

BILL ANALYSIS

Senate Research Center
78R10532 CAS-D

C.S.S.B. 596
By: Lindsay
Education
5/5/2003
Committee Report (Substituted)
(REVISED)

DIGEST AND PURPOSE

Current school district “zero tolerance” policies do not give administrators flexibility in certain circumstances. C.S.S.B. 596 provides that the student code of conduct is not required to specify any particular minimum term of an alternative education placement or of an expulsion. This bill also prohibits a school district from punishing a student based on conduct that contains the elements of an offense under the Penal Code unless certain persons review the conduct and determine that the student had the culpable mental state required for that offense under the Penal Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.001, Education Code, by adding Subsection (d), to provide that this subchapter does not require the student code of conduct to specify any particular minimum term of an alternative education placement under Section 37.006 or of an expulsion under Section 37.007, except as provided by Section 37.007(e).

SECTION 2. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0011, as follows:

Sec. 37.0011. CULPABLE MENTAL STATE REQUIRED. Prohibits a school district from punishing a student under this subchapter based on conduct that contains the elements of an offense under the Penal Code unless the principal, board of trustees, or other person authorized under Section 37.009 to review the conduct determines that the student had the culpable mental state required for that offense under the Penal Code.

SECTION 3. Amends Section 37.007(a), to provide that Subsection (e) is an exception to requiring a student to be expelled from a school if the student intentionally, knowingly, or recklessly uses certain illegal items or engages in certain illegal activities, on school property or while attending a school-sponsored or school-related activity on or off of school property.

SECTION 4. (a) Makes application of Section 37.0011, Education Code, as added by this Act, prospective.

(b) Makes application of Section 37.007(a), Education Code, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.