

BILL ANALYSIS

S.B. 1548
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, administrators do not have sufficient flexibility in implementing certain aspects of student discipline. Extensive hearings for minor offenses can occur, certain serious criminal acts are not subject to mandatory expulsion, documentation requirements are excessive in certain circumstances, and jurisdiction of student misconduct is not aligned among different offenses. Teachers and administrators have raised concerns regarding the limitations of restraint and time-out, documentation and reporting requirements, and the inability of parents to work with school personnel in designing individually based educational programs that are not in exact conformance with the established rules. Concerns have been raised regarding applicability of the law and rules to law enforcement personnel, security personnel, and court-ordered placements. Additionally, current law does not clearly provide that expelled students ages 17 or older are to be served in alternative education programs.

S.B. 1548 modifies the definition of "time-out;" requires reasonable documentation regarding the use of restraint and time-out, with a provision for a waiver; and exempts certain persons and certain circumstances from the restrictions regarding restraint and time-out. The bill also specifies behaviors that trigger suspension and expulsion and when alternative education programs are required.

RULEMAKING AUTHORITY

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

ANALYSIS

S.B. 1548 amends the Education Code to provide that the student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

The bill provides that the state treat with dignity and respect all students, including students with disabilities who receive special education services. The bill prohibits a student with a disability who receives special education services from being confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. The bill redefines restraint as the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. The bill redefines time-out to include a setting in which the exit is not physically blocked by furniture or another inanimate object.

The bill prohibits the placement of a student with a disability, who receives special education services, in seclusion. The bill provides that provisions on student seclusion (37.0021(c)) do not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district.

The bill provides that procedures adopted by the commissioner of education regarding the implementation

of the use of restraint and time-out procedures do not apply to law enforcement personnel, juvenile probation personnel, detention personnel, corrections personnel, or educational placements of students by judicial authorities that do not include the judicial placement of students in an educational program at a local school district.

The bill provides that placement determination regarding a student with a disability who receives special education services is subject to the requirements of the Individuals with Disabilities Education Act, federal regulations, state statutes, and agency requirements necessary to carry out federal or state law relating to special education.

The bill authorizes a principal or appropriate administrator to suspend a student for any conduct identified in the student code of conduct as conduct for which a student may be suspended.

The bill requires that a student be expelled from a school if the student commits certain offenses on or within 300 feet of school property. The bill requires a school district to provide notification of expellable conduct to each teacher who has regular contact with a student through classroom assignment (Section 37.007).

The bill provides that if school district policy allows a student to appeal to the board of trustees a decision of the principal or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board is final and may not be appealed.

The bill provides that a noncustodial parent may submit a written request to the school district or school to provide that parent with a copy of any written notification relating to student misconduct under Sections 37.006 or 37.007. The bill requires the school district or school to provide the notification for the remaining school year unless the district or school has a reasonable basis for denying the request. The bill requires that the school district or school comply with any known applicable court order.

The bill amends the juvenile justice alternative education program provisions. The bill provides that if a student admitted into the public schools of a school district is expelled from school under Section 37.007, the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, is required to provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides, regardless of age or whether the juvenile court has jurisdiction over the student. The bill provides that education services are not required to be provided to a student who is not entitled to admission into the public school of a school district.

The bill requires the principal of a public or private primary or secondary school, or a principal's designee, to notify any school district police department and municipal police department, or the sheriff of the local county, if the school is not in a municipality, when the principal has reason to believe that conduct that may constitute a criminal offense for which a student may be expelled.

The bill repeals Section 37.001(b) relating to written reports of student code of conduct violations.

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.