

By: Cortez

H.B. No. 4044

A BILL TO BE ENTITLED

AN ACT

relating to the application of discipline to certain students with autism or another pervasive developmental disorder.

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

SECTION 1. Section 37.001, 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, disciplinary alternative education program, or vehicle owned or operated by the district;

(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, on school

1 grounds, and on a vehicle owned or operated by the district;

2 (B) disciplining students; and

3 (C) preventing and intervening in student  
4 discipline problems, including bullying, harassment, and making  
5 hit lists~~[=]~~; and

6 (9) provide for the notification of parents of  
7 students with autism or another pervasive developmental disorder  
8 before beginning the disciplinary process contained in this  
9 Subchapter.

10 (b) In this section:

11 (1) "Bullying" has the meaning assigned by Section  
12 [37.0832](#).

13 (2) "Harassment" means threatening to cause harm or  
14 bodily injury to another student, engaging in sexually intimidating  
15 conduct, causing physical damage to the property of another  
16 student, subjecting another student to physical confinement or  
17 restraint, or maliciously taking any action that substantially  
18 harms another student's physical or emotional health or safety.

19 (3) "Hit list" means a list of people targeted to be  
20 harmed, using:

21 (A) a firearm, as defined by Section [46.01\(3\)](#),  
22 Penal Code;

23 (B) a knife, as defined by Section [46.01\(7\)](#),  
24 Penal Code; or

25 (C) any other object to be used with intent to  
26 cause bodily harm.

27 (b-1) The methods adopted under Subsection (a)(8) must

1 provide that a student who is enrolled in a special education  
2 program under Subchapter A, Chapter 29, may not be disciplined for  
3 conduct prohibited in accordance with Subsection (a)(7) until an  
4 admission, review, and dismissal committee meeting has been held to  
5 review the conduct.

6 (c) Once the student code of conduct is promulgated, any  
7 change or amendment must be approved by the board of trustees.

8 (d) Each school year, a school district shall provide  
9 parents notice of and information regarding the student code of  
10 conduct.

11 (e) Except as provided by Section 37.007(e), this  
12 subchapter does not require the student code of conduct to specify a  
13 minimum term of a removal under Section 37.006 or an expulsion under  
14 Section 37.007.

15 SECTION 2. This Act takes effect September 1, 2017.