

BILL ANALYSIS

H.B. 1375
By: Thompson
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 74th Legislature, Regular Session, 1995, made significant innovations in state law on student discipline that are embodied in the Education Code under provisions regarding an alternative setting for behavior management. 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 a teacher to remove a disruptive student from the classroom, with significant restrictions on the authority of an administrator to return such a student to the teacher's class without the teacher's consent.

The effectiveness of such legislation has been undermined by the failure of some administrators to correctly apply these laws. As a result, the public has often been led to mistakenly suppose that state law mandates a minimum term of disciplinary alternative education placement or expulsion. Administrative error and confusion also have frustrated teachers in their efforts to exercise the discretionary authority granted them by the state to remove a disruptive student from their classrooms.

H.B. 1375 helps to correct such problems by requiring each teacher, principal, or other appropriate administrator who oversees student discipline to attend staff development training designed to assist the person in determining methods for incorporating appropriate discipline management techniques consistent with the student code of conduct of the school district employing the person. The bill requires the commissioner of education to adopt rules as necessary to implement such training so that the provisions of the Education Code regarding an alternative setting for behavior management 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

H.B. 1375 amends the Education Code to require each teacher and each principal or other appropriate administrator who oversees student discipline to attend staff development training designed to assist the teacher or the principal or other administrator in determining methods for incorporating appropriate discipline management techniques consistent with the student code of conduct adopted by the board of trustees of the independent school district employing the teacher or the principal or other administrator.

H.B. 1375 requires such staff development training to include specific information relating to appropriate methods for applying the provisions concerning discipline and law and order in public education and information relating to the distinction between a discipline management technique used at the principal's discretion and the discretionary authority of a teacher to remove

a disruptive student under provisions governing a student's removal from class by a teacher.

H.B. 1375 requires such staff development training to comply with certain provisions governing the staff development requirements of educators and provides that the training is in addition to any staff development training required under related provisions.

H.B. 1375 requires the commissioner of education to adopt rules as necessary to implement the staff development training regarding disciplinary procedures.

H.B. 1375 adds appropriations for the purpose of the staff development training regarding disciplinary procedures to the composition of the staff development account of the general revenue fund.

H.B. 1375 makes its provisions 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.