

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 718
By: Van de Putte
Education
4/8/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 disciplinary alternative education program (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.

C.S.S.B. 718 amends current law relating to disciplinary action taken against public school students on the basis of serious 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 misbehavior, rather than serious 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 misbehavior, rather than serious 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 misbehavior, rather than serious or persistent misbehavior, for which a student may be placed in the juvenile justice alternative education program.

(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.