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H.B. No. 2278

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the expulsion of public school students for engaging in
3 conduct that constitutes serious offenses.

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

5 SECTION 1. Section 37.007, Education Code, is amended to
6 read as follows:

7 Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES. (a) Subject
8 to the considerations required under Subsection (c) and except
9 ~~[Except]~~ as provided by Subsection (h) ~~[(k)]~~, a student shall be
10 expelled from a school if the student:

11 (1) while~~[r]~~ on school property or while attending a
12 school-sponsored or school-related activity on or off of school
13 property:

14 (A) ~~[(1)]~~ engages in conduct that contains the
15 elements of the offense of unlawfully carrying weapons under
16 Section 46.02, Penal Code, or elements of an offense relating to
17 prohibited weapons under Section 46.05, Penal Code;

18 (B) ~~[(2)]~~ engages in conduct that contains the
19 elements of the offense of:

20 (i) ~~[(A)]~~ aggravated assault under Section
21 22.02, Penal Code, sexual assault under Section 22.011, Penal Code,
22 or aggravated sexual assault under Section 22.021, Penal Code;

23 (ii) ~~[(B)]~~ arson under Section 28.02, Penal
24 Code;

1 (iii) [~~(C)~~] murder under Section 19.02,
2 Penal Code, capital murder under Section 19.03, Penal Code, or
3 criminal attempt, under Section 15.01, Penal Code, to commit murder
4 or capital murder;

5 (iv) [~~(D)~~] indecency with a child under
6 Section 21.11, Penal Code;

7 (v) [~~(E)~~] aggravated kidnapping under
8 Section 20.04, Penal Code;

9 (vi) [~~(F)~~] aggravated robbery under
10 Section 29.03, Penal Code;

11 (vii) [~~(G)~~] manslaughter under Section
12 19.04, Penal Code;

13 (viii) [~~(H)~~] criminally negligent homicide
14 under Section 19.05, Penal Code; or

15 (ix) [~~(I)~~] continuous sexual abuse of young
16 child or children under Section 21.02, Penal Code; or

17 (C) [~~(3)~~] engages in conduct specified by
18 Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a
19 felony; or

20 (2) engages in conduct that contains the elements of
21 any offense listed in Subdivision (1) against any employee or
22 volunteer in retaliation for or as a result of the person's
23 employment or association with a school district, without regard to
24 whether the conduct occurs on or off of school property or while
25 attending a school-sponsored or school-related activity on or off
26 of school property.

27 (b) Subject to the considerations required under Subsection

1 (c), a [A] student may be expelled if the student:

2 (1) engages in conduct involving a public school that
3 contains the elements of the offense of false alarm or report under
4 Section 42.06, Penal Code, or terroristic threat under Section
5 22.07, Penal Code;

6 (2) while on or within 300 feet of school property, as
7 measured from any point on the school's real property boundary
8 line, or while attending a school-sponsored or school-related
9 activity on or off of school property:

10 (A) sells, gives, or delivers to another person
11 or possesses, uses, or is under the influence of any amount of:

12 (i) marihuana or a controlled substance, as
13 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
14 Section 801 et seq.;

15 (ii) a dangerous drug, as defined by
16 Chapter 483, Health and Safety Code; or

17 (iii) an alcoholic beverage, as defined by
18 Section 1.04, Alcoholic Beverage Code;

19 (B) engages in conduct that contains the elements
20 of an offense relating to an abusable volatile chemical under
21 Section [Sections] 485.031, 485.032, 485.033, or [through]
22 485.034, Health and Safety Code;

23 (C) engages in conduct that contains the elements
24 of an offense under Section 22.01(a)(1), Penal Code, against a
25 school district employee or a volunteer as defined by Section
26 22.053 of this code; or

27 (D) engages in conduct that contains the elements

1 of the offense of deadly conduct under Section 22.05, Penal Code;

2 (3) subject to Subsection (a)(2) [~~(a)~~], while within
3 300 feet of school property, as measured from any point on the
4 school's real property boundary line:

5 (A) engages in conduct specified by Subsection
6 (a)(1); or

7 (B) possesses a firearm, as defined by 18 U.S.C.
8 Section 921;

