

By: Talarico

H.B. No. 3013

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the suspension or expulsion of a student by an
3 open-enrollment charter school.

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

5 SECTION 1. Section 12.104(b), Education Code, as amended by
6 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
7 of the 85th Legislature, Regular Session, 2017, is reenacted and
8 amended to read as follows:

9 (b) An open-enrollment charter school is subject to:

10 (1) a provision of this title establishing a criminal
11 offense; and

12 (2) a prohibition, restriction, or requirement, as
13 applicable, imposed by this title or a rule adopted under this
14 title, relating to:

15 (A) the Public Education Information Management
16 System (PEIMS) to the extent necessary to monitor compliance with
17 this subchapter as determined by the commissioner;

18 (B) criminal history records under Subchapter C,
19 Chapter 22;

20 (C) reading instruments and accelerated reading
21 instruction programs under Section 28.006;

22 (D) accelerated instruction under Section
23 28.0211;

24 (E) high school graduation requirements under

- 1 Section 28.025;
- 2 (F) special education programs under Subchapter
- 3 A, Chapter 29;
- 4 (G) bilingual education under Subchapter B,
- 5 Chapter 29;
- 6 (H) prekindergarten programs under Subchapter E
- 7 or E-1, Chapter 29;
- 8 (I) extracurricular activities under Section
- 9 33.081;
- 10 (J) discipline management practices or behavior
- 11 management techniques under Section 37.0021;
- 12 (K) health and safety under Chapter 38;
- 13 (L) public school accountability under
- 14 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 15 (M) the requirement under Section 21.006 to
- 16 report an educator's misconduct;
- 17 (N) intensive programs of instruction under
- 18 Section 28.0213;
- 19 (O) the right of a school employee to report a
- 20 crime, as provided by Section 37.148; ~~and~~
- 21 (P) bullying prevention policies and procedures
- 22 under Section 37.0832;
- 23 (Q) the right of a school under Section 37.0052
- 24 to place a student who has engaged in certain bullying behavior in a
- 25 disciplinary alternative education program or to expel the student;
- 26 ~~and~~
- 27 (R) the right under Section 37.0151 to report to

1 local law enforcement certain conduct constituting assault or
2 harassment;

3 (S) [~~(P)~~] a parent's right to information
4 regarding the provision of assistance for learning difficulties to
5 the parent's child as provided by Sections 26.004(b)(11) and
6 26.0081(c) and (d); and

7 (T) the suspension of a student under Section
8 37.005.

9 SECTION 2. Section 12.131(b), Education Code, is amended to
10 read as follows:

11 (b) An open-enrollment charter school may not elect to expel
12 a student for a reason that is not authorized by Section 37.007 [~~ex~~
13 ~~specified in the school's code of conduct as conduct that may result~~
14 ~~in expulsion~~].

15 SECTION 3. To the extent of any conflict, this Act prevails
16 over another Act of the 86th Legislature, Regular Session, 2019,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 4. This Act applies beginning with the 2019-2020
20 school year.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2019.