

1-1 By: White, Wu (Senate Sponsor - West) H.B. No. 811
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on
 1-4 Administration; May 3, 2019, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 3, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to determining appropriate disciplinary action to be taken
 1-18 against a public school student who is in foster care or who is
 1-19 homeless.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 37.001(a), Education Code, is amended to
 1-22 read as follows:

1-23 (a) The board of trustees of an independent school district
 1-24 shall, with the advice of its district-level committee established
 1-25 under Subchapter F, Chapter 11, adopt a student code of conduct for
 1-26 the district. The student code of conduct must be posted and
 1-27 prominently displayed at each school campus or made available for
 1-28 review at the office of the campus principal. In addition to
 1-29 establishing standards for student conduct, the student code of
 1-30 conduct must:

1-31 (1) specify the circumstances, in accordance with this
 1-32 subchapter, under which a student may be removed from a classroom,
 1-33 campus, disciplinary alternative education program, or vehicle
 1-34 owned or operated by the district;

1-35 (2) specify conditions that authorize or require a
 1-36 principal or other appropriate administrator to transfer a student
 1-37 to a disciplinary alternative education program;

1-38 (3) outline conditions under which a student may be
 1-39 suspended as provided by Section 37.005 or expelled as provided by
 1-40 Section 37.007;

1-41 (4) specify that consideration will be given, as a
 1-42 factor in each decision concerning suspension, removal to a
 1-43 disciplinary alternative education program, expulsion, or
 1-44 placement in a juvenile justice alternative education program,
 1-45 regardless of whether the decision concerns a mandatory or
 1-46 discretionary action, to:

1-47 (A) self-defense;

1-48 (B) intent or lack of intent at the time the
 1-49 student engaged in the conduct;

1-50 (C) a student's disciplinary history; ~~or~~

1-51 (D) a disability that substantially impairs the
 1-52 student's capacity to appreciate the wrongfulness of the student's
 1-53 conduct;

1-54 (E) a student's status in the conservatorship of
 1-55 the Department of Family and Protective Services; or

1-56 (F) a student's status as a student who is
 1-57 homeless;

1-58 (5) provide guidelines for setting the length of a
 1-59 term of:

1-60 (A) a removal under Section 37.006; and

1-61 (B) an expulsion under Section 37.007;

2-1 (6) address the notification of a student's parent or
2-2 guardian of a violation of the student code of conduct committed by
2-3 the student that results in suspension, removal to a disciplinary
2-4 alternative education program, or expulsion;

2-5 (7) prohibit bullying, harassment, and making hit
2-6 lists and ensure that district employees enforce those
2-7 prohibitions;

2-8 (8) provide, as appropriate for students at each grade
2-9 level, methods, including options, for:

2-10 (A) managing students in the classroom, on school
2-11 grounds, and on a vehicle owned or operated by the district;

2-12 (B) disciplining students; and

2-13 (C) preventing and intervening in student
2-14 discipline problems, including bullying, harassment, and making
2-15 hit lists; and

2-16 (9) include an explanation of the provisions regarding
2-17 refusal of entry to or ejection from district property under
2-18 Section 37.105, including the appeal process established under
2-19 Section 37.105(h).

2-20 SECTION 2. Section 37.001(b), Education Code, is amended by
2-21 adding Subdivision (4) to read as follows:

2-22 (4) "Student who is homeless" has the meaning assigned
2-23 to the term "homeless children and youths" under 42 U.S.C. Section
2-24 11434a.

2-25 SECTION 3. This Act applies beginning with the 2019-2020
2-26 school year.

2-27 SECTION 4. This Act takes effect immediately if it receives
2-28 a vote of two-thirds of all the members elected to each house, as
2-29 provided by Section 39, Article III, Texas Constitution. If this
2-30 Act does not receive the vote necessary for immediate effect, this
2-31 Act takes effect September 1, 2019.

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