

1-1 By: West S.B. No. 424
 1-2 (In the Senate - Filed January 23, 2019; February 14, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 3, 2019, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; April 3, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to determining appropriate disciplinary action to be taken
 1-22 against a public school student who is in foster care or who is
 1-23 homeless.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 37.001(a), Education Code, is amended to
 1-26 read as follows:

1-27 (a) The board of trustees of an independent school district
 1-28 shall, with the advice of its district-level committee established
 1-29 under Subchapter F, Chapter 11, adopt a student code of conduct for
 1-30 the district. The student code of conduct must be posted and
 1-31 prominently displayed at each school campus or made available for
 1-32 review at the office of the campus principal. In addition to
 1-33 establishing standards for student conduct, the student code of
 1-34 conduct must:

1-35 (1) specify the circumstances, in accordance with this
 1-36 subchapter, under which a student may be removed from a classroom,
 1-37 campus, disciplinary alternative education program, or vehicle
 1-38 owned or operated by the district;

1-39 (2) specify conditions that authorize or require a
 1-40 principal or other appropriate administrator to transfer a student
 1-41 to a disciplinary alternative education program;

1-42 (3) outline conditions under which a student may be
 1-43 suspended as provided by Section 37.005 or expelled as provided by
 1-44 Section 37.007;

1-45 (4) specify that consideration will be given, as a
 1-46 factor in each decision concerning suspension, removal to a
 1-47 disciplinary alternative education program, expulsion, or
 1-48 placement in a juvenile justice alternative education program,
 1-49 regardless of whether the decision concerns a mandatory or
 1-50 discretionary action, to:

1-51 (A) self-defense;

1-52 (B) intent or lack of intent at the time the
 1-53 student engaged in the conduct;

1-54 (C) a student's disciplinary history; ~~or~~

1-55 (D) a disability that substantially impairs the
 1-56 student's capacity to appreciate the wrongfulness of the student's
 1-57 conduct;

1-58 (E) a student's status in the conservatorship of
 1-59 the Department of Family and Protective Services; or

1-60 (F) a student's status as a student who is
 1-61 homeless;

- 2-1 (5) provide guidelines for setting the length of a
- 2-2 term of:
- 2-3 (A) a removal under Section 37.006; and
- 2-4 (B) an expulsion under Section 37.007;
- 2-5 (6) address the notification of a student's parent or
- 2-6 guardian of a violation of the student code of conduct committed by
- 2-7 the student that results in suspension, removal to a disciplinary
- 2-8 alternative education program, or expulsion;
- 2-9 (7) prohibit bullying, harassment, and making hit
- 2-10 lists and ensure that district employees enforce those
- 2-11 prohibitions;
- 2-12 (8) provide, as appropriate for students at each grade
- 2-13 level, methods, including options, for:
- 2-14 (A) managing students in the classroom, on school
- 2-15 grounds, and on a vehicle owned or operated by the district;
- 2-16 (B) disciplining students; and
- 2-17 (C) preventing and intervening in student
- 2-18 discipline problems, including bullying, harassment, and making
- 2-19 hit lists; and
- 2-20 (9) include an explanation of the provisions regarding
- 2-21 refusal of entry to or ejection from district property under
- 2-22 Section 37.105, including the appeal process established under
- 2-23 Section 37.105(h).

2-24 SECTION 2. Section 37.001(b), Education Code, is amended by
 2-25 adding Subdivision (4) to read as follows:

2-26 (4) "Student who is homeless" has the meaning assigned
 2-27 to the term "homeless children and youths" under 42 U.S.C. Section
 2-28 11434a.

2-29 SECTION 3. This Act applies beginning with the 2019-2020
 2-30 school year.

2-31 SECTION 4. This Act takes effect immediately if it receives
 2-32 a vote of two-thirds of all the members elected to each house, as
 2-33 provided by Section 39, Article III, Texas Constitution. If this
 2-34 Act does not receive the vote necessary for immediate effect, this
 2-35 Act takes effect September 1, 2019.

2-36 * * * * *