

## **BILL ANALYSIS**

Senate Research Center  
81R16636 KKA-D

H.B. 171  
By: Olivo (Gallegos)  
Administration  
5/14/2009  
Engrossed

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

Currently, the law authorizes, but does not require, school districts to consider mitigating factors such as self-defense, intent, or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct, regarding suspensions, removals, or expulsions.

This bill requires that mitigating factors be considered by all school districts and their schools when disciplining a student.

H.B. 171 amends current law relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.

### **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 require that the student code of conduct, in addition to establishing standards for student conduct, specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, or expulsion and placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to certain conduct, rather than specify whether consideration is given, as a factor in a decision to order certain actions.

SECTION 2. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 3. Effective date: upon passage or September 1, 2009.