By:  White, Wu (Senate Sponsor - West) H.B. No. 811

(In the Senate - Received from the House April 11, 2019; April 15, 2019, read first time and referred to Committee on Administration; May 3, 2019, reported favorably by the following vote: Yeas 4, Nays 0; May 3, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Fallon          X

Huffman                   X

Johnson         X

Menéndez                  X

Nichols                   X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to determining appropriate disciplinary action to be taken against a public school student who is in foster care or who is homeless.

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

SECTION 1.  Section 37.001(a), 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;

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

(A)  self-defense;

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

(C)  a student's disciplinary history; [~~or~~]

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

(E)  a student's status in the conservatorship of the Department of Family and Protective Services; or

(F)  a student's status as a student who is homeless;

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

(A)  a removal under Section 37.006; and

(B)  an expulsion under Section 37.007;

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

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

(8)  provide, as appropriate for students at each grade level, methods, including options, for:

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

(B)  disciplining students; and

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

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

SECTION 2.  Section 37.001(b), Education Code, is amended by adding Subdivision (4) to read as follows:

(4)  "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

SECTION 3.  This Act applies beginning with the 2019-2020 school year.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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