

## **BILL ANALYSIS**

C.S.H.B. 846  
By: Olivo  
Public Education  
Committee Report (Substituted)

**Note: Unless otherwise specified, all statutory references in the Bill Analysis are to the Education Code.**

### **BACKGROUND AND PURPOSE**

Under current law, a school district's board of trustees must adopt a student code of conduct for the district which must address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program (DAEP), or expulsion. However, it appears that there is little consistency among districts regarding how or when this notification occurs.

Timely notification allows the parents to know the whereabouts of their children. Parental notification of disciplinary action is also key to ensuring that the parents are involved in correcting the behavior of their child.

This bill would amend the Education Code and entitle a parent to notice from a school district when their child is placed in a DAEP, expelled, or placed in a juvenile justice alternative education program (JJAEP).

### **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**

This bill amends the Education Code to provide that a parent is entitled to notice from a school district if under Subchapter A, Chapter 37, the parent's child is placed in a DAEP or expelled or placed in a JJAEP. The bill provides that a school district must give written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent, and not later than 5 p.m. of the first business day after the day the disciplinary action is taken, must inform the parent of the action by telephone or in person, or mailing written notice of the action to the parent at the parent's last known address. The notice must include a statement of the student's and parent's applicable procedural rights under Subchapter A, Chapter 37.

The bill further provides that a noncustodial parent may request in writing that a school district or school, for the remainder of the school year in which the request is received, provide that parent with any notice required by Section 26.0082, as added by this Act.

The bill provides that the Act applies beginning with the 2007-2008 school year.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill provided that a parent is entitled to notice from a school district if the parent's child is removed from class under Section 37.002 or 37.006 or under the student code of conduct adopted under Section 37.001 for placement in a DAEP or under Section 37.007 for expulsion or placement in a JJAEP. The substitute bill provides that a parent is entitled to notice from a school district if under Subchapter A, Chapter 37, the parent's child is placed in a DAEP or expelled or placed in a JJAEP.

The notice provisions differ in the original and the substitute. The original provided that a school district shall provide the required notice not later than 5 p.m. on the first business day after the day the student is removed from class, and that a noncustodial parent who has requested notice of disciplinary actions as provided by Section 37.0091 is entitled to such notice. The notice provisions of the substitute are that a school district must give written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent, and not later than 5 p.m. of the first business day after the day the disciplinary action is taken, must inform the parent of the action by telephone or in person, or mailing written notice of the action to the parent at the parent's last known address, that the notice must include a statement of the student's and parent's applicable procedural rights under Subchapter A, Chapter 37, and that a noncustodial parent may request in writing that a school district or school, for the remainder of the school year in which the request is received, provide that parent with any notice required by Section 26.0082, as added by this Act.