

By: Eissler

H.B. No. 783

A BILL TO BE ENTITLED

1 AN ACT

2 relating to notice to educators of a public school student's
3 misconduct and to placement of a student who has assaulted a
4 teacher.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 37.006, Education Code, is amended by
7 adding Subsection (o) to read as follows:

8 (o) In addition to any notice required under Article 15.27,
9 Code of Criminal Procedure, a principal or a principal's designee
10 shall inform each educator who has responsibility for the
11 instruction of a student who has engaged in any violation listed in
12 this section of the student's misconduct. Each educator shall keep
13 the information received under this subsection confidential from
14 any person not entitled to the information under this subsection,
15 except that the educator may share the information with the
16 student's parent or guardian as provided for by state or federal
17 law. The State Board for Educator Certification may revoke or
18 suspend the certification of an educator who intentionally violates
19 this subsection.

20 SECTION 2. Section 37.007, Education Code, is amended by
21 amending Subsection (g) and adding Subsection (j) to read as
22 follows:

23 (g) In addition to any notice required under Article 15.27,
24 Code of Criminal Procedure, a [A] school district shall inform each

1 educator who has responsibility for the instruction [~~teacher who~~
2 ~~has regular contact with a student through a classroom assignment~~
3 ~~of the conduct~~] of a student who has engaged in any violation listed
4 in this section of the student's misconduct. Each educator [~~A~~
5 ~~teacher~~] shall keep the information received under [~~in~~] this
6 subsection confidential from any person not entitled to the
7 information under this subsection, except that the educator may
8 share the information with the student's parent or guardian as
9 provided for by state or federal law. The State Board for Educator
10 Certification may revoke or suspend the certification of an
11 educator [~~a teacher~~] who intentionally violates this subsection.

12 (j) On the return to school following an expulsion, a
13 student who has engaged in the elements of any offense listed in
14 Subsection (a)(2)(A) or (b)(2)(C) against a teacher may not be
15 placed in the teacher's classroom without that teacher's consent.
16 The teacher may not be coerced to consent.

17 SECTION 3. Section 37.008(j), Education Code, is amended to
18 read as follows:

19 (j) If a student placed in a disciplinary alternative
20 education program enrolls in another school district before the
21 expiration of the period of placement, the board of trustees of the
22 district requiring the placement shall provide to the district in
23 which the student enrolls, at the same time other records of the
24 student are provided, a copy of the placement order. The district
25 in which the student enrolls shall inform each educator who will
26 have responsibility for the instruction of the student of the
27 contents of the placement order. Each educator shall keep the

1 information received under this subsection confidential from any
2 person not entitled to the information under this subsection,
3 except that the educator may share the information with the
4 student's parent or guardian as provided for by state or federal
5 law. The district in which the student enrolls may continue the
6 disciplinary alternative education program placement under the
7 terms of the order or may allow the student to attend regular
8 classes without completing the period of placement. A district may
9 take any action permitted by this subsection if:

10 (1) the student was placed in a disciplinary
11 alternative education program by an open-enrollment charter school
12 under Section 12.131 and the charter school provides to the
13 district a copy of the placement order; or

14 (2) the student was placed in a disciplinary
15 alternative education program by a school district in another state
16 and:

17 (A) the out-of-state district provides to the
18 district a copy of the placement order; and

19 (B) the grounds for the placement by the
20 out-of-state district are grounds for placement in the district in
21 which the student is enrolling.

22 SECTION 4. Section 37.009(e), Education Code, is amended to
23 read as follows:

24 (e) A student placed in a disciplinary alternative
25 education program shall be provided a review of the student's
26 status, including a review of the student's academic status, by the
27 board's designee at intervals not to exceed 120 days. In the case

1 of a high school student, the board's designee, with the student's
2 parent or guardian, shall review the student's progress towards
3 meeting high school graduation requirements and shall establish a
4 specific graduation plan for the student. The district is not
5 required under this subsection to provide a course in the
6 district's disciplinary alternative education program except as
7 required by Section 37.008(1). At the review, the student or the
8 student's parent or guardian must be given the opportunity to
9 present arguments for the student's return to the regular classroom
10 or campus. The student may not be returned to the classroom of the
11 teacher who removed the student or who was the victim of the
12 student's conduct without that teacher's consent. The teacher may
13 not be coerced to consent.

14 SECTION 5. This Act applies beginning with the 2005-2006
15 school year.

16 SECTION 6. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2005.