



SCHWARTZ & EICHELBAUM WARDELL MEHL AND HANSEN, P.C.

2011-2012 STUDENT CODE OF CONDUCT CHART OF CHANGES

Changes for the 2011-12 Student Code of Conduct are fairly limited and based almost entirely on statutory amendments. A legally-required change is highlighted in pink; an editorial change is highlighted in blue. **We have not incorporated any changes from 2011 legislation that will not be effective until the 2012-13 school year, including H.B. 1492 on “bullying” and limitations from H.B. 968 related to expulsion from DAEP for serious misconduct.**

p 10, item 51.d	H.B. 1666 changed the offenses from “online harassment” to “online impersonation.” According to the bill analysis, the changes and the redefinition of the offense is intended to provide authority to prosecute to posting items on Craigslist pretending to be another person,
p 12, 4 th bullet	Administrators have always had authority to change a student’s classroom as a disciplinary measure, so we add this option.
p 13, 10 th bullet	H.B. 359 prohibits law enforcement personnel from issuing a citation for the stated conducts to a student in grade 6 or below when the conduct occurs at school or a school-related activity. We add the final sentence to make sure no one thinks that means younger students get a free pass from everyone on disruptive conduct, profanity, or offensive gestures
p 14, Physical Restraint	H.B. 359 pertains to corporal punishment and use of restraints with students who have disabilities. The added sentence reflects provisions of that bill.
p 15 Corporal Punishment	<p>H.B. 359 requires districts that permit corporal punishment to allow parents to opt out of that as a disciplinary measure for their own children. The opt out is good for a year at a time and can be revoked in writing at any time by the parent. We provide a reasonable deadline for the parent to inform the principal of the decision to opt out.</p> <p>The statute contains a broader definition of corporal punishment than “spanking or paddling” but those are the only forms of corporal punishment that Texas school districts have used for the past 35-40 years, so we did not change that definition in the SCOC.</p> <p>The statute also specifically excludes “physical pain caused by reasonable</p>

	physical activities associated with athletic training, competition , or physical education” from the definition of “corporal punishment” and we incorporate that into the paragraph at the bottom of page 15.
p 18—courses at DAEP	S.B. 49 requires that the district inform parents of all the methods that are available to students in your school district to obtain credit for courses they were unable to complete while in the DAEP.
p 22—Serious Offense	See “online impersonation” on previous page
p 25 and following	H.B. 968 makes “aggravated robbery” an offense on par with “Title 5 felony” in the context of discipline for out-of-school conduct
p 26	H.B. 1907 amends Art. 15.27, related to law enforcement reports TO school administrators, and makes it mandatory for the administrator to consider that information when determining whether a student has engaged in certain criminal conduct addressed by the report. We change “may” to “will.”
p 34	H.B. 968 makes “aggravated robbery” an offense on par with “Title 5 felony” for permissive expulsion to JJAEP or DAEP
p 44	For the sake of being complete, we add item (1) to the list of Conduct Under Tex. Gov't Code 508.149 (a).
p 47	We add the definition of the criminal offense of “disorderly conduct.”
p 54	H.B. 1666 revises the offense of online impersonation; note that the definition now completely excludes pretending to be another person via email or a “message board program.”