

BILL ANALYSIS

S.B. 959
By: Shapiro
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law states that a student who commits an assault against a teacher may not be returned to the classroom of the teacher who removed the student without the teacher's consent; however, this does not necessarily protect the teacher who was assaulted as he or she may not have been responsible for the removal. In some cases, a student who assaulted a teacher has been placed back in that same teacher's classroom.

In addition, current law only requires that notice of a student's prior misconduct be given to school administrators and does not require that teachers and educational aides be notified before the student is placed in their classrooms. Because these educators have regular contact with the student, they need notification of the student's prior misconduct in order to take precautions and protect themselves.

S.B. 959 clarifies current law to allow the teacher who was assaulted, not just the party responsible for the removal of the student, to refuse the placement of that student back in his or her classroom and require that educators receive notice of a student's prior misconduct before the student is placed in the classroom. This bill also requires teachers and educational aides to keep this information confidential.

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

SECTION 1. Amends Section 37.002(d), Education Code, to include that if a teacher removed a student from class because the student engaged in certain offenses, the student is prohibited from being returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

SECTION 2. Amends Section 37.006, Education Code, by adding Subsection (o), as follows: In addition to any notice required under Article 15.27 (Notification to School Required), Code of Criminal Procedure, a principal or a principal's designee is required to inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. This bill requires each educator to keep the information received under this subsection confidential from any person not entitled to the information. The educator may share the information with the student's parent or guardian as provided for by state or federal law. This bill authorizes the State Board for Educator Certification (SBEC) to revoke or suspend the certification of an educator who intentionally violates this subsection.

SECTION 3. Amends Section 37.007(g), Education Code, to require, in addition to any notice required under Article 15.27 (Notification to School Required), Code of Criminal Procedure, a school district is required to inform each educator who has responsibility for the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator is to keep the information received under this subsection confidential from any person not entitled to the information under this subsection. An exception exists that the educator may share the information with the student's parent or guardian as provided by state or federal law.

Additionally, this bill authorizes SBEC to revoke or suspend the certification of an educator, rather than a teacher, who intentionally violates this subsection.

SECTION 4. Amends Section 37.008(j), Education Code, to include that the district in which the student enrolls is required to inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. This bill requires each educator to keep the information received under this subsection confidential from any person not entitled to the information under this subsection. This bill authorizes the educator to share the information with the student's parent or guardian as provided for by state or federal law.

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.