

BILL ANALYSIS

Senate Research Center
79R2652 BDH-D

H.B. 625
By: Olivo (West, Royce)
Education
5/14/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The original legislative intent of Chapter 37, Education Code, was to remove students who exhibited criminal behavior from the classroom and place them in a supervised environment to continue their education. A number of cases have occurred in Texas schools where students have accidentally or unintentionally brought to school an item prohibited by Chapter 37. In a few cases, students have attempted to turn in items to school officials only to be punished. There is no provision in current law that allows a school district to respond in a non-punitive manner to students who turn in such items to school officials without risk of expulsion, suspension, ticketing, or even arrest.

H.B. 625 addresses this issue by instructing districts to provide guidelines that allow students who unknowingly bring a prohibited item to school a method of turning in the item to a school official without the risk of punishment. The bill requires that a written notice be sent to the student's parent or guardian after the incident.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.001(a), Education Code, to include that the student code of conduct must provide guidelines under which a student who unknowingly brings to school certain prohibited items may avoid disciplinary action by turning over said items to a school official and to require the school official to provide written notice of the incident to the student's parent.

SECTION 2. Amends Section 37.007(a), Education Code, to require a student to be expelled from school if the student, on school property or while attending a school-sponsored or school-related activity, uses, exhibits, or knowingly possesses certain items.

SECTION 3. Reenacts and amends Section 37.007(b), Education Code, as amended by Chapters 443 and 1055, Acts of the 78th Legislature, Regular Session, 2003, it to make conforming and nonsubstantive changes.

SECTION 4. Makes application of this Act prospective to the 2005-2006 school year.

SECTION 5. Effective date: upon passage or September 1, 2005.