

**SUBJECT:** Imposing criminal penalty for violation of school district policy

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 6 ayes — Eissler, Zedler, Branch, Hochberg, Olivo, Patrick  
0 nays  
3 absent — Delisi, Dutton, Mowery

**SENATE VOTE:** On final passage, May 1 — 31-0

**WITNESSES:** (*On House companion bill, HB 278 by Madden:*)  
For — Bill Hawkins (Harris County District Attorney’s Office;  
(*Registered, but did not testify:* Will Harrell, ACLU, NAACP, LULAC;  
Ray Martinez, Texas Municipal Courts Association)  
  
Against — None  
  
On — Kay Lambert, Advocacy, Inc.; Jeff Ward, Texas Association of  
School District Police; (*Registered, but did not testify:* Shannon Edmonds,  
Texas District and County Attorney’s Association; Marc Levin, Texas  
Public Policy Foundation)

**BACKGROUND:** Education Code, ch. 37, subch. D governs the protection of public school buildings and grounds. Sec. 37.102(a) and (b) allow the board of trustees of a school district to adopt rules for the safety and welfare of students, employees, and property, including rules providing for the operation and parking of vehicles on school property. Laws or ordinances regulating traffic on a public highway or street apply to the operation of a vehicle on school property. Sec. 37.102(c) states that a person who violates the subchapter or any rule adopted under the subchapter commits a class C misdemeanor (maximum fine of \$500).

**DIGEST:** CSSB 443 would amend sec. 37.102(c) to limit the application of a criminal penalty for a violation of the rules under subchapter D to the violation of rules providing for the operation and parking of vehicles on school property.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSSB 443 is needed to clarify the original intent of the provision being amended by the bill. It would correct a situation where some school districts and campus police have used an overly broad interpretation and over-reaching application of a provision providing for a criminal offense in order to punish infractions such as tardiness and gum-chewing. The subchapter initially was structured to address the protection of buildings and grounds and the safe operation of vehicles. Students found guilty receive a criminal record for breaking a school policy, and when this happens, it unnecessarily burdens the municipal and justice courts with cases that do not belong in the judicial system.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee substitute would amend Education Code, sec. 37.102(c). The Senate-passed version of the bill repealed it.

The companion bill, HB 278 by Madden, passed the House by 141-0, on May 10.