

Amend HB 114 (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike the recital to amended Section 37.006, Education Code (page 1, lines 27 through 29) and substitute "Section 37.006(a), Education Code, is amended to read as follows:".

(2) In SECTION 1 of the bill, in amended Section 37.006(a), Education Code (page 1, line 30), strike "A" and substitute "Subject to the requirements of Section 37.009(a), a [A]".

(3) In SECTION 1 of the bill, in amended Section 37.006(a)(2), Education Code (page 1, lines 44 through 52), strike Paragraphs (C) and (C-1) and substitute the following:

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) [~~marihuana or~~] a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq., excluding marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code; or

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

(C-1) possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code;

(C-2) possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code;

(4) In SECTION 1 of the bill, amending Section 37.006, Education Code (page 2, lines 6 through 17), strike Subsection (d-1).

(5) Strike SECTIONS 2 and 3 of the bill (page 2, lines 18 through 33), substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.007(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k) and subject to the

requirements of Section 37.009(a), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code; or

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

SECTION _____. Section 37.008(k), Education Code, is amended to read as follows:

(k) A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs, e-cigarettes, or alcohol as specified under Section

37.006 or 37.007. A disciplinary alternative education program that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

SECTION _____. Section 37.009, Education Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.006(a)(2)(C-1), (C-2), (D), or (E), the student shall be:

(1) placed in in-school suspension; and

(2) if a position becomes available in the program before the expiration of the period of the placement, transferred to the program for the remainder of the period.

(a-2) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.007 that constitutes violent conduct, as defined by commissioner rule, a student who has been placed in the program for conduct described under Section 37.006(a)(2)(C-1), (C-2), (D), or (E):

(1) may be removed from the program and placed in in-school suspension to make a position in the program available for the student who engaged in violent conduct; and

(2) if removed from the program under Subdivision (1) and a position in the program becomes available before the expiration of the period of the placement, shall be returned to the program for the remainder of the period.