9 (4) engages in conduct that contains the elements of
10 any offense listed in Subsection (a)(1)(B)(i) [~~(a)(2)(A)~~] or (iii)
11 [~~(c)~~] or the offense of aggravated robbery under Section 29.03,
12 Penal Code, against another student, without regard to whether the
13 conduct occurs on or off of school property or while attending a
14 school-sponsored or school-related activity on or off of school
15 property; [~~or~~]

16 (5) engages in conduct that contains the elements of
17 the offense of breach of computer security under Section 33.02,
18 Penal Code, if:

19 (A) the conduct involves accessing a computer,
20 computer network, or computer system owned by or operated on behalf
21 of a school district; and

22 (B) the student knowingly:

23 (i) alters, damages, or deletes school
24 district property or information; or

25 (ii) commits a breach of any other
26 computer, computer network, or computer system;

27 (6) [~~.(c) A student may be expelled if the student,~~]

1 while placed in a disciplinary alternative education program,
2 engages in any of the following documented serious misbehavior
3 while on the program campus despite documented behavioral
4 interventions [~~For purposes of this subsection, "serious~~
5 ~~misbehavior" means~~]:

6 (A) [~~(1)~~] deliberate violent behavior that poses
7 a direct threat to the health or safety of others;

8 (B) [~~(2)~~] extortion, meaning the gaining of
9 money or other property by force or threat;

10 (C) [~~(3)~~] conduct that constitutes coercion, as
11 defined by Section 1.07, Penal Code; or

12 (D) [~~(4)~~] conduct that constitutes the offense
13 of:

14 (i) [~~(A)~~] public lewdness under Section
15 21.07, Penal Code;

16 (ii) [~~(B)~~] indecent exposure under Section
17 21.08, Penal Code;

18 (iii) [~~(C)~~] criminal mischief under
19 Section 28.03, Penal Code;

20 (iv) [~~(D)~~] personal hazing under Section
21 37.152; or

22 (v) [~~(E)~~] harassment under Section
23 42.07(a)(1), Penal Code, of a student or district employee;

24 (7) [~~(d) A student shall be expelled if the student~~
25 ~~engages in conduct that contains the elements of any offense listed~~
26 ~~in Subsection (a), and may be expelled if the student~~] engages in

27 conduct that contains the elements of any offense listed in

1 Subdivision (2)(C) [~~Subsection (b)(2)(C)~~], against any employee or
2 volunteer in retaliation for or as a result of the person's
3 employment or association with a school district, without regard to
4 whether the conduct occurs on or off of school property or while
5 attending a school-sponsored or school-related activity on or off
6 of school property;

7 (8) engages in conduct that contains the elements of
8 the offense of criminal mischief under Section 28.03, Penal Code,
9 if the conduct is punishable as a felony under that section; or

10 (9) engages in conduct described by Subsection (a)(1)
11 while:

12 (A) on school property of another district in
13 this state; or

14 (B) attending a school-sponsored or
15 school-related activity of a school in another district in this
16 state.

17 (c) A school district shall consider each factor listed
18 under Section 37.001(a)(4) before making a decision to expel a
19 student under Subsection (a) or (b).

20 (d) [~~(e)~~] In accordance with 20 U.S.C. Section 7151, a local
21 educational agency, including a school district, home-rule school
22 district, or open-enrollment charter school, shall expel a student
23 who brings a firearm, as defined by 18 U.S.C. Section 921, to
24 school. The student must be expelled from the student's regular
25 campus for a period of at least one year, except that:

26 (1) the superintendent or other chief administrative
27 officer of the school district or of the other local educational

1 agency, as defined by 20 U.S.C. Section 7801, may modify the length
2 of the expulsion in the case of an individual student;

3 (2) the district or other local educational agency
4 shall provide educational services to an expelled student in a
5 disciplinary alternative education program as provided by Section
6 37.008 if the student is younger than 10 years of age on the date of
7 expulsion; and

8 (3) the district or other local educational agency may
9 provide educational services to an expelled student who is 10 years
10 of age or older in a disciplinary alternative education program as
11 provided in Section 37.008.

12 (e) [~~(f)~~] A student who engages in conduct described by
13 Subsection (b)(8) [~~that contains the elements of the offense of~~
14 ~~criminal mischief under Section 28.03, Penal Code, may be expelled~~
15 ~~at the district's discretion if the conduct is punishable as a~~
16 ~~felony under that section. The student]~~ shall be referred to the
17 authorized officer of the juvenile court regardless of whether the
18 student is expelled under Subsection (b).

