

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 598  
By: Wentworth  
Education  
4-24-97  
Committee Report (Substituted)

### **DIGEST**

Currently, under Chapter 37 of the Education Code, assault against a school employee is an expellable offense or alternative education program (AEP) offense only if it is assault under Section 22.01(a)(1) of the Penal Code. In addition, the assault must take place on school property or while attending a school-sponsored or school-related activity on or off school property. Finally, a student may be expelled or placed in an AEP for assaulting only an employee of a school district. This bill will expand the list of expellable and AEP offenses; cover assault against school employees, volunteers, and officers anywhere they may occur; and add school volunteers and officers to the current code.

### **PURPOSE**

As proposed, C.S.S.B. 598 expands the list of expellable and alternative education program offenses; covers assault against school employees, volunteers, and officers anywhere they may occur; and adds school volunteers and officers to the current code.

### **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, by amending Subsections (a) and (b) and adding Subsection (d), to require a student to be removed from class and placed in an alternative education program if the student harms or threatens to harm a school employee, officer, or volunteer in retaliation for, or on account of, that person's service to the school, whether the conduct occurs on or off school property or while attending a school-sponsored activity. Defines "volunteer." Makes conforming changes.

SECTION 2. Amends Section 37.007, Education Code, by amending Subsection (b) and adding Subsection (h), to authorize a student to be expelled if the student engages in conduct that contains the elements of the offense of assault under Section 22.01, Penal Code, against a school employee, officer, or volunteer for certain matters. Defines "volunteer." Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 37.010(b), Education Code, to make a conforming change.

SECTION 4. Provides that this Act applies beginning with the 1997-1998 school year.

SECTION 5. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Section 37.006, Education Code, to set forth actions of a student requiring removal of a student from class. Deletes proposed Subsection (c). Redesignates definition of

"volunteer" from Subsection (e).

**SECTION 2.**

Amends Section 37.007, Education Code, to authorize a student to be expelled if the student engages in conduct that contains the elements of the offense of assault under Section 22.01, Penal Code, against a school employee, officer, or volunteer for certain matters.