

BILL ANALYSIS

Senate Research Center

C.S.S.B. 133
By: Bivins
Education
3-19-97
Committee Report (Substituted)

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 on school property or while attending a school-sponsored or school-related activity on or off school property. This bill amends current law to require school administrators to remove a student if the student commits certain offenses or engages in certain conduct not only on school property or while at school-sponsored or school-related activities, but also within 300 feet of school property. In addition, C.S.S.B. 133 sets forth additional grounds under which a student is required to be removed from class and placed in an alternative education program, as well as guidelines regarding the decision of a superintendent to remove a student and place the student in such a program.

PURPOSE

As proposed, C.S.S.B. 133 requires the removal of a student from school and the placement of the student in an alternative education program in the event the student commits certain offenses or engages in certain conduct. In addition, this bill sets forth additional guidelines regarding the removal of a student from class 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 commits certain acts or engages in certain behavior on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property, Deletes text regarding a student who engages in conduct punishable as a felony. Requires a student to be removed and placed in an alternative education program under Section 37.008 under certain conditions. Authorizes the removal of a student from class and the placement of the student in an alternative education program under certain conditions. Authorizes the superintendent or the superintendent's designee, in determining whether there is reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, to consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure. Makes conforming changes.

SECTION 2. Amends Articles 15.27(a), (c), and (h), Code of Criminal Procedure, to require a law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile court, rather than a law enforcement agency that arrests or takes into custody an individual as provided by Chapter 52, Family Code, who the agency knows or believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h), to orally notify the superintendent or a person designated by the superintended in the school district in which the student is enrolled or believed to be enrolled of that arrest or referral, rather than detention, within 24 hours after the referral is made, or on the next school day. Deletes provision requiring the superintendent to promptly notify all instructional and support personnel who have regular contact with the student. Requires all personnel to keep the information received in this subsection confidential. Requires the oral and written notice to contain sufficient details of the referral or arrest and the acts allegedly

committed by the student to enable the superintendent or the superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. Authorizes the information contained in the notice to be considered by the superintendent or the superintendent's designee in making such a determination. Deletes language requirements regarding the written notification. Provides that this article applies to any felony offense. Deletes provisions requiring the application of this article to certain offenses and conduct. Makes nonsubstantive and conforming changes.

SECTION 3. Repealer: Article 15.27(g), Code of Criminal Conduct (Notification to Schools Required).

SECTION 4. Amends Article 15.27(d)(1), Code of Criminal Conduct, to require a law enforcement agency that arrests, or refers to a juvenile court under Chapter 52, Family Code, an individual who the law enforcement agency knows or believes is enrolled as a student in a private primary or secondary school, to make the oral and written notifications described by Subsection (a) to this principal or a school employee designated by the principal of the school in which the student is enrolled. Makes nonsubstantive and conforming changes.

SECTION 5. Provides that this Act applies beginning with the 1997-1998 school year.

SECTION 6. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 37.006, Education Code, to remove a proposed exception; and to require a student to be removed from class and placed in an alternative education program if the student commits a certain offense rather than requiring a student who is charged with a certain offense to be removed. Requires the student to be removed and placed in the program if an offense is committed within 300 feet of school property, as measured from any point on the school's real property boundary line. Removes the proposed deletion regarding a terroristic threat. Removes proposed Subsection (c) and adds new provisions. Adds Subsections (d) and (e) and rennumbers proposed Subsection (d) as (f).

SECTION 2.

Amends Articles 15.27(a), (c), and (h), Code of Criminal Procedure. Provides that this article applies to any felony offense, rather than to an individual who engages in conduct that is a felony or who engages in certain other conduct. Removes proposed provisions regarding conduct related to certain offenses.

SECTION 3.

Sets forth a repealer. Redesignates proposed SECTION 3 as SECTION 5.

SECTION 4.

Amends Article 15.27(d)(1), Code of Criminal Procedure. Redesignates proposed SECTION 4 as SECTION 6.