19 (f) [~~(g)~~] In addition to any notice required under Article
20 15.27, Code of Criminal Procedure, a school district shall inform
21 each educator who has responsibility for, or is under the direction
22 and supervision of an educator who has responsibility for, the
23 instruction of a student who has engaged in any violation listed in
24 this section of the student's misconduct. Each educator shall keep
25 the information received under this subsection confidential from
26 any person not entitled to the information under this subsection,
27 except that the educator may share the information with the

1 student's parent or guardian as provided for by state or federal
2 law. The State Board for Educator Certification may revoke or
3 suspend the certification of an educator who intentionally violates
4 this subsection.

5 (g) [~~(h)~~] Subject to Subsection (d) [~~(e)~~], notwithstanding
6 any other provision of this section, a student who is younger than
7 10 years of age may not be expelled for engaging in conduct
8 described by this section.

9 (h) [~~(i)~~] ~~A student who engages in conduct described by~~
10 ~~Subsection (a) may be expelled from school by the district in which~~
11 ~~the student attends school if the student engages in that conduct.~~

12 [~~(1)~~ ~~on school property of another district in this~~
13 ~~state; or~~

14 [~~(2)~~ ~~while attending a school-sponsored or~~
15 ~~school-related activity of a school in another district in this~~
16 ~~state.~~

17 [~~(k)~~] A student may not be expelled solely on the basis of
18 the student's use, exhibition, or possession of a firearm that
19 occurs:

20 (1) at an approved target range facility that is not
21 located on a school campus; and

22 (2) while participating in or preparing for a
23 school-sponsored shooting sports competition or a shooting sports
24 educational activity that is sponsored or supported by the Parks
25 and Wildlife Department or a shooting sports sanctioning
26 organization working with the department.

27 (i) [~~(l)~~] Subsection (h) [~~(k)~~] does not authorize a student

1 to bring a firearm on school property to participate in or prepare
2 for a school-sponsored shooting sports competition or a shooting
3 sports educational activity described by that subsection.

4 SECTION 2. Section 37.001(e), Education Code, is amended to
5 read as follows:

6 (e) Except as provided by Section 37.007(d) [~~37.007(e)~~],
7 this subchapter does not require the student code of conduct to
8 specify a minimum term of a removal under Section 37.006 or an
9 expulsion under Section 37.007.

10 SECTION 3. Section 37.002(d), Education Code, is amended to
11 read as follows:

12 (d) A teacher shall remove from class and send to the
13 principal for placement in a disciplinary alternative education
14 program or for expulsion, as appropriate, a student who engages in
15 conduct described under Section 37.006 or 37.007. The student may
16 not be returned to that teacher's class without the teacher's
17 consent unless the committee established under Section 37.003
18 determines that such placement is the best or only alternative
19 available. If the teacher removed the student from class because
20 the student has engaged in the elements of any offense listed in
21 Section 37.006(a)(2)(B) or Section 37.007(a)(1)(B)(i)
22 [~~37.007(a)(2)(A)~~] or (b)(2)(C) against the teacher, the student may
23 not be returned to the teacher's class without the teacher's
24 consent. The teacher may not be coerced to consent.

25 SECTION 4. Section 37.0021(f), Education Code, is amended
26 to read as follows:

27 (f) For purposes of this subsection, "weapon" includes any

1 weapon described under Section 37.007(a)(1)(A) [~~37.007(a)(1)~~].
2 This section does not prevent a student's locked, unattended
3 confinement in an emergency situation while awaiting the arrival of
4 law enforcement personnel if:

- 5 (1) the student possesses a weapon; and
- 6 (2) the confinement is necessary to prevent the
7 student from causing bodily harm to the student or another person.

8 SECTION 5. Sections 37.006(b), (f), and (l), Education
9 Code, are amended to read as follows:

10 (b) Except as provided by Sections 37.007(a)(2) and (b)(7)
11 [~~Section 37.007(d)~~], a student shall be removed from class and
12 placed in a disciplinary alternative education program under
13 Section 37.008 if the student engages in conduct on or off of school
14 property that contains the elements of the offense of retaliation
15 under Section 36.06, Penal Code, against any school employee.

