

By: White

H.B. No. 811

A BILL TO BE ENTITLED

AN ACT

1
2 relating to determining appropriate disciplinary action to be taken
3 against a public school student who is in foster care or who is
4 homeless.

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

6 SECTION 1. Section 37.001(a), Education Code, is amended to
7 read as follows:

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

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

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

23 (3) outline conditions under which a student may be
24 suspended as provided by Section 37.005 or expelled as provided by

1 Section 37.007;

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, expulsion, or
5 placement in a juvenile justice alternative education program,
6 regardless of whether the decision concerns a mandatory or
7 discretionary action, to:

8 (A) self-defense;

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

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

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

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

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

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

21 (A) a removal under Section 37.006; and

22 (B) an expulsion under Section 37.007;

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

27 (7) prohibit bullying, harassment, and making hit

1 lists and ensure that district employees enforce those
2 prohibitions;

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

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

7 (B) disciplining students; and

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

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

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

17 (4) "Student who is homeless" has the meaning assigned
18 to the term "homeless children and youths" under 42 U.S.C. Section
19 11434a.

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

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