

By: Allen

H.B. No. 2367

A BILL TO BE ENTITLED

AN ACT

relating to discipline of public school students by school bus drivers.

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, or school bus;

(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;

1 (4) specify that consideration will be given, as a
2 factor in each decision concerning suspension, removal to a
3 disciplinary alternative education program, expulsion, or
4 placement in a juvenile justice alternative education program,
5 regardless of whether the decision concerns a mandatory or
6 discretionary action, to:

7 (A) self-defense;

8 (B) intent or lack of intent at the time the
9 student engaged in the conduct;

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

11 (D) a disability that substantially impairs the
12 student's capacity to appreciate the wrongfulness of the student's
13 conduct;

14 (5) provide guidelines for setting the length of a
15 term of:

16 (A) a removal under Section 37.006; and

17 (B) an expulsion under Section 37.007;

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

22 (7) prohibit bullying, harassment, and making hit
23 lists and ensure that district employees enforce those
24 prohibitions; and

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

27 (A) managing students in the classroom and on

1 school grounds;

2 (B) disciplining students; and

3 (C) preventing and intervening in student
4 discipline problems, including bullying, harassment, and making
5 hit lists.

6 SECTION 2. Subchapter A, Chapter 37, Education Code, is
7 amended by adding Section 37.0022 to read as follows:

8 Sec. 37.0022. REMOVAL BY SCHOOL BUS DRIVER. (a) The driver
9 of a school bus transporting students to or from school or a
10 school-sponsored or school-related activity may send a student to
11 the principal's office to maintain effective discipline on the
12 school bus. The principal shall respond by employing appropriate
13 discipline management techniques consistent with the student code
14 of conduct adopted under Section 37.001.

15 (b) The driver of a school bus transporting students to or
16 from school or a school-sponsored or school-related activity shall
17 send to the principal for placement in a disciplinary alternative
18 education program or for expulsion, as appropriate, a student who,
19 while on the school bus, engages in conduct described under Section
20 37.006 or 37.007.

21 SECTION 3. This Act applies beginning with the 2013-2014
22 school year.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.