

1-1 By: Menéndez S.B. No. 1553
 1-2 (In the Senate - Filed March 8, 2017; March 21, 2017, read
 1-3 first time and referred to Committee on Education; May 9, 2017,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 11, Nays 0; May 9, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1553 By: Uresti

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the refusal of entry to or ejection from school district
 1-23 property.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 37.001(a), Education Code, as amended by
 1-26 Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd
 1-27 Legislature, Regular Session, 2013, is reenacted and amended to
 1-28 read as follows:

1-29 (a) The board of trustees of an independent school district
 1-30 shall, with the advice of its district-level committee established
 1-31 under Subchapter F, Chapter 11, adopt a student code of conduct for
 1-32 the district. The student code of conduct must be posted and
 1-33 prominently displayed at each school campus or made available for
 1-34 review at the office of the campus principal. In addition to
 1-35 establishing standards for student conduct, the student code of
 1-36 conduct must:

1-37 (1) specify the circumstances, in accordance with this
 1-38 subchapter, under which a student may be removed from a classroom,
 1-39 campus, disciplinary alternative education program, or vehicle
 1-40 owned or operated by the district;

1-41 (2) specify conditions that authorize or require a
 1-42 principal or other appropriate administrator to transfer a student
 1-43 to a disciplinary alternative education program;

1-44 (3) outline conditions under which a student may be
 1-45 suspended as provided by Section 37.005 or expelled as provided by
 1-46 Section 37.007;

1-47 (4) specify that consideration will be given, as a
 1-48 factor in each decision concerning suspension, removal to a
 1-49 disciplinary alternative education program, expulsion, or
 1-50 placement in a juvenile justice alternative education program,
 1-51 regardless of whether the decision concerns a mandatory or
 1-52 discretionary action, to:

1-53 (A) self-defense;

1-54 (B) intent or lack of intent at the time the
 1-55 student engaged in the conduct;

1-56 (C) a student's disciplinary history; or

1-57 (D) a disability that substantially impairs the
 1-58 student's capacity to appreciate the wrongfulness of the student's
 1-59 conduct;

1-60 (5) provide guidelines for setting the length of a

2-1 term of:

2-2 (A) a removal under Section 37.006; and

2-3 (B) an expulsion under Section 37.007;

2-4 (6) address the notification of a student's parent or

2-5 guardian of a violation of the student code of conduct committed by

2-6 the student that results in suspension, removal to a disciplinary

2-7 alternative education program, or expulsion;

2-8 (7) prohibit bullying, harassment, and making hit

2-9 lists and ensure that district employees enforce those

2-10 prohibitions; ~~and~~

2-11 (8) provide, as appropriate for students at each grade

2-12 level, methods, including options, for:

2-13 (A) managing students in the classroom, on school

2-14 grounds, and on a vehicle owned or operated by the district;

2-15 (B) disciplining students; and

2-16 (C) preventing and intervening in student

2-17 discipline problems, including bullying, harassment, and making

2-18 hit lists; and

2-19 (9) include an explanation of the provisions regarding

2-20 refusal of entry to or ejection from district property under

2-21 Section 37.105, including the appeal process established under

2-22 Section 37.105(h).

2-23 SECTION 2. Section 37.105, Education Code, is amended to

2-24 read as follows:

2-25 Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY,

2-26 EJECTION, IDENTIFICATION. (a) A school administrator, school

2-27 resource officer, or school district peace officer ~~[The board of~~

2-28 ~~trustees]~~ of a school district ~~[or its authorized representative]~~

2-29 may refuse to allow a person ~~[without legitimate business]~~ to enter

2-30 on or ~~[property under the board's control and]~~ may eject a ~~[any~~

2-31 ~~undesirable]~~ person from ~~[the]~~ property under the district's

2-32 control if the person refuses ~~[on the person's refusal]~~ to leave

2-33 peaceably on request and:

2-34 (1) the person poses a substantial risk of harm to any

2-35 person; or

2-36 (2) the person behaves in a manner that is

2-37 inappropriate for a school setting and:

2-38 (A) the administrator, resource officer, or

2-39 peace officer issues a verbal warning to the person that the

2-40 person's behavior is inappropriate and may result in the person's

2-41 refusal of entry or ejection; and

2-42 (B) the person persists in that behavior.

2-43 (b) Identification may be required of any person on the

2-44 property.

2-45 (c) Each school district shall maintain a record of each

2-46 verbal warning issued under Subsection (a)(2)(A), including the

2-47 name of the person to whom the warning was issued and the date of

2-48 issuance.

2-49 (d) At the time a person is refused entry to or ejected from

2-50 a school district's property under this section, the district shall

2-51 provide to the person written information explaining the appeal

2-52 process established under Subsection (h).

2-53 (e) If a parent or guardian of a child enrolled in a school

2-54 district is refused entry to the district's property under this

2-55 section, the district shall accommodate the parent or guardian to

2-56 ensure that the parent or guardian may participate in the child's

2-57 admission, review, and dismissal committee or in the child's team

2-58 established under Section 504, Rehabilitation Act of 1973 (29

2-59 U.S.C. Section 794), in accordance with federal law.

2-60 (f) The term of a person's refusal of entry to or ejection

2-61 from a school district's property under this section may not exceed

2-62 two years.

2-63 (g) A school district shall post on the district's Internet

2-64 website and each district campus shall post on any Internet website

2-65 of the campus a notice regarding the provisions of this section,

2-66 including the appeal process established under Subsection (h).

2-67 (h) The commissioner shall adopt rules to implement this

2-68 section, including rules establishing a process for a person to

2-69 appeal to the board of trustees of the school district the decision

3-1 under Subsection (a) to refuse the person's entry to or eject the
3-2 person from the district's property.

3-3 SECTION 3. This Act applies beginning with the 2017-2018
3-4 school year.

3-5 SECTION 4. This Act takes effect immediately if it receives
3-6 a vote of two-thirds of all the members elected to each house, as
3-7 provided by Section 39, Article III, Texas Constitution. If this
3-8 Act does not receive the vote necessary for immediate effect, this
3-9 Act takes effect September 1, 2017.

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