

- SUBJECT:** Expanding the criteria for sending a student to a disciplinary program
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 7 ayes — Huberty, Allison, Ashby, K. Bell, K. King, Meyer, VanDeaver
4 nays — Bernal, Allen, M. González, Talarico
2 absent — Dutton, Sanford
- SENATE VOTE:** On final passage, April 11 — 31-0
- WITNESSES:** For — Paige Williams, Texas Classroom Teachers Association;
(*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Andrea Chevalier, Association of Texas Professional Educators; Lisa Dawn-Fisher, Texas State Teachers Association)
- Against — Morgan Craven, Intercultural Development Research Association; Deborah Fowler, Texas Appleseed; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Jolene Sanders, Easterseals of Central Texas; Will Francis, National Association of Social Workers-Texas Chapter; Josette Saxton, Texans Care for Children)
- On — Christine Broughal, Texans for Special Education Reform; Linda Litzinger, Texas Parent to Parent; (*Registered, but did not testify*: Eric Marin, Texas Education Agency)
- BACKGROUND:** Under Education Code sec. 37.006, a student must be removed from class and placed in a disciplinary alternative education program if the student engages in certain conduct, including:
- conduct related to making false alarms or terroristic threats involving a public school; or
 - certain conduct committed within 300 feet of the school or while attending a school-sponsored or school-related activity, including

conduct that could be punishable as a felony, assault, or certain activities related to drugs or alcohol.

Some have raised concerns that the grounds on which a student can be sent to a disciplinary alternative education program are too narrow to cover students who threaten bodily injury against teachers or their families.

DIGEST: SB 2432 would require a student to be removed from class and placed in a disciplinary alternative education program if the student engaged in certain conduct that contained elements of the offense of harassment against an employee of the school district. The conduct would have to take place on or within 300 feet of school property, or while the student was attending a school-sponsored or school-related activity on or off school property.

A student would have to be removed if the student, with the intent to harass, annoy, alarm, abuse, torment, or embarrass an employee of the school:

- initiated communication and in the course of the communication made a comment, request, suggestion, or proposal that was obscene;
- threatened, in a manner reasonably likely to cause alarm, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- conveyed, in a manner reasonably likely to cause alarm, a false report that the conveyor knew to be false that another person had suffered death or serious bodily injury; or
- sent repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

The bill would apply beginning with the 2019-2020 school year.

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, 2019.