

BILL ANALYSIS

C.S.H.B. 172
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a school district's board of trustees must adopt a student code of conduct for the district that addresses the procedural notification of a student's parent or guardian when a violation of the code is committed by the student that results in suspension, removal, or expulsion. However, there is little consistency among districts regarding the promptness or the manner in which this notification occurs. Timely notification allows the parents of a child to know the child's whereabouts, and it ensures that the parents are involved in correcting the child's behavior.

C.S.H.B. 172 entitles a parent to immediate notice from a school when the parent's child is or will be placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken or will be taken into custody by a law enforcement officer. The bill establishes requirements for the time frames and manner of giving such a notice by a school district.

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

C.S.H.B. 172 amends the Education Code to entitle a parent to immediate notice from a school district if the parent's child is or will be placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken or will be taken into custody by a law enforcement officer. The bill requires a school district to contact the parent immediately by telephone or in person and to give written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent. The bill requires a school district, if a parent entitled to such notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, to mail written notice of the action to the parent at the parent's last known address.

C.S.H.B. 172 requires such notice to include the disciplinary action taken against the student, a statement of the student's and parent's applicable procedural rights, and the name of the person to contact at the campus in connection with the disciplinary action.

C.S.H.B. 172 allows a noncustodial parent to request in writing that a school district or school provide the notice described above in addition to a copy of any written notice relating to student misconduct that the district or school generally provides to a student's parent or guardian.

C.S.H.B. 172 makes its provision relating to the parent's right to immediate notice applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 172 entitles a parent to immediate notice from a school district of disciplinary action taken against the parent's child, rather than prompt notice as in the original; the substitute differs from the original by requiring notice of an impending disciplinary action as well as of an action taken.

C.S.H.B. 172 differs from the original by extending the notice requirement to a disciplinary action involving the child's placement into in-school or out-of-school suspension and the child's being taken into custody by a law enforcement officer.

C.S.H.B. 172 requires a school district to contact the parent by telephone or in person immediately, rather than not later than 5 p.m. of the first business day after the day the disciplinary action is taken as in the original.

C.S.H.B. 172 requires the written notice of disciplinary action to be mailed to a parent only if the parent has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, whereas the original authorizes the mailing of such notice as an alternative to informing such parent of the action by telephone or in person by such time.

C.S.H.B. 172 adds provisions not in the original that expressly require the notice to include the disciplinary action taken against the student and the name of the person to contact at the campus in connection with the disciplinary action.