

## **BILL ANALYSIS**

Senate Research Center  
79R10527 PAM-D

C.S.S.B. 126  
By: Lindsay  
Education  
3/23/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 126 is designed to give local school administrators flexibility when reviewing incidents where students may be expelled or sent to a juvenile justice alternative education program or a disciplinary alternative education program due to zero tolerance under the Safe Schools Act. This legislation is designed to allow for the student's intent or lack thereof to be considered when evaluating an incident.

C.S.S.B. 126 amends various sections of Chapter 37 of the Education Code. This bill provides that the student code of conduct is not required to specify any particular minimum term of an alternative education placement or of an expulsion.

### **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, Education Code, by amending Subsection (a) and adding Subsections (b) and (e), as follows:

- (a) Sets forth certain functions of a student code of conduct and includes added functions relating to certain responsibilities of a principal or board of trustees of a district.
- (b) Authorizes the student code of conduct to include additional factors, as determined appropriate by the board of trustees of a school district (board), for a principal or other appropriate administrator to consider in making a determination under Subsection (a)(6) or the board or a person designated by the board to consider in making a determination under Subsection (a)(7).
- (e) Provides that, except as provided by Section 37.007(e) (Expulsion for Serious Offenses), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 (Removal for Certain Conduct) or an expulsion under Section 37.007.

SECTION 2. Amends Section 37.002(d), Education Code, to require a teacher to remove from class and send to the principal for appropriate disciplinary action, rather than for placement in a disciplinary alternative education program or for expulsion, as appropriate, certain students.

SECTION 3. Amends Sections 37.006(a), (b), (d), and (f), Education Code, to provide exceptions to each of said subsection as provided by Section 37.001(a)(6). Makes conforming changes.

SECTION 4. Amends Section 37.007, Education Code, by amending Subsection (a) and adding Subsection (j), as follows:

- (a) Provides an exception to this subsection under Section 37.001(a)(7).
- (j) Authorizes the superintendent of a school district to modify the length of expulsion for any expelled student and to provide services in a disciplinary alternative education

program as provided by Section 37.008 to an expelled student who is 10 years of age or older. Provides that, to the extent of any conflict between this subsection and Section 37.011, this subsection prevails.

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