

By: Wentworth

S.B. No. 183

A BILL TO BE ENTITLED

1 AN ACT
2 relating to placement of a student in a disciplinary alternative
3 education program for certain harassing behavior directed at an
4 educator.

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

6 SECTION 1. Section 37.006, Education Code, is amended by
7 adding Subsection (d-2) to read as follows:

8 (d-2) In addition to Subsections (a), (b), and (c), a
9 student shall be removed from class and placed for a period of not
10 less than 60 days in a disciplinary alternative education program
11 as provided by Section 37.008 if:

12 (1) the student publishes, as defined by Section
13 33A.01, Penal Code:

14 (A) a threat of death or a threat of bodily
15 injury, as defined by Section 1.07, Penal Code, that is directed at
16 an educator;

17 (B) material associating an educator with a
18 terroristic, criminal, or hate group; or

19 (C) material depicting an educator engaging in an
20 act that is obscene, as defined by Section 43.21, Penal Code;

21 (2) the student's behavior would cause a reasonable
22 educator to fear:

23 (A) bodily injury or death for himself or
24 herself;

1 (B) bodily injury or death for a member of the
2 educator's family or household as defined by Chapter 71, Family
3 Code; or

4 (C) that an offense will be committed, or
5 delinquent conduct will be engaged in, against the educator's
6 property; and

7 (3) the student's behavior:

8 (A) causes injury to the educator's professional
9 reputation;

10 (B) significantly impairs the educator's ability
11 to perform professional duties; or

12 (C) causes substantial disruption to the
13 educator's classroom or the campus environment.

14 SECTION 2. Section 37.001(e), Education Code, is amended to
15 read as follows:

16 (e) Except as provided by Section 37.006(d-2) or 37.007(e),
17 this subchapter does not require the student code of conduct to
18 specify a minimum term of a removal under Section 37.006 or an
19 expulsion under Section 37.007.

20 SECTION 3. This Act applies beginning with the 2011-2012
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.