

1-1 By: Shapiro S.B. No. 959
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Education; April 13, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 13, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 959 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to notice to educators of a public school student's
1-10 misconduct and to placement of a student who has assaulted a
1-11 teacher.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (d), Section 37.002, Education Code,
1-14 is amended to read as follows:

1-15 (d) A teacher shall remove from class and send to the
1-16 principal for placement in a disciplinary alternative education
1-17 program or for expulsion, as appropriate, a student who engages in
1-18 conduct described under Section 37.006 or 37.007. The student may
1-19 not be returned to that teacher's class without the teacher's
1-20 consent unless the committee established under Section 37.003
1-21 determines that such placement is the best or only alternative
1-22 available. If the teacher removed the student from class because
1-23 the student has engaged in the elements of any offense listed in
1-24 Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C)
1-25 against the teacher, the student may not be returned to the
1-26 teacher's class without the teacher's consent. The teacher may not
1-27 be coerced to consent.

1-28 SECTION 2. Section 37.006, Education Code, is amended by
1-29 adding Subsection (o) to read as follows:

1-30 (o) In addition to any notice required under Article 15.27,
1-31 Code of Criminal Procedure, a principal or a principal's designee
1-32 shall inform each educator who has responsibility for, or is under
1-33 the direction and supervision of an educator who has responsibility
1-34 for, the instruction of a student who has engaged in any violation
1-35 listed in this section of the student's misconduct. Each educator
1-36 shall keep the information received under this subsection
1-37 confidential from any person not entitled to the information under
1-38 this subsection, except that the educator may share the information
1-39 with the student's parent or guardian as provided for by state or
1-40 federal law. The State Board for Educator Certification may revoke
1-41 or suspend the certification of an educator who intentionally
1-42 violates this subsection.

1-43 SECTION 3. Subsection (g), Section 37.007, Education Code,
1-44 is amended to read as follows:

1-45 (g) In addition to any notice required under Article 15.27,
1-46 Code of Criminal Procedure, a [A] school district shall inform each
1-47 educator who has responsibility for, or is under the direction and
1-48 supervision of an educator who has responsibility for, the
1-49 instruction [teacher who has regular contact with a student through
1-50 a classroom assignment of the conduct] of a student who has engaged
1-51 in any violation listed in this section of the student's
1-52 misconduct. Each educator [A teacher] shall keep the information
1-53 received under [in] this subsection confidential from any person
1-54 not entitled to the information under this subsection, except that
1-55 the educator may share the information with the student's parent or
1-56 guardian as provided for by state or federal law. The State Board
1-57 for Educator Certification may revoke or suspend the certification
1-58 of an educator [a teacher] who intentionally violates this
1-59 subsection.

1-60 SECTION 4. Subsection (j), Section 37.008, Education Code,
1-61 is amended to read as follows:

1-62 (j) If a student placed in a disciplinary alternative
1-63 education program enrolls in another school district before the

2-1 expiration of the period of placement, the board of trustees of the
2-2 district requiring the placement shall provide to the district in
2-3 which the student enrolls, at the same time other records of the
2-4 student are provided, a copy of the placement order. The district
2-5 in which the student enrolls shall inform each educator who will
2-6 have responsibility for, or will be under the direction and
2-7 supervision of an educator who will have responsibility for, the
2-8 instruction of the student of the contents of the placement order.
2-9 Each educator shall keep the information received under this
2-10 subsection confidential from any person not entitled to the
2-11 information under this subsection, except that the educator may
2-12 share the information with the student's parent or guardian as
2-13 provided for by state or federal law. The district in which the
2-14 student enrolls may continue the disciplinary alternative
2-15 education program placement under the terms of the order or may
2-16 allow the student to attend regular classes without completing the
2-17 period of placement. A district may take any action permitted by
2-18 this subsection if:

2-19 (1) the student was placed in a disciplinary
2-20 alternative education program by an open-enrollment charter school
2-21 under Section 12.131 and the charter school provides to the
2-22 district a copy of the placement order; or

2-23 (2) the student was placed in a disciplinary
2-24 alternative education program by a school district in another state
2-25 and:

2-26 (A) the out-of-state district provides to the
2-27 district a copy of the placement order; and

2-28 (B) the grounds for the placement by the
2-29 out-of-state district are grounds for placement in the district in
2-30 which the student is enrolling.

2-31 SECTION 5. This Act applies beginning with the 2005-2006
2-32 school year.

2-33 SECTION 6. This Act takes effect immediately if it receives
2-34 a vote of two-thirds of all the members elected to each house, as
2-35 provided by Section 39, Article III, Texas Constitution. If this
2-36 Act does not receive the vote necessary for immediate effect, this
2-37 Act takes effect September 1, 2005.

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