

AN ACT

relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.001(a), Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

1 (4) specify that [~~whether~~] consideration will be [~~is~~]
2 given, as a factor in each [~~a~~] decision concerning [~~to order~~]
3 suspension, removal to a disciplinary alternative education
4 program, [~~or~~] expulsion, or placement in a juvenile justice
5 alternative education program, regardless of whether the decision
6 concerns a mandatory or discretionary action, to:

- 7 (A) self-defense;
- 8 (B) intent or lack of intent at the time the
9 student engaged in the conduct;
- 10 (C) a student's disciplinary history; or
- 11 (D) a disability that substantially impairs the
12 student's capacity to appreciate the wrongfulness of the student's
13 conduct;

14 (5) provide guidelines for setting the length of a
15 term of:

- 16 (A) a removal under Section 37.006; and
- 17 (B) an expulsion under Section 37.007;

18 (6) address the notification of a student's parent or
19 guardian of a violation of the student code of conduct committed by
20 the student that results in suspension, removal to a disciplinary
21 alternative education program, or expulsion;

22 (7) prohibit bullying, harassment, and making hit
23 lists and ensure that district employees enforce those
24 prohibitions; and

25 (8) provide, as appropriate for students at each grade
26 level, methods, including options, for:

- 27 (A) managing students in the classroom and on

1 school grounds;

2 (B) disciplining students; and

3 (C) preventing and intervening in student
4 discipline problems, including bullying, harassment, and making
5 hit lists.

6 SECTION 2. This Act applies beginning with the 2009-2010
7 school year.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 171 was passed by the House on May 1, 2009, by the following vote: Yeas 93, Nays 48, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 171 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 171 on May 31, 2009, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 171

I certify that H.B. No. 171 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 171 on June 1, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor