

BILL ANALYSIS

C.S.H.B. 3409
By: Thompson
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The legislature in 1995 made significant innovations in state law on student discipline that are embodied in Chapter 37, Subchapter A, of the Texas Education Code. One innovation was the specification of certain misconduct for which placement in a disciplinary alternative education program or expulsion is required, though the length of such placement or expulsion remains a matter of local discretion. Another innovation was the grant of discretionary authority to teachers to remove disruptive students from their classrooms, with significant restrictions on the authority of administrators to return such students to the teacher's class without the teacher's consent.

The effectiveness of this legislation has been undermined by the failure of some administrators to apply these laws correctly. As a result, the public has often been led to suppose mistakenly that state law mandates minimum terms of disciplinary alternative education placements and expulsions. Administrative error and confusion also have frustrated teachers in their efforts to exercise their discretionary authority granted by the state to remove disruptive students from their classroom.

This bill will help to correct these problems by providing appropriate training for teachers, principals and other appropriate administrators. The bill requires the Commissioner of Education to adopt rules so that the provisions of Chapter 37 will be better understood and effectively enforced across the state.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 1 of this bill.

ANALYSIS

Note: Unless otherwise specified, statutory references in this BILL ANALYSIS are to the Education Code.

The bill amends the Education Code to provide that each teacher and each principal or other appropriate administrator who oversees student discipline shall attend staff development training designed to assist the teacher, principal, or administrator in determining methods for incorporating appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 by the school district employing the teacher, principal, or administrator.

Such staff development training must include specific information relating to appropriate methods for applying the provisions of Chapter 37, and information relating to the distinction between a discipline management technique used at the principal's discretion under Section 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Section 37.002(b).

Such staff development training must comply with Sections 21.451(a), (b), and (c), and is in addition to any staff development training required under Section 21.451.

The bill provides that the Commissioner of Education shall adopt rules as necessary to implement the staff development training provisions of this bill.

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The bill also adds language to the Education Code to the effect that the staff development account under Section 21.453(a) also consists of gifts, grants, donations, appropriations for the purpose of staff development under Section 37.0181, as added by this bill.

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 substitute creates an additional requirement for teachers who oversee student discipline to attend staff development training to assist them with determining appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 by the school district employing the teacher. This is in addition to the same requirement placed on principals and other appropriate administrators who oversee student discipline, as provided in the original bill.