16 (f) Subject to Section 37.007(d) [~~37.007(e)~~], a student who
17 is younger than 10 years of age shall be removed from class and
18 placed in a disciplinary alternative education program under
19 Section 37.008 if the student engages in conduct described by
20 Section 37.007. An elementary school student may not be placed in a
21 disciplinary alternative education program with any other student
22 who is not an elementary school student.

23 (l) Notwithstanding any other provision of this code, other
24 than Section 37.007(d)(2) [~~37.007(e)(2)~~], a student who is younger
25 than six years of age may not be removed from class and placed in a
26 disciplinary alternative education program.

27 SECTION 6. Section 37.010(b), Education Code, is amended to

1 read as follows:

2 (b) If a student is expelled under Section 37.007(b)(6)
3 [~~37.007(e)~~], the board or its designee shall refer the student to
4 the authorized officer of the juvenile court for appropriate
5 proceedings under Title 3, Family Code.

6 SECTION 7. Sections 37.011(b), (h), (k), (l), and (p),
7 Education Code, are amended to read as follows:

8 (b) If a student admitted into the public schools of a
9 school district under Section 25.001(b) is expelled from school
10 [~~for conduct for which expulsion is required~~] under Section
11 37.007(a) or (d) [~~37.007(a), (d), or (e)~~], or for conduct that
12 contains the elements of the offense of terroristic threat as
13 described by Section 22.07(c-1), (d), or (e), Penal Code, the
14 juvenile court, the juvenile board, or the juvenile board's
15 designee, as appropriate, shall:

16 (1) if the student is placed on probation under
17 Section 54.04, Family Code, order the student to attend the
18 juvenile justice alternative education program in the county in
19 which the student resides from the date of disposition as a
20 condition of probation, unless the child is placed in a
21 post-adjudication treatment facility;

22 (2) if the student is placed on deferred prosecution
23 under Section 53.03, Family Code, by the court, prosecutor, or
24 probation department, require the student to immediately attend the
25 juvenile justice alternative education program in the county in
26 which the student resides for a period not to exceed six months as a
27 condition of the deferred prosecution;

1 (3) in determining the conditions of the deferred
2 prosecution or court-ordered probation, consider the length of the
3 school district's expulsion order for the student; and

4 (4) provide timely educational services to the student
5 in the juvenile justice alternative education program in the county
6 in which the student resides, regardless of the student's age or
7 whether the juvenile court has jurisdiction over the student.

8 (h) Academically, the mission of juvenile justice
9 alternative education programs shall be to enable students to
10 perform at grade level. For purposes of accountability under
11 Chapters 39 and 39A, a student enrolled in a juvenile justice
12 alternative education program is reported as if the student were
13 enrolled at the student's assigned campus in the student's
14 regularly assigned education program, including a special
15 education program. Annually the Texas Juvenile Justice Department,
16 with the agreement of the commissioner, shall develop and implement
17 a system of accountability consistent with Chapters 39 and 39A,
18 where appropriate, to assure that students make progress toward
19 grade level while attending a juvenile justice alternative
20 education program. The department shall adopt rules for the
21 distribution of funds appropriated under this section to juvenile
22 boards in counties required to establish juvenile justice
23 alternative education programs. Except as determined by the
24 commissioner, a student served by a juvenile justice alternative
25 education program on the basis of an expulsion [~~required~~] under
26 Section 37.007(a) or (d) [~~37.007(a), (d), or (e)~~] is not eligible
27 for Foundation School Program funding under Chapter 31 or 48 if the

1 juvenile justice alternative education program receives funding
2 from the department under this subchapter.

3 (k) Each school district in a county with a population
4 greater than 125,000 and the county juvenile board shall annually
5 enter into a joint memorandum of understanding that:

6 (1) outlines the responsibilities of the juvenile
7 board concerning the establishment and operation of a juvenile
8 justice alternative education program under this section;

9 (2) defines the amount and conditions on payments from
10 the school district to the juvenile board for students of the school
11 district served in the juvenile justice alternative education
12 program whose placement was not made on the basis of an expulsion
13 ~~[required]~~ under Section 37.007(a) or (d) ~~[37.007(a), (d), or (e)]~~;

