

BILL ANALYSIS

C.S.H.B. 11
By: Corte
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Increasingly, teachers and other school employees in Texas schools are becoming victims of assault by students. According to the United States Department of Education, over a five-year period from 1998-2002, teachers were the victims of approximately 1,170,000 non-fatal crimes at schools nationwide, including 720,000 thefts and 450,000 violent crimes such as rape or sexual assault, robbery, aggravated assault, and simple assault. On average, these figures translate into a rate of 32 thefts, 20 violent crimes, and 2 serious violent crimes per 1,000 teachers annually. 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 that which causes serious bodily harm. A goal of all schools is to provide a safe environment for educators to teach and students to learn. CSHB 11 establishes simple assault against a public school employee as an offense for which expulsion of the offending student is automatic.

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

CSHB 11 amends the Education Code to require a student to be removed from class and placed in a disciplinary alternative education program if the student engages in conduct containing the elements of assault if committed against a person other than school employee, engages in reckless conduct containing the elements of assault if committed against a school employee. A student is to be expelled from school if engaging in conduct containing the elements of assault if the student acted intentionally or knowingly and conduct was committed against a school employee.

EFFECTIVE DATE

This Act applies beginning with the 2005 - 2006 school year. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 11 creates language as to a student engaging in reckless conduct containing the elements of assault if committed against a school employee. Additionally, the substitute creates language for a student engaging in conduct containing the elements of assault if the student acted intentionally or knowingly and the conduct was committed against a school employee.