88R3168 MEW-F

By:  VanDeaver H.B. No. 1066

A BILL TO BE ENTITLED

AN ACT

relating to a psychological assessment of homicidal risk of a public school student following the student's expulsion or placement in a disciplinary alternative education program for certain conduct.

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

SECTION 1.  Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.025 to read as follows:

Sec. 37.025.  PSYCHOLOGICAL ASSESSMENT OF HOMICIDAL RISK REQUIRED FOR CERTAIN STUDENTS TO RETURN TO REGULAR CLASSROOM OR CAMPUS. (a) This section applies to a student who was expelled or placed in a disciplinary alternative education program for:

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

(2)  engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.

(b)  Not later than the seventh day before the proposed date of the transition of a student described by Subsection (a) to a regular classroom or campus, the school district shall require the student to undergo a psychological assessment of homicidal risk. The assessment must be conducted by a psychologist, and the results of the assessment must be provided to the district.

(c)  Not later than the third day after the date on which a school district receives the results of a student's psychological assessment of homicidal risk under Subsection (b), the campus behavior coordinator or other appropriate administrator at the student's assigned campus shall schedule a conference among the campus behavior coordinator or other appropriate administrator, the student, the student's parent or person standing in parental relation to the student, and the psychologist who conducted the assessment. At the conference, the student is entitled to a written copy of the results of the student's assessment and an opportunity to respond to those results. The student may not be returned to a regular classroom or campus pending the conference.

(d)  Following a conference under Subsection (c), the campus behavior coordinator or other appropriate administrator shall determine whether, based on the results of the student's assessment and information provided at the conference, the student's presence in a regular classroom or at a regular campus would pose a risk because the student's presence would:

(1)  threaten the safety of other students or district employees; or

(2)  be detrimental to the educational process.

(e)  If the campus behavior coordinator or other appropriate administrator makes a determination that a student's presence in a regular classroom or at a regular campus would pose a risk under Subsection (d), the student may not be returned to a regular classroom or campus.

(f)  If school district policy allows a student to appeal to the board of trustees or the board's designee a determination of the campus behavior coordinator or other appropriate administrator under Subsection (d), the decision of the board or the board's designee is final and may not be appealed.

(g)  Not later than the 45th day after the date a campus behavior coordinator or other appropriate administrator makes a determination described by Subsection (e) regarding a student, the school district in which the student resides shall require the student to undergo another psychological assessment of homicidal risk in accordance with this section.

(h)  A psychological assessment of homicidal risk conducted under this section shall be provided to a student at no cost to the student or the student's parent or person standing in parental relation to the student.

(i)  The commissioner shall adopt rules necessary to implement this section.

SECTION 2.  This Act applies beginning with the 2023-2024 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.