

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 107
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1995 Texas developed zero tolerance policies that required that students who committed certain serious acts be expelled from schools. The zero tolerance policies left no room for discretion on the part of the schools to look at extenuating circumstance, or allow for alternate resolutions to the behavior. Over the years there have been many situations where student have been expelled from school for acts that were not harmful, but fall under a mandatory removal.

S.B. 107 changes mandatory removal to discretionary removal. Principals and teachers may still utilize discretionary removals for students for all the same acts. It also changes "shall" to "may" in several sections of the Education Code. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 107 amends current law relating to the designation of campus behavior coordinators to serve at public school campuses and issues to be considered when removing a student from class.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0012, as follows:

Sec. 37.0012. DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR. (a) Requires a person at each campus to be designated to serve as the campus behavior coordinator. Authorizes the person designated to be the principal of the campus or any other campus administrator selected by the principal.

(b) Provides that the campus behavior coordinator is primarily responsible for maintaining student discipline and the implementation of this subchapter.

(c) Authorizes the specific duties of the campus behavior coordinator to be established by campus or district policy, except as provided by this chapter. Provides that unless otherwise provided by campus or district policy:

(1) a duty imposed on a campus principal or other campus administrator under this subchapter is required to be performed by the campus behavior coordinator; and

(2) a power granted to a campus principal or other campus administrator under this subchapter is authorized to be exercised by the campus behavior coordinator.

(d) Requires the campus behavior coordinator to promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law

enforcement officer. Requires a campus behavior coordinator to comply with this subsection by:

(1) promptly contacting the parent or guardian by telephone or in person; and

(2) making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

(e) Requires a campus behavior coordinator to mail written notice of the action to the parent or guardian at the parent's or guardian's last known address if a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken.

(f) Requires the principal or other designee to provide the notice if a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d).

SECTION 2. Amends Section 37.002(a), Education Code, as follows:

(a) Authorizes a teacher to send a student to the campus behavior coordinator's office, rather than principal's office, to maintain effective discipline in the classroom. Requires the campus behavior coordinator, rather than the principal, to respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. Requires the campus behavior coordinator to employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct, if the student's behavior does not improve.

SECTION 3. Amends Section 37.007(a), Education Code, as follows:

(a) Requires a student to be expelled from a school, except as provided by Subsection (K), if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02 (Unlawful Carrying Weapons), Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05 (Prohibited Weapons), Penal Code;

(2) and (3) Makes no change to these subdivisions.

Deletes existing text requiring a student to be expelled if the student uses, exhibits, or possesses a firearm as defined by Section 46.01(3), Penal Code; an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy; a club as defined by Section 46.01(1), Penal Code; or a weapon listed as a prohibited weapon under Section 46.05, Penal Code.

SECTION 4. Amends Sections 37.009(a) and (f), Education Code, as follows:

(a) Changes references to principal to campus behavior coordinator. Requires the campus behavior coordinator, after consideration of the factors under Section 37.001(a)(4) (requiring that the student code of conduct specify consideration of certain criteria) to order the placement of the student for a period consistent with the student code of conduct following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance. Requires the behavior

coordinator to consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program, or placement in a juvenile justice alternative education program of a student. Deletes a determination by the district that extended placement is in the best interest of the student.

(f) Requires the board or the board's designee, before ordering the expulsion of a student, to provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend before a student may be expelled under Section 37.007. Requires the board of trustees to consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the board concerns a mandatory or discretionary action.

SECTION 5. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 6. Effective date: upon passage or September 1, 2015.