

BILL ANALYSIS

C.S.H.B. 674
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the removal of young children from the classroom environment has proven to be ineffective, counterproductive, and detrimental to the academic and social outcomes of these students. These parties argue that young children who are expelled or suspended from school are more likely to drop out of high school, face incarceration, and repeat grades than students who do not face classroom removal during early childhood. C.S.H.B. 674 seeks to prevent the criminalization of young children by limiting the ability of public school districts to suspend students enrolled in a grade level below grade three.

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

C.S.H.B. 674 amends the Education Code to prohibit the placement of a public school student enrolled in a grade level below grade three in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property the student engages in the following:

- conduct that contains the elements of the offense of the unlawful carrying of weapons or the intentional or knowing possession, manufacture, transport, repair, or sale of certain prohibited weapons;
- conduct that contains the elements of a violent offense of assault, sexual assault, aggravated assault, or aggravated sexual assault; or
- selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.

The bill applies beginning with the 2017-2018 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

85R 27155

17.118.640

Substitute Document Number: 85R 26767

While C.S.H.B. 674 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 37.005, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A student who is younger than six years of age may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;

(2) conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or

(3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

SECTION 2. This Act applies beginning with the 2017-2018 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 37.005, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;

(2) conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or

(3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.