

By: Hinojosa

H.B. No. 4161

A BILL TO BE ENTITLED

AN ACT

relating to the discipline and behavior management of a student enrolled in an open-enrollment charter school.

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

SECTION 1. Section 12.131, Texas Education Code, is amended to read as follows:

(a) The governing body of an open-enrollment charter school shall, with the advice of a committee composed of parents whose children attend schools within the charter network, adopt a code of conduct for its charter district or for each charter school campus. The 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 behavior, the code of conduct ~~shall outline~~ must:

~~generally~~

(1) specify the types of prohibited behaviors and their possible consequences; ~~The code of conduct shall also outline the school's~~

(2) outline conditions under which a student may be suspended or expelled as provided by Section 37.007;

(3) specify due process procedures with respect to expulsion, as required under Section 37.009(f). ~~Notwithstanding any other provision of law, a final decision of the governing body of an open-enrollment charter school with respect to actions taken~~

1 ~~under the code of conduct may not be appealed.~~

2 (4) specify that consideration will be given, as a  
3 factor in each decision concerning suspension, removal to a  
4 disciplinary alternative education program, or expulsion,  
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 suspension and

17 (B) an expulsion under Section 37.007;

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

22 (b) An open-enrollment charter school may ~~not elect to expel~~  
23 a student only for a reason ~~that is not~~ authorized by Section 37.007  
24 ~~or specified in the school's code of conduct as conduct that may~~  
25 ~~result in expulsion.~~

26 (c) Notwithstanding any other provision, Section 37.002 and  
27 its provisions, wherever referenced, are not applicable to an

1 open-enrollment charter school unless the governing body of the  
2 school so determines.

3 (d) Once the code of conduct is promulgated, any change or  
4 amendment must be approved by the governing body, with the advice of  
5 the parent committee.

6 (e) Each school year, a governing body of an open-enrollment  
7 charter school shall provide parents notice of and information  
8 regarding the code of conduct.