

By: Menéndez, et al.
(Bernal)

S.B. No. 1553

Substitute the following for S.B. No. 1553:

By: Bernal

C.S.S.B. No. 1553

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the refusal of entry to or ejection from school district
3 property.

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

5 SECTION 1. Section 37.001(a), Education Code, as amended by
6 Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd
7 Legislature, Regular Session, 2013, is reenacted and amended to
8 read as follows:

9 (a) The board of trustees of an independent school district
10 shall, with the advice of its district-level committee established
11 under Subchapter F, Chapter 11, adopt a student code of conduct for
12 the district. The student code of conduct must be posted and
13 prominently displayed at each school campus or made available for
14 review at the office of the campus principal. In addition to
15 establishing standards for student conduct, the student code of
16 conduct must:

17 (1) specify the circumstances, in accordance with this
18 subchapter, under which a student may be removed from a classroom,
19 campus, disciplinary alternative education program, or vehicle
20 owned or operated by the district;

21 (2) specify conditions that authorize or require a
22 principal or other appropriate administrator to transfer a student
23 to a disciplinary alternative education program;

24 (3) outline conditions under which a student may be

1 suspended as provided by Section 37.005 or expelled as provided by
2 Section 37.007;

3 (4) specify that consideration will be given, as a
4 factor in each decision concerning suspension, removal to a
5 disciplinary alternative education program, expulsion, or
6 placement in a juvenile justice alternative education program,
7 regardless of whether the decision concerns a mandatory or
8 discretionary action, to:

9 (A) self-defense;

10 (B) intent or lack of intent at the time the
11 student engaged in the conduct;

12 (C) a student's disciplinary history; or

13 (D) a disability that substantially impairs the
14 student's capacity to appreciate the wrongfulness of the student's
15 conduct;

16 (5) provide guidelines for setting the length of a
17 term of:

18 (A) a removal under Section 37.006; and

19 (B) an expulsion under Section 37.007;

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

24 (7) prohibit bullying, harassment, and making hit
25 lists and ensure that district employees enforce those
26 prohibitions; ~~and~~

27 (8) provide, as appropriate for students at each grade

1 level, methods, including options, for:

2 (A) managing students in the classroom, on school
3 grounds, and on a vehicle owned or operated by the district;

4 (B) disciplining students; and

5 (C) preventing and intervening in student
6 discipline problems, including bullying, harassment, and making
7 hit lists; and

8 (9) include an explanation of the provisions regarding
9 refusal of entry to or ejection from district property under
10 Section 37.105, including the appeal process established under
11 Section 37.105(h).

12 SECTION 2. Section 37.105, Education Code, is amended to
13 read as follows:

14 Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY,
15 EJECTION, IDENTIFICATION. (a) A school administrator, school
16 resource officer, or school district peace officer [~~The board of~~
17 ~~trustees~~] of a school district [~~or its authorized representative~~]
18 may refuse to allow a person [~~without legitimate business~~] to enter
19 on or [~~property under the board's control and~~] may eject a [~~any~~
20 ~~undesirable~~] person from [~~the~~] property under the district's
21 control if the person refuses [~~on the person's refusal~~] to leave
22 peaceably on request and:

23 (1) the person poses a substantial risk of harm to any
24 person; or

25 (2) the person behaves in a manner that is
26 inappropriate for a school setting and:

27 (A) the administrator, resource officer, or

1 peace officer issues a verbal warning to the person that the
2 person's behavior is inappropriate and may result in the person's
3 refusal of entry or ejection; and

4 (B) the person persists in that behavior.

5 (b) Identification may be required of any person on the
6 property.

7 (c) Each school district shall maintain a record of each
8 verbal warning issued under Subsection (a)(2)(A), including the
9 name of the person to whom the warning was issued and the date of
10 issuance.

11 (d) At the time a person is refused entry to or ejected from
12 a school district's property under this section, the district shall
13 provide to the person written information explaining the appeal
14 process established under Subsection (h).

15 (e) If a parent or guardian of a child enrolled in a school
16 district is refused entry to the district's property under this
17 section, the district shall accommodate the parent or guardian to
18 ensure that the parent or guardian may participate in the child's
19 admission, review, and dismissal committee or in the child's team
20 established under Section 504, Rehabilitation Act of 1973 (29
21 U.S.C. Section 794), in accordance with federal law.

22 (f) The term of a person's refusal of entry to or ejection
23 from a school district's property under this section may not exceed
24 two years.

25 (g) A school district shall post on the district's Internet
26 website and each district campus shall post on any Internet website
27 of the campus a notice regarding the provisions of this section,

1 including the appeal process established under Subsection (h).

2 (h) The commissioner shall adopt rules to implement this
3 section, including rules establishing a process for a person to
4 appeal to the board of trustees of the school district the decision
5 under Subsection (a) to refuse the person's entry to or eject the
6 person from the district's property.

7 SECTION 3. This Act applies beginning with the 2017-2018
8 school year.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.