

## **BILL ANALYSIS**

H.B. 783  
By: Eissler  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Code of Criminal Procedure currently provides for law enforcement officials to notify school authorities when a student is arrested on charges of committing a felony or a serious misdemeanor offense. The superintendent of the school district is required to promptly notify all instructional and support personnel who are responsible for supervising the student. This notification also applies upon conviction or deferred adjudication of such an offense and a student's probation officer is required to notify a school when a child is adjudicated.

H.B. 783 amends the Education Code by requiring notice to educators for a student's misconduct.

### **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**

HB 783 amends the Education Code by requiring a principal or their designee to inform each educator, responsible for the student's instruction, of a student who has engaged in any violation as listed in Section 37.006, Education Code, of the student's misconduct. Each educator shall keep the information confidential from any person not entitled to the information. The educator is permitted to share the information with the student's parent or guardian as provided by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this section. This bill also requires a school district to inform each educator, responsible for the student's instruction, of a student who has engaged in any violation as listed in Section 37.007, Education Code, of the student's misconduct. Each educator shall keep the information confidential from any person not entitled to the information. The educator is permitted to share the information with the student's parent or guardian as provided by state or federal law. The State Board for Educator Certification may revoke or suspend an educator's certificate for intentionally violating this section. Upon returning to school following an expulsion a student who has engaged in conduct, as designated, against a teacher may not be placed in the teacher's classroom without the teacher's consent. A teacher may not be coerced to consent.

HB 783 states that if a student, who is placed in a disciplinary alternative education program, enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement is to provide a copy of the placement order to the district in which the student enrolls. The district in which the student enrolls shall inform each educator, responsible for the instruction of the student, as to the contents of the placement order. The educator is required to keep this information confidential except that the information may be shared with the student's parent or guardian as provided by state or federal law.

HB 783 clarifies that a student who has been placed in a disciplinary alternative education program may not be returned to the classroom of the teacher who removed the student or who was the victim of the student's conduct without that teacher's consent.

### **EFFECTIVE DATE**

This Act applies beginning with the 2005 - 2006 school year.

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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.