

BILL ANALYSIS

Senate Research Center

S.B. 133
By: Bivins
Education
2-23-97
As Filed

DIGEST

Currently, Texas law requires a school district to remove a student to the alternative education program if the student engages in conduct punishable as a felony. In practice this has occasionally required school administrators to act as criminal investigators and grand juries. This bill amends current law to require school administrators to remove a student only if the student is charged with a felony. In addition, S.B. 133 requires school administrators to act only upon notice that the student has been arrested or taken into custody, and allows school districts the discretion to remove students for non-violent felonies. This bill amends current law to match the offense for which law enforcement must notify school district officials to the offense for which school district officials may take action to remove the student. S.B. 133 also removes a terrorist threat from the list of mandatory student removal offenses under current law.

PURPOSE

As proposed, S.B. 133 amends current law to require the removal of a student from school in the event the student is charged with an offense punishable as a felony, commits a specified offense, or engages in certain conduct, and the placement of the student in an alternative education program.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.006, Education Code, to require a student to be removed from class and placed in an alternative education program as provided by Section 37.008 if the student is charged with an offense punishable as a felony, or commits certain drug related offenses on school property or while attending a school-sponsored or school-related activity on or off of school property, except as provided by Subsection (c) and Section 37.007(a)(3). Deletes existing text. Authorizes the removal of a student from class and the placement of the student in an alternative education program under Section 37.008 provided that certain conditions are met. Makes conforming changes.

SECTION 2. Amends Article 15.27(h), Code of Criminal Procedure, to provide that this article applies to an individual who engages in conduct that is a felony or who engages in certain activities including the issuance of a terroristic threat; the sale or use of controlled substances, alcoholic beverages, or abusable glue or aerosol paint; or conduct that contains elements of an offense of public lewdness or indecent exposure. Makes conforming changes.

SECTION 3. Provides that this Act applies beginning with the 1997-1998 school year.

SECTION 4. Emergency clause.
 Effective date: upon passage.