

By: Perry, Sparks

S.B. No. 1872

A BILL TO BE ENTITLED

AN ACT

relating to the expulsion of a public school student for engaging in conduct that constitutes certain offenses.

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

SECTION 1. Sections 37.007(a) and (b), Education Code, are 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), if the conduct is punishable as a felony; or

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

(b) A student may be expelled if the student:

(1) engages 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;

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

activity on or off of school property:

(A) except as provided by Subsection (a)(3),
sells, gives, or delivers to another person or possesses, uses, or
is under the influence of any amount 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.;

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

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

(B) engages in conduct that contains the elements
of an offense relating to an abusable volatile chemical under
Sections 485.031 through 485.034, Health and Safety Code; or

~~(C) [engages in conduct that contains the
elements of an offense under Section 22.01(a)(1), Penal Code,
against a school district employee or a volunteer as defined by
Section 22.053, or~~

~~[(D)]~~ engages in conduct that contains the
elements of the offense of deadly conduct under Section 22.05,
Penal Code;

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

~~[(A) engages in conduct specified by Subsection
(a), or~~

~~[(B)]~~ possesses a firearm, as defined by 18

U.S.C. Section 921;

~~[(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property,] or~~

(4) ~~[(5)]~~ engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:

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

(B) the student knowingly:

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

(ii) commits a breach of any other computer, computer network, or computer system.

SECTION 2. Section 37.002(d), Education Code, is amended to read as follows:

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative

1 available. If the teacher removed the student from class because
2 the student has engaged in the elements of any offense listed in
3 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (a)(4)
4 [~~(b)(2)(C)~~] against the teacher, the student may not be returned to
5 the teacher's class without the teacher's consent. The teacher may
6 not be coerced to consent.

7 SECTION 3. Sections 37.006(a) and (b), Education Code, are
8 amended to read as follows:

9 (a) Subject to the requirements of Section 37.009(a), a
10 student shall be removed from class and placed in a disciplinary
11 alternative education program as provided by Section 37.008 if the
12 student:

13 (1) engages in conduct involving a public school that
14 contains the elements of the offense of false alarm or report under
15 Section 42.06, Penal Code, or terroristic threat under Section
16 22.07, Penal Code; or

17 (2) commits the following on or within 300 feet of
18 school property, as measured from any point on the school's real
19 property boundary line, or while attending a school-sponsored or
20 school-related activity on or off of school property:

21 (A) engages in conduct punishable as a felony;

22 (B) engages in conduct that contains the elements
23 of the offense of assault under Section 22.01(a)(1), Penal Code;

24 (C) except as provided by Section 37.007(a)(3),
25 sells, gives, or delivers to another person or possesses or uses or
26 is under the influence of:

27 (i) 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;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code; or

(G) engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1), (2), (3),

or (7), Penal Code, against an employee of the school district.

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

SECTION 4. Sections 37.011(b), (h), and (k), Education Code, are amended to read as follows:

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a) [~~7~~ ~~(d)~~] or (e), or for conduct that contains the elements of the offense of terroristic threat as described by Section 22.07(c-1), (d), or (e), Penal Code, the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

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

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

1 condition of the deferred prosecution;

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

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

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

1 School Program funding under Chapter 31 or 48 if the juvenile
2 justice alternative education program receives funding from the
3 department under this subchapter.

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

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

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

15 (3) establishes that a student may be placed in the
16 juvenile justice alternative education program if the student
17 engages in serious misbehavior, as defined by Section 37.007(c);

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 SECTION 5. Section 37.015(a), Education Code, is amended to
9 read as follows:

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

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

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

23 (3) a terroristic threat under Section 22.07, Penal
24 Code;

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

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

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

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

9 SECTION 6. Sections 37.007(d) and (i), Education Code, are
10 repealed.

11 SECTION 7. This Act applies beginning with the 2025-2026
12 school year.

13 SECTION 8. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2025.