parties contend that there is some inconsistency among the consequences for these offenses and the grounds on which they are applied, such as discretionary expulsion for the commission of aggravated robbery, even though the crime involves serious bodily injury or a weapon. H.B. 968 seeks to ensure consistency among consequences for certain offenses committed by public school students.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 968 amends the Education Code to add the following situations to the conditions requiring a student's removal from class and placement in a disciplinary alternative education program (DAEP) based on off-campus conduct occurring while the student is not in attendance at a school-sponsored or school-related activity: the student receives deferred prosecution for conduct defined as the felony offense of aggravated robbery; a court or jury finds that the student has engaged in delinquent conduct for conduct defined as the felony offense of aggravated robbery; or the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as the felony offense of aggravated robbery. The bill, in a provision authorizing a student's removal from class and placement in a DAEP based on certain off-campus felony conduct occurring while the student is not in attendance at a school-sponsored or school-related activity, other than conduct requiring the student's removal and placement in a DAEP, specifies that such conduct is conduct occurring more than 300 feet off campus.

H.B. 968 expands the conditions requiring a student's expulsion from school for conduct that constitutes one of certain specified offenses and that occurs on school property or while attending a school-sponsored or school-related activity to include such conduct occurring either on or within 300 feet of school property, as measured from any point on the school's real property boundary line. The bill removes a student's possession of a firearm, as defined by federal law, while within 300 feet of school property from the list of conditions authorizing a student's expulsion from school and adds that condition to the conditions requiring a student's expulsion. The bill authorizes a student's expulsion if the student engages in conduct that contains the elements of the offense of assault, murder, or aggravated robbery against another student if the conduct occurs more than 300 feet off campus and while the student is not in attendance at a school-sponsored or school-related activity, rather than without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

H.B. 968 adds the following situations to the conditions authorizing a school district board of

trustees or the board's designee, after an opportunity for a hearing, to expel a student and place the student in a juvenile justice alternative education program: the student has received deferred prosecution for conduct defined as the felony offense of aggravated robbery; the student has been found by a court or jury to have engaged in delinquent conduct for conduct defined as the felony offense of aggravated robbery; the student is charged with engaging in conduct defined as the felony offense of aggravated robbery; the student has been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as the felony offense of aggravated robbery; the student has received probation or deferred adjudication for the felony offense of aggravated robbery; the student has been convicted of the felony offense of aggravated robbery; or the student has been arrested for or charged with the felony offense of aggravated robbery.

H.B. 968 makes its provisions applicable beginning with the 2011-2012 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.