

By: Shapiro

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. Section 37.002(d), Education Code, is amended to  
7 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 37.007(a)(2)(A) or (b)(2)(C) against  
18 the teacher, the student may not be returned to the teacher's class  
19 without the teacher's consent unless there is no other placement  
20 available for the student in the school district. The teacher may  
21 not be coerced to consent.

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

24 (o) In addition to any notice required under Article 15.27,

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

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

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

1 of an educator [~~a teacher~~] who intentionally violates this  
2 subsection.

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

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

25 (1) the student was placed in a disciplinary  
26 alternative education program by an open-enrollment charter school  
27 under Section 12.131 and the charter school provides to the

1 district a copy of the placement order; or

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

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

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

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

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