

SUBJECT: Conduct requiring expulsion or disciplinary alternative program

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Eissler, Hochberg, Aycock, Dutton, Guillen, Huberty, Shelton, T. Smith, Strama, Weber

0 nays

1 absent — Allen

WITNESSES: For — Robert Schneider, Austin Independent School District; (*Registered, but did not testify*: Portia Bosse, Texas State Teachers Association; Ramiro Canales, Texas Association of School Administrators; Erin Gámez, Texas Parent Teacher Association (PTA); Julie Haney, Texas Association of Community Schools (TACS); Julie Shields, Texas Association of School Boards; Paige Williams, Texas Classroom Teachers Association)

Against — None

On — Alexandria Lyons, Austin ISD

BACKGROUND: Education Code, ch. 37, which governs discipline in public schools, includes guidelines on discretionary and mandatory removal and expulsion of students as a result of certain student conduct.

Sec. 37.006(c) requires removal of students from class and placement in a disciplinary alternative education program (DAEP) under certain circumstances for off-campus conduct unrelated to a school activity if the conduct involves a Title 5 felony, which is a crime against a person. In addition, sec. 37.0081(a) allows a school board to expel a student and place the student in a juvenile justice alternative education program (JJAEP) or a DAEP under certain circumstances for conduct involving a Title 5 felony.

Sec. 37.007(a) requires mandatory expulsion of students for certain criminal conduct while on school property or attending a school-related activity, such as illegally possessing a firearm or other weapon, aggravated

assault, murder, indecency with a child, or other offenses. Under sec. 37.007(b), a student is subject to discretionary expulsion for certain criminal conduct within 300 feet of school property. A student also is subject to discretionary expulsion for certain criminal conduct against another student, regardless of whether the conduct occurs on or off of school property or at a school-related activity.

DIGEST: HB 968 would add aggravated robbery to the felony offenses for which a student was subject to mandatory removal to a DAEP under sec. 37.006(c) and to discretionary expulsion and removal to a JJAEP or DAEP under 37.0081(a).

The bill would require that certain conduct within 300 feet of school property subject a student to mandatory expulsion. It would specify that certain conduct that subjected a student to discretionary expulsion or discretionary removal to a DAEP had to occur more than 300 feet away from campus. The 300-foot zone could be measured from any point of the campus's real property boundary line.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011 and would apply beginning with the 2011-2012 school year.

SUPPORTERS SAY: HB 968 would bring consistency to the Education Code on treatment of offenses committed by students in the community, particularly with regard to aggravated robbery. Aggravated robbery is a Title 7 felony that, like Title 5 felonies, involves the use of a weapon and can result in serious bodily injury. It should be treated similarly to offenses that include the same elements or have the same outcomes.

The bill would help schools in determining consequences that arise from the commitment of felonies, whether the offense was designated as Title 5 or Title 7, and regardless of whether the felony was committed on campus or at a school-related activity.

HB 968 would eliminate the difference in treatment for mandatory or discretionary expulsion for certain offenses, such as firearm possession, whether they were committed on or near campus. Currently, firearm possession by a student on school property requires mandatory expulsion, but if the student is found to have possessed a firearm within 300 feet of

school property, the student is subject to discretionary expulsion. By applying the 300-foot perimeter requirement consistently, the bill would align the consequences for offenses committed on campus and near campus.

HB 968 would increase school safety by treating similarly those crimes committed close to school campuses. By extending the mandatory expulsion requirement to the perimeter around campus, the commitment of offenses that threaten students near campus could be deterred.

The bill would help school districts become more efficient with tracking disciplinary issues on campus. HB 968 would provide definitive guidance for mandatory removals and expulsions and reduce the time districts spent determining whether discretionary removals or expulsions were appropriate. Any costs associated with removals to JJAEPs or DAEPs would be minimal.

**OPPONENTS
SAY:**

Student expulsion required under HB 968 could increase costs to local school districts and possibly to the state. By expanding the offenses to which mandatory expulsions would apply, the bill could create more situations in which students would be removed to JJAEPs or DAEPs.