

By: Shapiro, West

S.B. No. 959

A BILL TO BE ENTITLED

AN ACT

1
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. Subsection (d), Section 37.002, Education Code,
7 is amended to read as follows:

8 (d) A teacher shall remove from class and send to the
9 principal for placement in a disciplinary alternative education
10 program or for expulsion, as appropriate, a student who engages in
11 conduct described under Section 37.006 or 37.007. The student may
12 not be returned to that teacher's class without the teacher's
13 consent unless the committee established under Section 37.003
14 determines that such placement is the best or only alternative
15 available. If the teacher removed the student from class because
16 the student has engaged in the elements of any offense listed in
17 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C)
18 against the teacher, the student may not be returned to the
19 teacher's class without the teacher's consent. The teacher may not
20 be coerced to consent.

21 SECTION 2. Section 37.006, Education Code, is amended by
22 adding Subsection (o) to read as follows:

23 (o) In addition to any notice required under Article 15.27,
24 Code of Criminal Procedure, a principal or a principal's designee

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

12 SECTION 3. Subsection (g), Section 37.007, Education Code,
13 is amended to read as follows:

14 (g) In addition to any notice required under Article 15.27,
15 Code of Criminal Procedure, a [A] school district shall inform each
16 educator who has responsibility for, or is under the direction and
17 supervision of an educator who has responsibility for, the
18 instruction [~~teacher who has regular contact with a student through~~
19 ~~a classroom assignment of the conduct~~] of a student who has engaged
20 in any violation listed in this section of the student's
21 misconduct. Each educator [~~A teacher~~] shall keep the information
22 received under [~~in~~] this subsection confidential from any person
23 not entitled to the information under this subsection, except that
24 the educator may share the information with the student's parent or
25 guardian as provided for by state or federal law. The State Board
26 for Educator Certification may revoke or suspend the certification
27 of an educator [~~a teacher~~] who intentionally violates this

1 subsection.

2 SECTION 4. Subsection (j), Section 37.008, Education Code,
3 is amended to read as follows:

4 (j) If a student placed in a disciplinary alternative
5 education program enrolls in another school district before the
6 expiration of the period of placement, the board of trustees of the
7 district requiring the placement shall provide to the district in
8 which the student enrolls, at the same time other records of the
9 student are provided, a copy of the placement order. The district
10 in which the student enrolls shall inform each educator who will
11 have responsibility for, or will be under the direction and
12 supervision of an educator who will have responsibility for, the
13 instruction of the student of the contents of the placement order.
14 Each educator shall keep the information received under this
15 subsection confidential from any person not entitled to the
16 information under this subsection, except that the educator may
17 share the information with the student's parent or guardian as
18 provided for by state or federal law. The district in which the
19 student enrolls may continue the disciplinary alternative
20 education program placement under the terms of the order or may
21 allow the student to attend regular classes without completing the
22 period of placement. A district may take any action permitted by
23 this subsection if:

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

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

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

6 (B) the grounds for the placement by the
7 out-of-state district are grounds for placement in the district in
8 which the student is enrolling.

9 SECTION 5. This Act applies beginning with the 2005-2006
10 school year.

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