

BILL ANALYSIS

Senate Research Center
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S.B. 718
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 718 seeks to avoid placing students in the juvenile justice system for non-criminal behavior by requiring that misbehavior meet both "serious and persistent" criteria rather than "serious or persistent" in order to expel a student or place a student in a Disciplinary Alternative Education Program (DEAP) for a period extending beyond the school year.

Under current law, students can be expelled for a range of offenses. While most offenses that result in mandatory and discretionary expulsions are defined in Chapter 37 (Discipline; Law and Order), Education Code, through Penal Code references, students may receive a discretionary expulsion for "serious or persistent misbehavior" while in a DAEP. According to the Texas Education Agency, approximately three-fourths of students expelled in the 2009-2010 school year, nearly one-half of expulsions from a DAEP were on the basis of "serious or persistent misbehavior." However, "serious or persistent misbehavior" has no statutory definition. Therefore, expulsion on these grounds has resulted in the same severe punishment being given for committing an offense as are those that are given for various misdemeanors.

As proposed, S.B. 718 amends current law relating to disciplinary action taken against public school students on the basis of serious and persistent misbehavior.

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(c), Education Code, to authorize a student to be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious and, rather than or, persistent misbehavior that violates the district's student code of conduct.

SECTION 2. Amends Section 37.009(c), Education Code, as follows:

(c) Requires the board of trustees (board) or the board's designee, before it is authorized to place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, to determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious and, rather than or, persistent misbehavior that violates the district's student code of conduct.

SECTION 3. Amends Sections 37.011(k) and (l), Education Code, as follows:

(k) Requires each school district in a county with a population greater than 125,000 and the county juvenile board to annually enter into a memorandum of understanding that

meets certain criteria, including identifies those categories of conduct that the school district has defined in its student code of conduct as constituting serious and, rather than or, persistent misbehavior for which a student may be placed in the juvenile justice alternative education program. Makes no further changes to this subsection.

(l) Makes a conforming change.

SECTION 4. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 5. Effective date: upon passage or September 1, 2011.