

BILL ANALYSIS

Senate Research Center

S.B. 2432
By: Taylor
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires school districts to initiate a removal of a student to a disciplinary alternative education placement if the student engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code. This Penal Code statute applies only to assault causing bodily injury. Accordingly, a student who threatens a school employee with bodily injury is not required to have removal proceedings initiated against the student unless the threat can be classified as a terroristic threat or the crime of retaliation against a public servant. As a consequence, students can threaten teachers or their families with bodily injury without having to face disciplinary consequences from their schools.

S.B. 2432 would add the offense of harassment by a student against a school employee to the list of so-called mandatory removals to a disciplinary alternative education program (DAEP). The Education Code requires the campus behavior coordinator or other administrator to consider mitigating factors, including self-defense, intent, the student's disciplinary history, and any disability of the student when determining whether to place the student in a DAEP. These factors are required to be considered whether the student's behavior constitutes the grounds for a discretionary or mandatory removal. Mandatory removals are not entirely mandatory as a consequence. (Original Author's/Sponsor's Statement of Intent)

S.B. 2432 amends current law relating to the removal of a public school student from the classroom following certain conduct.

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 37.006(a), Education Code, as follows:

(a) Requires a student to be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 (Disciplinary Alternative Education Programs) if the student takes certain actions, including if the student engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1) (relating to initiating communication and in the course of the communication making a comment, request, suggestion, or proposal that is obscene), (2) (relating to threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against certain persons or certain property), (3) (relating to conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury), or (7) (relating to sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another), Penal Code, against an employee of the school district.

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.