

- SUBJECT:** Changing the procedures for ejecting or refusing entry to school grounds
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver
- 0 nays
- 1 absent — Dutton
- SENATE VOTE:** On final passage, May 15 — 29-2 (Buckingham, Perry)
- WITNESSES:** No public hearing
- BACKGROUND:** Education Code, sec. 37.105 allows a public school board of trustees to deny entry on school property to a person without legitimate business there and to eject any undesirable person from the property if the person refuses to leave peaceably on request.
- Sec. 37.001 requires a public school district board of trustees to adopt a local student code of conduct and specifies its required contents. The code of conduct must be posted and prominently displayed at each campus or available for review at the principal's office.
- Concerns have been raised that some school districts are excluding parents of children in special education programs from participating in planning meetings.
- DIGEST:** CSSB 1553 would change the requirements for ejecting or refusing entry to persons from school district property. A school administrator, school resource officer, or school district peace officer could eject or refuse entry to a person only if the person refused to leave peaceably on request and:
- posed a substantial risk of harm to any person; or
 - behaved in a manner that was inappropriate for a school setting and

persisted in that behavior despite having received a warning from the officer or administrator that the behavior was inappropriate.

The bill would require districts to maintain a record of each verbal warning issued that included the name of the person who was warned and the date of issuance. A person could not be refused entry to school district property under the provisions in the bill for more than two years.

If a parent or guardian of a child enrolled in a school district was refused entry to the district's property, the district would be required to accommodate the parent or guardian to ensure that the parent could participate in the child's admission, review, and dismissal committee or placement team in accordance with the federal Rehabilitation Act of 1973.

The Commissioner of Education would adopt rules to implement the bill's provisions and to establish a process for a person to appeal to the board of trustees the decision of school personnel to eject or refuse entry to a person.

School districts would be required to provide each person who was refused entry to or ejected from school district property written information explaining the process for appeal. Each district and campus would have to post information on its website about the conditions for refusal of entry and the appeal process. This information also would be a required element of each school district's student code of conduct.

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, 2017, and would apply beginning with the 2017-18 school year.