

BILL ANALYSIS

S.B. 107
By: Whitmire
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas has developed zero tolerance policies that require the expulsion of students who commit certain serious acts. Interested parties express concern that the zero tolerance policies leave no room for discretion on the part of a school to consider extenuating circumstances or allow for alternate resolutions and point to many situations over the years in which students have been expelled from school for acts that were not harmful. S.B. 107 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 107 amends the Education Code to require a person at each school campus to be designated to serve as the campus behavior coordinator and to authorize the designated person to be the campus principal or any other campus administrator selected by the principal. The bill makes the campus behavior coordinator primarily responsible for maintaining student discipline and the implementation of statutory provisions relating to alternative settings for behavior management and authorizes the specific duties of the campus behavior coordinator to be established by campus or district policy. The bill requires a duty imposed on a campus principal or other campus administrator under those provisions to be performed by the campus behavior coordinator and authorizes a power granted to a campus principal or other campus administrator under those provisions to be exercised by the campus behavior coordinator, unless otherwise provided by campus or district policy.

S.B. 107 requires the campus behavior coordinator to promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer by promptly contacting the parent or guardian by telephone or in person and by making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. The bill requires a campus behavior coordinator, if a parent or guardian entitled to the notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, to mail written notice of the action to the parent or guardian at the parent's or guardian's last known address. The bill requires the principal or other designee to provide the notice if a campus behavior coordinator is unable or not available to promptly provide the notice.

S.B. 107 requires the discipline management techniques employed by the campus behavior coordinator in response to a student sent to the coordinator for classroom discipline purposes to be techniques that can reasonably be expected to improve the student's behavior before returning the student to the classroom and requires the campus behavior coordinator to employ alternative discipline management techniques if the student's behavior does not improve, including any progressive interventions designated as the responsibility of the coordinator in the school district's student code of conduct.

S.B. 107 removes from the circumstances under which a student's expulsion is required the student's use, exhibition, or possession of certain weapons on school property or while attending a school-sponsored or school-related activity on or off of school property and instead includes among such circumstances the student's engagement in conduct that contains the elements of the offense of unlawfully carrying weapons or elements of an offense relating to prohibited weapons.

S.B. 107 requires a campus behavior coordinator, before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, to consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct for which the student was removed from class, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the coordinator's decision concerns a mandatory or discretionary action. The bill removes from the circumstances under which a student's placement may exceed one year the school district's determination that extended placement is in the student's best interest.

S.B. 107 requires a school district board of trustees, before ordering the expulsion of a student, to consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the applicable conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the board's decision concerns a mandatory or discretionary action. The bill applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.