

By: Whitmire, et al.  
(Thompson of Harris)

S.B. No. 107

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0012 to read as follows:

Sec. 37.0012. DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR.

(a) A person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

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

(c) Except as provided by this chapter, the specific duties of the campus behavior coordinator may be established by campus or district policy. Unless otherwise provided by campus or district policy:

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

(2) a power granted to a campus principal or other campus administrator under this subchapter may be exercised by the

1 campus behavior coordinator.

2 (d) The campus behavior coordinator shall promptly notify a  
3 student's parent or guardian as provided by this subsection if  
4 under this subchapter the student is placed into in-school or  
5 out-of-school suspension, placed in a disciplinary alternative  
6 education program, expelled, or placed in a juvenile justice  
7 alternative education program or is taken into custody by a law  
8 enforcement officer. A campus behavior coordinator must comply  
9 with this subsection by:

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

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

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

21 (f) If a campus behavior coordinator is unable or not  
22 available to promptly provide notice under Subsection (d), the  
23 principal or other designee shall provide the notice.

24 SECTION 2. Section 37.002(a), Education Code, is amended to  
25 read as follows:

26 (a) A teacher may send a student to the campus behavior  
27 coordinator's [~~principal's~~] office to maintain effective

1 discipline in the classroom. The campus behavior coordinator  
2 [~~principal~~] shall respond by employing appropriate discipline  
3 management techniques consistent with the student code of conduct  
4 adopted under Section 37.001 that can reasonably be expected to  
5 improve the student's behavior before returning the student to the  
6 classroom. If the student's behavior does not improve, the campus  
7 behavior coordinator shall employ alternative discipline  
8 management techniques, including any progressive interventions  
9 designated as the responsibility of the campus behavior coordinator  
10 in the student code of conduct.

11 SECTION 3. Section 37.007(a), Education Code, is amended to  
12 read as follows:

13 (a) Except as provided by Subsection (k), a student shall be  
14 expelled from a school if the student, on school property or while  
15 attending a school-sponsored or school-related activity on or off  
16 of school property:

17 (1) engages in conduct that contains the elements of  
18 the offense of unlawfully carrying weapons under Section 46.02,  
19 Penal Code, or elements of an offense relating to prohibited  
20 weapons under Section 46.05, Penal Code [~~uses, exhibits, or~~  
21 ~~possesses:~~

22 [~~(A) a firearm as defined by Section 46.01(3),~~  
23 ~~Penal Code,~~

24 [~~(B) an illegal knife as defined by Section~~  
25 ~~46.01(6), Penal Code, or by local policy,~~

26 [~~(C) a club as defined by Section 46.01(1), Penal~~  
27 ~~Code, or~~

1                    [~~(D) a weapon listed as a prohibited weapon under~~  
2 ~~Section 46.05, Penal Code~~];

3                    (2) engages in conduct that contains the elements of  
4 the offense of:

5                    (A) aggravated assault under Section 22.02,  
6 Penal Code, sexual assault under Section 22.011, Penal Code, or  
7 aggravated sexual assault under Section 22.021, Penal Code;

8                    (B) arson under Section 28.02, Penal Code;

9                    (C) murder under Section 19.02, Penal Code,  
10 capital murder under Section 19.03, Penal Code, or criminal  
11 attempt, under Section 15.01, Penal Code, to commit murder or  
12 capital murder;

13                    (D) indecency with a child under Section 21.11,  
14 Penal Code;

15                    (E) aggravated kidnapping under Section 20.04,  
16 Penal Code;

17                    (F) aggravated robbery under Section 29.03,  
18 Penal Code;

19                    (G) manslaughter under Section 19.04, Penal  
20 Code;

21                    (H) criminally negligent homicide under Section  
22 19.05, Penal Code; or

23                    (I) continuous sexual abuse of young child or  
24 children under Section 21.02, Penal Code; or

