

BILL ANALYSIS

Senate Research Center

S.B. 137
By: Bivins
Education
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As Filed

DIGEST

Currently, the Texas Family Code defines "child" as a person older than 10 and under 17 years of age. Juvenile authorities, therefore, have no jurisdiction over children younger than 10. Because of this, if a student under 10 is expelled from school, the juvenile authorities may not place the student in a juvenile justice alternative education program. This bill will require the removal of a student younger than 10 years of age who engages in certain conduct to an alternative education program and will prohibit that student's expulsion.

PURPOSE

As proposed, S.B. 137 will require the removal of students under 10 years of age who engage in certain conduct to an alternative education program.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.006, Education Code, to require a student younger than 10 years of age to be removed from class and placed in an alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. Makes a conforming change.

SECTION 2. Amends Section 37.007, Education Code, by adding Subsection (h), to prohibit the expulsion, notwithstanding any other provision of this section, of a student who is younger than 10 years of age for engaging in conduct described by this section.

SECTION 3. Provides that this Act applies beginning with the 1997-1998 school year.

SECTION 4. Emergency clause.
Effective date: upon passage.