

BILL ANALYSIS

Senate Research Center
79R6631 PAM-F

H.B. 1688
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Education
5/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Texas municipal and justice of the peace courts are being burdened by cases that involve violations of a school's student code of conduct, rather than acts that are criminal offenses. These cases often are for conduct that includes chewing gum or dressing improperly at school. Although these violations are not criminal offenses, they are filling the judicial system, and simultaneously keeping students out of class and in court.

H.B. 1688 authorizes the board of trustees of an independent school district to employ security personnel and commission peace officers for handling these violations at school rather than in a courtroom. This bill also authorizes the board of trustees of a school district to adopt rules for the safety and welfare of students, employees, and property excluding violations of the student code of conduct, that are not criminal offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of trustees of a school district in SECTION 2 (Section 37.102, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.081(a), (f), and (h), Education Code, as follows:

(a) Authorizes the board of trustees of an independent, rather than any, school district to employ security personnel and to commission peace officers to carry out this subchapter.

(f) Requires the chief of police of the school district police department to be accountable to the superintendent and to report to the superintendent or to the assistant, associate, or deputy superintendent designated by the superintendent, rather than to the superintendent's designee. Requires school district police officers to be supervised by the chief of police of the school district or a police officer designated by the chief of police. Requires school district officers to be licensed by the Commission on Law Enforcement Officer Standards and Education.

(h) Deletes existing text requiring a peace officer assigned to duty and commissioned under this section to take and file the oath required of peace officers and pay a bond.

SECTION 2. Amends Section 37.102, Education Code, by adding Subsection (d) to provide that Subsection (c) does not apply to the student code of conduct if the conduct is not an offense under other law or under a specific rule adopted by the board of trustees under this subchapter.

SECTION 3. Effective date: upon passage or September 1, 2005.