14 (3) establishes that a student may be placed in the
15 juvenile justice alternative education program if the student
16 engages in any serious misbehavior described ~~[, as defined]~~ by
17 Section 37.007(b)(6) ~~[37.007(e)]~~;

18 (4) identifies and requires a timely placement and
19 specifies a term of placement for expelled students for whom the
20 school district has received a notice under Section 52.041(d),
21 Family Code;

22 (5) establishes services for the transitioning of
23 expelled students to the school district prior to the completion of
24 the student's placement in the juvenile justice alternative
25 education program;

26 (6) establishes a plan that provides transportation
27 services for students placed in the juvenile justice alternative

1 education program;

2 (7) establishes the circumstances and conditions
3 under which a juvenile may be allowed to remain in the juvenile
4 justice alternative education program setting once the juvenile is
5 no longer under juvenile court jurisdiction; and

6 (8) establishes a plan to address special education
7 services required by law.

8 (1) The school district shall be responsible for providing
9 an immediate educational program to students who engage in behavior
10 resulting in expulsion under Section 37.007(b) [~~and (f)~~] but who
11 are not eligible for admission into the juvenile justice
12 alternative education program in accordance with the memorandum of
13 understanding required under this section. The school district may
14 provide the program or the school district may contract with a
15 county juvenile board, a private provider, or one or more other
16 school districts to provide the program. The memorandum of
17 understanding shall address the circumstances under which such
18 students who continue to engage in any serious misbehavior
19 described [~~, as defined~~] by Section 37.007(b)(6) [~~37.007(c)~~] shall
20 be admitted into the juvenile justice alternative education
21 program.

22 (p) If a district elects to contract with the juvenile board
23 for placement in the juvenile justice alternative education program
24 of students expelled under Section 37.007(b) [~~, (c), and (f)~~] and
25 the juvenile board and district are unable to reach an agreement in
26 the memorandum of understanding, either party may request that the
27 issues of dispute be referred to a binding arbitration process that

1 uses a qualified alternative dispute resolution arbitrator in which
2 each party will pay its pro rata share of the arbitration costs.
3 Each party must submit its final proposal to the arbitrator. If the
4 parties cannot agree on an arbitrator, the juvenile board shall
5 select an arbitrator, the school districts shall select an
6 arbitrator, and those two arbitrators shall select an arbitrator
7 who will decide the issues in dispute. An arbitration decision
8 issued under this subsection is enforceable in a court in the county
9 in which the juvenile justice alternative education program is
10 located. Any decision by an arbitrator concerning the amount of the
11 funding for a student who is expelled and attending a juvenile
12 justice alternative education program must provide an amount
13 sufficient based on operation of the juvenile justice alternative
14 education program in accordance with this chapter. In determining
15 the amount to be paid by a school district for an expelled student
16 enrolled in a juvenile justice alternative education program, the
17 arbitrator shall consider the relevant factors, including evidence
18 of:

19 (1) the actual average total per student expenditure
20 in the district's alternative education setting;

21 (2) the expected per student cost in the juvenile
22 justice alternative education program as described and agreed on in
23 the memorandum of understanding and in compliance with this
24 chapter; and

25 (3) the costs necessary to achieve the accountability
26 goals under this chapter.

27 SECTION 8. Section [37.012\(a\)](#), Education Code, is amended to

1 read as follows:

2 (a) Subject to Section 37.011(n), the school district in
3 which a student is enrolled on the date the student is expelled [~~for~~
4 ~~conduct for which expulsion is permitted but not required~~] under
5 Section 37.007(b) [37.007] shall, if the student is served by the
6 juvenile justice alternative education program, provide funding to
7 the juvenile board for the portion of the school year for which the
8 juvenile justice alternative education program provides
9 educational services in an amount determined by the memorandum of
10 understanding under Section 37.011(k)(2).