25                    (3) engages in conduct specified by Section  
26 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

27                    SECTION 4. Sections 37.009(a) and (f), Education Code, are

1 amended to read as follows:

2 (a) Not later than the third class day after the day on which  
3 a student is removed from class by the teacher under Section  
4 37.002(b) or (d) or by the school principal or other appropriate  
5 administrator under Section 37.001(a)(2) or 37.006, the campus  
6 behavior coordinator [~~principal~~] or other appropriate  
7 administrator shall schedule a conference among the campus behavior  
8 coordinator [~~principal~~] or other appropriate administrator, a  
9 parent or guardian of the student, the teacher removing the student  
10 from class, if any, and the student. At the conference, the student  
11 is entitled to written or oral notice of the reasons for the  
12 removal, an explanation of the basis for the removal, and an  
13 opportunity to respond to the reasons for the removal. The student  
14 may not be returned to the regular classroom pending the  
15 conference. Following the conference, and whether or not each  
16 requested person is in attendance after valid attempts to require  
17 the person's attendance, the campus behavior coordinator, after  
18 consideration of the factors under Section 37.001(a)(4),  
19 [~~principal~~] shall order the placement of the student for a period  
20 consistent with the student code of conduct. Before ordering the  
21 suspension, expulsion, removal to a disciplinary alternative  
22 education program, or placement in a juvenile justice alternative  
23 education program of a student, the behavior coordinator must  
24 consider whether the student acted in self-defense, the intent or  
25 lack of intent at the time the student engaged in the conduct, the  
26 student's disciplinary history, and whether the student has a  
27 disability that substantially impairs the student's capacity to

1 appreciate the wrongfulness of the student's conduct, regardless of  
2 whether the decision of the behavior coordinator concerns a  
3 mandatory or discretionary action. If school district policy  
4 allows a student to appeal to the board of trustees or the board's  
5 designee a decision of the campus behavior coordinator [~~principal~~]  
6 or other appropriate administrator, other than an expulsion under  
7 Section 37.007, the decision of the board or the board's designee is  
8 final and may not be appealed. If the period of the placement is  
9 inconsistent with the guidelines included in the student code of  
10 conduct under Section 37.001(a)(5), the order must give notice of  
11 the inconsistency. The period of the placement may not exceed one  
12 year unless, after a review, the district determines that [+

13 [~~(1)~~] the student is a threat to the safety of other  
14 students or to district employees[~~+ or~~

15 [~~(2) extended placement is in the best interest of the~~  
16 ~~student~~].

17 (f) Before a student may be expelled under Section 37.007,  
18 the board or the board's designee must provide the student a hearing  
19 at which the student is afforded appropriate due process as  
20 required by the federal constitution and which the student's parent  
21 or guardian is invited, in writing, to attend. At the hearing, the  
22 student is entitled to be represented by the student's parent or  
23 guardian or another adult who can provide guidance to the student  
24 and who is not an employee of the school district. If the school  
25 district makes a good-faith effort to inform the student and the  
26 student's parent or guardian of the time and place of the hearing,  
27 the district may hold the hearing regardless of whether the

1 student, the student's parent or guardian, or another adult  
2 representing the student attends. Before ordering the expulsion of  
3 a student, the board of trustees must consider whether the student  
4 acted in self-defense, the intent or lack of intent at the time the  
5 student engaged in the conduct, the student's disciplinary history,  
6 and whether the student has a disability that substantially impairs  
7 the student's capacity to appreciate the wrongfulness of the  
8 student's conduct, regardless of whether the decision of the board  
9 concerns a mandatory or discretionary action. If the decision to  
10 expel a student is made by the board's designee, the decision may be  
11 appealed to the board. The decision of the board may be appealed by  
12 trial de novo to a district court of the county in which the school  
13 district's central administrative office is located.

14 SECTION 5. This Act applies beginning with the 2015-2016  
15 school year.

16 SECTION 6. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2015.