

BILL ANALYSIS

H.B. 16
By: Corte
Public Education
Committee Report (Unamended)

BACKGROUND

Increasingly, teachers and other school employees in Texas are becoming victims of assault by students. According to the United States Department of Education, over a five-year period from 1994-1998, teachers were the victims of approximately 1,755,000 nonfatal crimes at schools nationwide, including 1,087,000 thefts and 668,000 violent crimes such as rape or sexual assault, robbery, aggravated assault, and simple assault. Current law specifies that simple assault on an educator is not an offense that automatically warrants expulsion. Students are only expelled from school for committing aggravated assault, including assault with a weapon or assault that causes serious bodily harm.

PURPOSE

House Bill 16 establishes simple assault against a public school employee as an offense for which expulsion of the offending student is automatic. The purpose of this bill is to provide a safe environment for educators to teach and students to learn.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 16 amends the Education Code to require a student who intentionally, knowingly, or recklessly causes bodily harm to a school employee on school property or at a school-sponsored activity to be expelled. The bill requires a student who intentionally, knowingly, or recklessly causes bodily injury to a person other than a school employee within 300 feet of school property or while attending a school sponsored or school-related activity to be placed in an alternative education program.

This Act applies beginning with the 2003-2004 school year.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