11 SECTION 9. Section 37.015(a), Education Code, is amended to
12 read as follows:

13 (a) The principal of a public or private primary or
14 secondary school, or a person designated by the principal under
15 Subsection (d), shall notify any school district police department
16 and the police department of the municipality in which the school is
17 located or, if the school is not in a municipality, the sheriff of
18 the county in which the school is located if the principal has
19 reasonable grounds to believe that any of the following activities
20 occur in school, on school property, or at a school-sponsored or
21 school-related activity on or off school property, whether or not
22 the activity is investigated by school security officers:

23 (1) conduct that may constitute an offense listed
24 under Section 508.149, Government Code;

25 (2) deadly conduct under Section 22.05, Penal Code;

26 (3) a terroristic threat under Section 22.07, Penal
27 Code;

1 (4) the use, sale, or possession of a controlled
2 substance, drug paraphernalia, or marihuana under Chapter 481,
3 Health and Safety Code;

4 (5) the possession of any of the weapons or devices
5 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal
6 Code;

7 (6) conduct that may constitute a criminal offense
8 under Section 71.02, Penal Code; or

9 (7) conduct that may constitute a criminal offense for
10 which a student may be expelled under Section 37.007(a) or (d)
11 [~~37.007(a), (d), or (e)~~].

12 SECTION 10. Section 37.020(c), Education Code, is amended
13 to read as follows:

14 (c) For each expulsion under Section 37.007, the district
15 shall report:

16 (1) information identifying the student, including
17 the student's race, sex, and date of birth, that will enable the
18 agency to compare placement data with information collected through
19 other reports;

20 (2) information indicating whether the expulsion was
21 based on:

22 (A) conduct described by [~~for which expulsion is~~
23 ~~required under~~] Section 37.007(a) [~~37.007, including information~~
24 ~~specifically indicating whether a student was expelled on the basis~~
25 ~~of Section 37.007(e)~~]; [~~or~~]

26 (B) conduct described by [~~for which expulsion is~~
27 ~~permitted under~~] Section 37.007(b) [~~37.007~~]; or

- 1 (C) conduct described by Section 37.007(d);
2 (3) the number of full or partial days the student was
3 expelled;
4 (4) information indicating whether:
5 (A) the student was placed in a juvenile justice
6 alternative education program under Section 37.011;
7 (B) the student was placed in a disciplinary
8 alternative education program; or
9 (C) the student was not placed in a juvenile
10 justice or other disciplinary alternative education program; and
11 (5) the number of expulsions that were inconsistent
12 with the guidelines included in the student code of conduct under
13 Section 37.001(a)(5).

14 SECTION 11. Section 37.022(c), Education Code, is amended
15 to read as follows:

16 (c) Subject to Section 37.007(d) [~~37.007(e)~~], the district
17 or school in which the student enrolls may continue the
18 disciplinary action under the terms of the order or may allow the
19 student to attend regular classes without completing the period of
20 disciplinary action.

21 SECTION 12. Section 37.310, Education Code, is amended to
22 read as follows:

23 Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN
24 JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice
25 alternative education program is entitled to funding for a student
26 who is placed in the program under this subchapter in the same
27 manner as a juvenile justice alternative education program is

1 entitled to funding under Section 37.012 for a student who is
2 expelled and placed in a juvenile justice alternative education
3 program for conduct described by [~~for which expulsion is permitted~~
4 ~~but not required under~~] Section 37.007(b) [~~37.007~~].

5 SECTION 13. Section 51.03(b), Family Code, is amended to
6 read as follows:

7 (b) Conduct indicating a need for supervision is:

8 (1) subject to Subsection (f), conduct, other than a
9 traffic offense, that violates:

10 (A) the penal laws of this state of the grade of
11 misdemeanor that are punishable by fine only; or

12 (B) the penal ordinances of any political
13 subdivision of this state;

14 (2) the voluntary absence of a child from the child's
15 home without the consent of the child's parent or guardian for a
16 substantial length of time or without intent to return;

17 (3) conduct prohibited by city ordinance or by state
18 law involving the inhalation of the fumes or vapors of paint and
19 other protective coatings or glue and other adhesives and the
20 volatile chemicals itemized in Section 485.001, Health and Safety
21 Code;

22 (4) an act that violates a school district's
23 previously communicated written standards of student conduct for
24 which the child has been expelled under Section 37.007(b)(6)
25 [~~37.007(c)~~], Education Code;

26 (5) notwithstanding Subsection (a)(1), conduct
27 described by Section 43.02(a) or (b), Penal Code; or

1 (6) notwithstanding Subsection (a)(1), conduct that
2 violates Section [43.261](#), Penal Code.

3 SECTION 14. This Act applies beginning with the 2021-2022
4 school year.

5 SECTION 15. This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section [39](#), Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2021.