

BILL ANALYSIS

Senate Research Center
82R1908 CAE-D

S.B. 217
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, school districts are not able to expel students who engage in conduct involving school-owned computers, computer networks, and computer systems. School districts may only discipline this type of conduct through the removal of the student to a Disciplinary Alternative Education Program (DAEP) even though this is a serious violation of district security.

S.B. 217 would amend Section 37.007 (Expulsion for Serious Offenses), Education Code, to permit school districts to expel a student if the offense qualifies as an offense as defined in Section 33.02 (Breach of Computer Security), Penal Code, relating to breach of computer security.

Section 33.02, Penal Code, makes it a crime to knowingly access a computer, computer network, or computer system without the effective consent of the owner. S.B. 217 would add this offense to the other offenses listed as permissive expellable offenses in Chapter 37, Education Code.

As proposed, S.B. 217 amends current law relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.

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 37.007(b), Education Code, to authorize a student expulsion if the student, among other acts, engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02 (Breach of Computer Security), Penal Code, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2011.