

By: Menéndez

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(g).

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) Subject to Subsection (c), the
16 ~~[The]~~ board of trustees of a school district or its authorized
17 representative may refuse to allow a person without legitimate
18 business to enter on property under the board's control and may
19 eject any undesirable person from the property on the person's
20 refusal to leave peaceably on request.

21 (b) Identification may be required of any person on the
22 property.

23 (c) A parent of a child enrolled in a school district may not
24 be refused entry to or ejected from the district's property unless:

25 (1) the parent poses a substantial risk of harm to any
26 person; or

27 (2) the parent behaves in a manner that is

1 inappropriate for a school setting and:

2 (A) the district issues written notice to the
3 parent that the parent's behavior is inappropriate and may result
4 in the parent's refusal of entry or ejection; and

5 (B) the parent persists in that behavior.

6 (d) A school district shall accommodate a parent refused
7 entry to district property under this section to the greatest
8 extent practicable to ensure that the parent may participate in the
9 admission, review, and dismissal committee of the parent's child.

10 (e) The term of a parent's refusal of entry to or ejection
11 from a school district's property under this section may not exceed
12 two years.

13 (f) Each school district shall post at the office of each
14 campus principal in the district a notice regarding the provisions
15 of this section, including the appeal process established under
16 Subsection (g).

17 (g) The commissioner shall adopt rules to implement this
18 section, including rules establishing a process for a parent to:

19 (1) appeal to the board of trustees of the school
20 district the decision of the authorized representative of the
21 district to refuse a parent's entry to or eject a parent from a
22 school district's property; and

23 (2) if applicable, appeal to the agency the decision
24 of the board of trustees under Subdivision (1).

25 SECTION 3. This Act applies beginning with the 2017-2018
26 school year.

27 SECTION 4. This Act takes effect immediately if it receives

S.B. No. 1553

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.