

By: Guillen

H.B. No. 223

A BILL TO BE ENTITLED

AN ACT

relating to acceptable conduct of students in kindergarten through grade five.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0071 to read as follows:

Sec. 37.0071. ACCEPTABLE CONDUCT OF CERTAIN STUDENTS. (a)

A school district may not punish a student in kindergarten through grade five for:

(1) brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;

(2) possessing a toy firearm or weapon that is two inches or less in overall length;

(3) possessing a toy firearm or weapon made of plastic snap-together building blocks;

(4) using a finger or hand to represent a firearm or weapon;

(5) vocalizing an imaginary firearm or weapon;

(6) drawing a picture or possessing an image of a firearm or weapon; or

(7) pretending a crayon, pencil, pen, or other writing or drawing instrument is a firearm or weapon.

(b) Notwithstanding Subsection (a), a student may be subject to disciplinary action for simulating a firearm or weapon

1 if the student disrupts learning, causes bodily harm to another  
2 person, or places another person in reasonable fear of bodily harm.

3 (c) Disciplinary action under Subsection (b) must be  
4 proportionate to the severity of the behavior and consistent with  
5 school district policies for similar behavior. If a student is  
6 disciplined under Subsection (b), the school principal must notify  
7 the student's parent or guardian of the student's behavior and the  
8 discipline imposed.

9 SECTION 2. This Act applies beginning with the 2015-2016  
10 school year.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2015.