

## 2009 TASB MODEL STUDENT CODE OF CONDUCT

The *TASB Model Student Code of Conduct* is intended to assist your district in developing and maintaining your local Student Code of Conduct, mandated by Chapter 37 of the Texas Education Code. The *Model* addresses the legal requirements and offers suggestions you may wish to include in your Student Code of Conduct.

The *Model* attempts to organize and harmonize the provisions of the law into a framework that, with fine-tuning by individual districts, can serve to communicate to students, parents, school staff, and the community exactly what is expected of students and how misconduct will be handled.

**Changes from the 81<sup>st</sup> Legislative Session** go into effect with the start of the 2009–2010 school year, so it is important they be incorporated into the district's Code as soon as possible. Relevant legislative bills include the following:

- House Bill 171 amends Section 37.001(a) of the Education Code to now require a district administrator to consider certain factors when making decisions regarding out-of-school suspension, placement in a DAEP, expulsion, or placement in JJAEP, regardless of whether the decision involves a mandatory or discretionary action. Previously, consideration of these factors had been left to the district's discretion under Section 37.001(a). Note that one of the four factors, a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, was listed as a required factor for consideration in prior versions of the *Model* and is currently referenced at Students with Disabilities on page 8.
- House Bill 1020 provides an exception from mandatory expulsion for a student's use, exhibition, or possession of a firearm at an approved off-campus target range facility while participating in or preparing for certain shooting sports, competitions, or activities sponsored by the district or affiliated with the Texas Parks and Wildlife Department. The bill also clarifies that the amendment to Section 37.007 of the Education Code does not provide an exception for similar use or possession of a firearm on school property.
- House Bill 3224 adds to the acts that constitute arson intentionally starting a fire or causing an explosion and in so doing: (1) recklessly damaging or destroying a building belonging to another; or (2) recklessly causing another person to suffer bodily injury or death.
- House Bill 4456 amends the definition of *switchblade* found at Section 46.01(11) of the Penal Code to except knives designed to be opened by one-handed operation, often referred to as *one-handed openers* or *assisted openers*. These knives have a spring, detent, or other mechanism that is designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.
- House Bill 2187 moves the offense of coercing, soliciting, or inducing gang membership if it causes bodily injury to a child from Section 22.015 of the Penal Code to Section 71.022, removing the offense from the list of Title 5 offenses.

- House Bill 1633 amends the definition of *graffiti* found in Section 28.08 of the Penal Code to include all types of paint, not just aerosol paint.

The *Model Student Code of Conduct* has been lightly edited throughout for clarity and to incorporate recent changes that have been made to other policies. We encourage administrators to read through the entire *Model* carefully and to check to make sure all necessary information is included in the district's own Student Code of Conduct.