

By: Hinojosa

H.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to the suspension and expulsion of a student attending an open-enrollment charter school.

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

SECTION 1. Section 12.131, Education Code, is amended to read as follows:

Sec. 12.131. REMOVAL OF STUDENTS TO DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM; SUSPENSION OR EXPULSION OF STUDENTS. (a) The governing body of an open-enrollment charter school shall adopt a code of conduct for its district or for each campus. In addition to establishing standards for behavior, the code of conduct shall outline generally the types of prohibited behaviors and their possible consequences. The code of conduct shall also outline the school's due process procedures with respect to suspension and expulsion. The school's policies and procedures for suspension and expulsion must comply with any procedures or requirements in Subchapter A, Chapter 37, relating to a student's suspension or expulsion, including procedures relating to students enrolled in a special education program under Subchapter A, Chapter 29. Notwithstanding any other provision of law, a final decision of the governing body of an open-enrollment charter school with respect to actions taken under the code of conduct may not be appealed.

(b) The student code of conduct adopted under Subsection (a)

1 must be posted and prominently displayed at each school campus to
2 which the code of conduct applies or made available for review at
3 the office of the campus principal.

4 (c) An open-enrollment charter school may:

5 (1) only suspend a student for a reason and in the
6 manner identified in the school's code of conduct; and

7 (2) only [not elect to] expel a student for a reason
8 that is [not] authorized by Section 37.0052 or 37.007 and in the
9 manner identified in the school's code of conduct [or specified in
10 the school's code of conduct as conduct that may result in
11 expulsion].

12 (d) Except as provided by this section and notwithstanding
13 [~~(c) Notwithstanding~~] any other provision, Section 37.002 and its
14 provisions, wherever referenced, are not applicable to an
15 open-enrollment charter school unless the governing body of the
16 school so determines.

17 (e) A suspension under this section may not exceed three
18 school days.

19 SECTION 2. This Act applies beginning with the 2021-2022
20 school year.

21 SECTION 3. 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, 2021.