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AN ACT

relating to the suspension, removal, or expulsion of a public school student and notice to educators of the student's misconduct.

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

SECTION 1. Section 37.001, Education Code, is amended by amending Subsection (a) and adding Subsection (e) 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, or disciplinary alternative education program;

(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;

1 (4) specify whether consideration is given, [~~to~~
2 ~~self-defense~~] as a factor in a decision to order suspension,
3 removal to a disciplinary alternative education program, or
4 expulsion, to:

5 (A) self-defense;

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

8 (C) a student's disciplinary history; or

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

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

14 (A) a removal under Section 37.006; and

15 (B) an expulsion under Section 37.007; and

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

20 (e) Except as provided by Section 37.007(e), this
21 subchapter does not require the student code of conduct to specify a
22 minimum term of a removal under Section 37.006 or an expulsion under
23 Section 37.007.

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

26 (d) A teacher shall remove from class and send to the
27 principal for placement in a disciplinary alternative education

1 program or for expulsion, as appropriate, a student who engages in
2 conduct described under Section 37.006 or 37.007. The student may
3 not be returned to that teacher's class without the teacher's
4 consent unless the committee established under Section 37.003
5 determines that such placement is the best or only alternative
6 available. If the teacher removed the student from class because
7 the student has engaged in the elements of any offense listed in
8 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C)
9 against the teacher, the student may not be returned to the
10 teacher's class without the teacher's consent. The teacher may not
11 be coerced to consent.

12 SECTION 3. Section 37.006, Education Code, is amended by
13 adding Subsection (o) to read as follows:

14 (o) In addition to any notice required under Article 15.27,
15 Code of Criminal Procedure, a principal or a principal's designee
16 shall inform each educator who has responsibility for, or is under
17 the direction and supervision of an educator who has responsibility
18 for, the instruction of a student who has engaged in any violation
19 listed in this section of the student's misconduct. Each educator
20 shall keep the information received under this subsection
21 confidential from any person not entitled to the information under
22 this subsection, except that the educator may share the information
23 with the student's parent or guardian as provided for by state or
24 federal law. The State Board for Educator Certification may revoke
25 or suspend the certification of an educator who intentionally
26 violates this subsection.

27 SECTION 4. Section 37.007(g), Education Code, is amended to

1 read as follows:

2 (g) In addition to any notice required under Article 15.27,
3 Code of Criminal Procedure, a [A] school district shall inform each
4 educator who has responsibility for, or is under the direction and
5 supervision of an educator who has responsibility for, the
6 instruction [~~teacher who has regular contact with a student through~~
7 ~~a classroom assignment of the conduct~~] of a student who has engaged
8 in any violation listed in this section of the student's
9 misconduct. Each educator [A teacher] shall keep the information
10 received under [~~in~~] this subsection confidential from any person
11 not entitled to the information under this subsection, except that
12 the educator may share the information with the student's parent or
13 guardian as provided for by state or federal law. The State Board
14 for Educator Certification may revoke or suspend the certification
15 of an educator [~~a teacher~~] who intentionally violates this
16 subsection.

17 SECTION 5. Section 37.008(j), Education Code, is amended to
18 read as follows:

19 (j) If a student placed in a disciplinary alternative
20 education program enrolls in another school district before the
21 expiration of the period of placement, the board of trustees of the
22 district requiring the placement shall provide to the district in
23 which the student enrolls, at the same time other records of the
24 student are provided, a copy of the placement order. The district
25 in which the student enrolls shall inform each educator who will
26 have responsibility for, or will be under the direction and
27 supervision of an educator who will have responsibility for, the

1 instruction of the student of the contents of the placement order.
2 Each educator shall keep the information received under this
3 subsection confidential from any person not entitled to the
4 information under this subsection, except that the educator may
5 share the information with the student's parent or guardian as
6 provided for by state or federal law. The district in which the
7 student enrolls may continue the disciplinary alternative
8 education program placement under the terms of the order or may
9 allow the student to attend regular classes without completing the
10 period of placement. A district may take any action permitted by
11 this subsection if:

12 (1) the student was placed in a disciplinary
13 alternative education program by an open-enrollment charter school
14 under Section 12.131 and the charter school provides to the
15 district a copy of the placement order; or

16 (2) the student was placed in a disciplinary
17 alternative education program by a school district in another state
18 and:

19 (A) the out-of-state district provides to the
20 district a copy of the placement order; and

21 (B) the grounds for the placement by the
22 out-of-state district are grounds for placement in the district in
23 which the student is enrolling.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2005.

David Bushurst

President of the Senate

Jim Cudde

Speaker of the House

I certify that H.B. No. 603 was passed by the House on April 27, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 603 on May 27, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 603 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Spaw

Secretary of the Senate

APPROVED: 17 JUNE '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

Roger Williams
Secretary of State