AN ACT
relating to the designation of campus behavior coordinators to
serve at public school campuses and issues to be considered when
removing a student from class.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter A, Chapter 37, Education Code, is
amended by adding Section 37.0012 to read as follows:
Sec. 37.0012. DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR.
(a) A person at each campus must be designated to serve as the
campus behavior coordinator. The person designated may be the
principal of the campus or any other campus administrator selected
by the principal.
(b) The campus behavior coordinator is primarily
responsible for maintaining student discipline and the
implementation of this subchapter.
(c) Except as provided by this chapter, the specific duties
of the campus behavior coordinator may be established by campus or
district policy. Unless otherwise provided by campus or district
policy:
(1) a duty imposed on a campus principal or other
campus administrator under this subchapter shall be performed by
the campus behavior coordinator; and
(2) a power granted to a campus principal or other
campus administrator under this subchapter may be exercised by the
The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

1. Promptly contacting the parent or guardian by telephone or in person; and
2. Making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

If a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d), the principal or other designee shall provide the notice.

SECTION 2. Section 37.002(a), Education Code, is amended to read as follows:

(a) A teacher may send a student to the campus behavior coordinator's [principal's] office to maintain effective
discipline in the classroom. The campus behavior coordinator [principal] shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct.

SECTION 3. Section 37.007(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code [uses, exhibits, or possesses:

[4(A)] a firearm as defined by Section 46.01(3), Penal Code;

[4(B)] an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;

[4(C)] a club as defined by Section 46.01(1), Penal Code; or
(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;
(2) engages in conduct that contains the elements of the offense of:
(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
(B) arson under Section 28.02, Penal Code;
(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;
(D) indecency with a child under Section 21.11, Penal Code;
(E) aggravated kidnapping under Section 20.04, Penal Code;
(F) aggravated robbery under Section 29.03, Penal Code;
(G) manslaughter under Section 19.04, Penal Code;
(H) criminally negligent homicide under Section 19.05, Penal Code; or
(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or
(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

SECTION 4. Sections 37.009(a) and (f), Education Code, are
amended to read as follows:

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2) or 37.006, the campus behavior coordinator [principal] or other appropriate administrator shall schedule a conference among the campus behavior coordinator [principal] or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the factors under Section 37.001(a)(4), [principal] shall order the placement of the student for a period consistent with the student code of conduct. Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to
appreciate the wrongfulness of the student's conduct, regardless of
whether the decision of the behavior coordinator concerns a
mandatory or discretionary action. If school district policy
allows a student to appeal to the board of trustees or the board's
designee a decision of the campus behavior coordinator [principal]
or other appropriate administrator, other than an expulsion under
Section 37.007, the decision of the board or the board's designee is
final and may not be appealed. If the period of the placement is
inconsistent with the guidelines included in the student code of
conduct under Section 37.001(a)(5), the order must give notice of
the inconsistency. The period of the placement may not exceed one
year unless, after a review, the district determines that[

[(1)] the student is a threat to the safety of other
students or to district employees[; or

[(2)] extended placement is in the best interest of the
student].

(f) Before a student may be expelled under Section 37.007,
the board or the board's designee must provide the student a hearing
at which the student is afforded appropriate due process as
required by the federal constitution and which the student's parent
or guardian is invited, in writing, to attend. At the hearing, the
student is entitled to be represented by the student's parent or
guardian or another adult who can provide guidance to the student
and who is not an employee of the school district. If the school
district makes a good-faith effort to inform the student and the
student's parent or guardian of the time and place of the hearing,
the district may hold the hearing regardless of whether the
student, the student's parent or guardian, or another adult representing the student attends. Before ordering the expulsion of a student, the board of trustees must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the board concerns a mandatory or discretionary action. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

SECTION 5. This Act applies beginning with the 2015-2016 school year.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.
S.B. No. 107

President of the Senate

I hereby certify that S.B. No. 107 passed the Senate on April 23, 2015, by the following vote: Yeas 29, Nays 1.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 107 passed the House on May 27, 2015, by the following vote: Yeas 137, Nays 7, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor