

By: Zaffirini

S.B. No. 2220

A BILL TO BE ENTITLED

AN ACT

relating to the removal of a student from public school for the possession, use, or delivery of e-cigarettes on or near public school property or at certain school events.

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

SECTION 1. Section 37.001, Education Code, is amended by amending Subsection (a) to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by

Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history;

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(E) a student's status in the conservatorship of the Department of Family and Protective Services; or

(F) a student's status as a student who is homeless;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit

1 lists and ensure that district employees enforce those  
2 prohibitions;

3 (8) provide, as appropriate for students at each grade  
4 level, methods, including options, for:

5 (A) managing students in the classroom, on school  
6 grounds, and on a vehicle owned or operated by the district;

7 (B) disciplining students; ~~and~~

8 (C) preventing and intervening in student  
9 discipline problems, including bullying, harassment, and making  
10 hit lists; and

11 (D) preventing and intervening in the  
12 possession, use, sale, giving, or delivery of e-cigarettes, as  
13 defined by Section 161.001, Health and Safety Code, by students;  
14 and

15 (9) include an explanation of the provisions regarding  
16 refusal of entry to or ejection from district property under  
17 Section 37.105, including the appeal process established under  
18 Section 37.105(h).

19 SECTION 2. Section 37.006, Education Code, is amended by  
20 amending Subsection (a) to read as follows:

21 (a) Subject to the requirements of Section 37.009(a), a  
22 student shall be removed from class and placed in a disciplinary  
23 alternative education program as provided by Section 37.008 if the  
24 student:

25 (1) engages in conduct involving a public school that  
26 contains the elements of the offense of false alarm or report under  
27 Section 42.06, Penal Code, or terroristic threat under Section

1 22.07, Penal Code; or

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

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

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

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

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

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

18 (C-1) possesses, uses, or is under the influence  
19 of, or sells, gives, or delivers to another person marihuana, as  
20 defined by Section 481.002, Health and Safety Code, or  
21 tetrahydrocannabinol, as defined by rule adopted under Section  
22 481.003 of that code;

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

26 (D) sells, gives, or delivers to another person  
27 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.

SECTION 3. Section 38.006, Education Code, is amended by adding Subsection (c) to read as follows:

(c) If a school administrator, school resource officer, or school district peace officer observes the use or possession of an e-cigarette by a student on school property or at a school-related or school-sanctioned activity on or off school property, the administrator or officer may:

(1) confiscate and dispose of the e-cigarette; and

(2) notify the appropriate local law enforcement agency of the student's conduct constituting an offense under Section 161.252, Health and Safety Code, or Section 48.01, Penal Code.

SECTION 4. This Act applies beginning with the 2025-2026 school year.

SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2025.