

## **BILL ANALYSIS**

Senate Research Center  
85R12954 KJE-D

S.B. 1553  
By: Menéndez  
Education  
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As Filed

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

S.B. 1553 requires that an explanation of the provisions regarding the refusal of entry to or ejection from district property be included in the student code of conduct. The bill also changes language in the Education Code that would guarantee that a parent of a child cannot be refused entry unless the parent poses a substantial risk of harm to any person or behaves in a manner that is inappropriate for a school setting. The parent must be provided written notice that the behavior might result in a criminal trespass warning (CTW). The district would be required to accommodate to the extent practicable to allow the parent to participate in the student's admission, review, and dismissal (ARD) meeting if the parent is issued a CTW and the CTW may not exceed two years. With this bill the commissioner of education is instructed to adopt rules for an appeals process and the district shall post a notice about CTWs and the appeals process in the office of the campus principal.

As part of the federal law called the Individuals with Disabilities Education Act (IDEA), parents are encouraged to be involved in their child's education process by attending the individual education plan meeting called ARD meetings. However, at times parents are discouraged from participation, especially if the parent is a strong advocate for his or her child. One of the means that schools employ to discourage parental participation is the issuance of criminal trespass warnings (CTWs) by an administrator or a school police officer. A CTW is a written warning that the parents cannot enter school property or properties without the written or verbal consent of a designated administrator. Parents must reach that administrator prior to coming on campus or other district property or risk certain arrest.

These CTWs are issued to parents who have children with special needs at a rate that far exceeds the rate of CTWs issued to parents who have children in general education. Using the power of the CTW, schools have denied parents access to their children's campus to attend ARD meetings, in violation of federal law. They are often denied access to their children's classroom for observations that would allow the parents to provide more informed input into their children's education plan. Parents with CTWs are denied a voice in the general education program because they find it nearly impossible to attend parent-teacher meetings and other organizational meetings. Moreover, the districts, for the most part, have no appeal policy that parents can access to have the CTW removed or withdrawn.

As proposed, S.B. 1553 amends current law relating to the refusal of entry to or ejection from school district property.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 37.105, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts and amends Section 37.001(a), Education Code, as amended by Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd Legislature, Regular Session, 2013, and amends it as follows:

(a) Requires that the student code of conduct, in addition to establishing standards for student conduct:

(1) through (8) makes no changes to these subdivisions; and

(9) include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105(g).

SECTION 2. Amends Section 37.105, Education Code, as follows:

Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. (a) Creates this subsection from existing text. Makes this subsection subject to Subsection (c).

(b) Creates this subsection from existing text and makes no further changes.

(c) Prohibits a parent of a child enrolled in a school district from being refused entry to or ejected from the district's property unless the parent poses a substantial risk of harm to any person or the parent behaves in a certain manner.

(d) Requires that a school district accommodate a parent refused entry to district property to the greatest extent practicable to ensure that the parent may participate in the admission, review, and dismissal committee of the parent's child.

(e) Prohibits the term of a parent's refusal of entry to or ejection from a school district's property from exceeding two years.

(f) Requires that each school district post at the office of each campus principal in the district a notice regarding the provisions of this section, including the appeal process established under Subsection (g).

(g) Requires the commissioner of education to adopt rules to implement this section, including rules establishing a process for a parent to:

(1) appeal to the board of trustees of the school district the decision of the authorized representative of the district to refuse a parent's entry to or eject a parent from a school district's property; and

(2) if applicable, appeal to the Texas Education Agency the decision of the board of trustees under Subdivision (1).

SECTION 3. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 4. Effective date: upon passage or September 1, 2017.