

## **BILL ANALYSIS**

Senate Research Center

S.B. 1553  
By: Menéndez  
Education  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1553 requires that an explanation of the provisions regarding the refusal of entry to or ejection from district property be included in the code of conduct. The bill would also guarantee that a person cannot be refused entry unless the person poses a substantial risk of harm to any person or behaves in a manner that is inappropriate for a school setting. The person must be given a verbal warning that their behavior might result in a criminal trespass warning (CTW) before the CTW can be administered. The district would be required to accommodate to allow the parent to participate in the student's admission, review, and dismissal (ARD) meeting or 504 committee meeting if the parent is issued a CTW. The CTW may not exceed two years. Administrators, school resource officers, and school police officers are responsible for making the ultimate decision of issuing a CTW to avoid ambiguity. With this bill the commissioner of education is instructed to adopt rules for an appeals process and the district is required to post a notice about CTWs and the appeals process on the school website.

A CTW is a written warning that the parents cannot enter school property or properties without the written or verbal consent of a designated administrator. Parents must reach that administrator prior to coming on campus or other district property or risk certain arrest. These CTWs are issued to parents who have children with special needs at a rate that far exceeds the rate of CTWs issued to parents who have children in general education. Using the power of the CTW, schools have denied parents access to their children's campus to attend ARD meetings, in violation of federal law. They are often denied access to their children's classroom for observations that would allow the parents to provide more informed input into their children's education plan. Parents with CTWs are denied a voice in the general education program because they find it nearly impossible to attend parent-teacher meetings and other organizational meetings. Moreover, the districts, for the most part, have no appeal policy that parents can access to have the CTW removed or withdrawn. (Original Author's / Sponsor's Statement of Intent)

S.B. 1553 amends current law relating to certain requirements imposed on a sex offender who enters the premises of a school and to the refusal of entry to or ejection from school district property.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 5 (Section 37.105, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 62.053(a), Code of Criminal Procedure, as follows:

- (a) Requires an official of the penal institution, before releasing a certain person, to inform the person of certain matters, including that if the person enters the premises of a school as described by Article 62.064 and is subject to the requirements of that article, the person is required to immediately notify the administrative office of the school of the person's presence and the person's registration status under this chapter (Sex Offender Registration Program).

SECTION 2. Amends Article 62.058, Code of Criminal Procedure, by adding Subsection (g), to require a local law enforcement authority who provides a person with a registration form for verification as required by this chapter to include with the form a statement and, if applicable, a description of the person's duty to provide notice under Article 62.064.

SECTION 3. Amends Subchapter B, Chapter 62, Code of Criminal Procedure, by adding Article 62.064, as follows:

Art. 62.064. ENTRY ONTO SCHOOL PREMISES; NOTICE REQUIRED. (a) Defines "premises" and "school."

(b) Requires a person subject to registration under this chapter who enters the premises of any school in this state during the standard operating hours of the school to immediately notify the administrative office of the school of the person's presence on the premises of the school and the person's registration status under this chapter. Authorizes the office to provide a chaperon to accompany the person while the person is on the premises of the school.

(c) Provides that the requirements of this article are in addition to any requirement associated with the imposition of a child safety zone on the person under Section 508.187 (Child Safety Zone), Government Code, or Article 42A.453 (Child Safety Zone) of this code and do not apply to certain persons.

SECTION 4. Reenacts Section 37.001(a), Education Code, as amended by Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd Legislature, Regular Session, 2013, and amends it, as follows:

(a) Requires that the student code of conduct, in addition to establishing standards for student conduct:

(1) through (8) makes no changes to these subdivisions; and

(9) include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105(h).

SECTION 5. Amends Section 37.105, Education Code, as follows:

Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. (a) Authorizes a school administrator, school resource officer, or school district peace officer of a school district to refuse to allow a person to enter on or to eject a person from property under the district's control if the person refuses to leave peaceably on request, rather than authorizes the board of trustees of a school district or its authorized representative to refuse to allow a person without legitimate business to enter on property under the board's control and to eject any undesirable person from the property on the person's refusal to leave peaceably on request, and:

(1) the person poses a substantial risk of harm to any person; or

(2) the person behaves in a manner that is inappropriate for a school setting and the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection and the person persists in that behavior.

(b) Creates this subsection from existing text and makes no further changes.

(c) Requires that each school district maintain a record of each verbal warning issued under Subsection (a)(2)(A) (relating to authorizing certain persons to refuse entry to or eject from the property a certain person after issuing a verbal

warning), including the name of the person to whom the warning was issued and the date of issuance.

(d) Requires that the district, at the time a person is refused entry to or ejected from a school district's property, provide to the person written information explaining the appeal process established under Subsection (h).

(e) Requires that the district, if a parent or guardian of a child enrolled in a school district is refused entry to the district's property, accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

(f) Prohibits the term of a person's refusal of entry to or ejection from a school district's property from exceeding two years.

(g) Requires that a school district post on the district's Internet website and requires that each district campus post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process established under Subsection (h).

(h) Requires the commissioner of education to adopt rules to implement this section, including rules establishing a process for a person to appeal to the board of trustees of the school district the decision under Subsection (a) to refuse a person's entry to or eject the person from a school district's property.

SECTION 6. Provides that Articles 62.053 and 62.058, Code of Criminal Procedure, as amended by this Act, and Article 62.064, Code of Criminal Procedure, as added by this Act, apply to a person subject to registration under Chapter 62, Code of Criminal Procedure, for an offense committed or conduct that occurs before, on, or after September 1, 2017.

SECTION 7. Provides that Section 37.001(a), Education Code, as reenacted and amended by this Act, and Section 37.105, Education Code, as amended by this Act, apply beginning with the 2017-2018 school year.

SECTION 8. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2017.

(b) Effective date, Articles 62.053 and 62.058, Code of Criminal Procedure, as amended by this Act, and Article 62.064, Code of Criminal Procedure, as added by this Act: September 1, 2017.