

BILL ANALYSIS

Senate Research Center
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S.B. 2428
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The U.S. Surgeon General has declared youth e-cigarette usage a health epidemic, and Texas schools are on the front lines. The increasing prevalence and accessibility of e-cigarettes, including e-cigarettes containing marijuana or other controlled substances, has greatly challenged the ability of school staff and administrators to provide a safe and healthy learning environment.

Current law requires the placement of a student in a disciplinary alternative education program (DAEP) if they sell, give, possess, or use marijuana or a dangerous drug at school. This includes e-cigarettes containing these controlled substances.

School districts have reported DAEP capacity issues due to students caught in possession of e-cigarettes, often leaving districts without space for students that should be in the program for more serious violent offenses.

S.B. 2428 mandates DAEP placement of a student found possessing or using an e-cigarette. However, a student already in this program for possession or use of an e-cigarette may be temporarily removed from DAEP and placed in in-school suspension to make room for a student who has committed a violent offense.

S.B. 2428 also requires the Texas Education Agency to create a vaping/substance abuse education program, to be completed in-person or online. Students caught in possession of an e-cigarette are required to complete this course and pass an end-of-course assessment before they can be allowed back into the classroom.

As proposed, S.B. 2428 amends current law relating to the removal of a public school student from the classroom for the possession or use of an e-cigarette.

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 37.006, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a student to be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 (Disciplinary Alternative Education Programs) if the student meets certain criteria, including committing certain actions, subject to Subsection (a-1), on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property.

(a-1) Provides that a student, notwithstanding Subsection (a), is authorized, but is not required, to be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 for possession or use of an e-cigarette, as defined

by Section 161.081 (Definitions), Health and Safety Code, if school personnel cannot readily determine that the e-cigarette contains a substance described by Subsection (a)(2)(C) (relating to requiring a student be removed if the student sells, gives, or delivers to another person or possesses or uses or is under the influence of a dangerous drug).

SECTION 2. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 3. Effective date: upon passage or September 1, 2023.