

## **BILL ANALYSIS**

H.B. 2280  
By: Thompson  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Subchapter A, Chapter 37, Education Code, provides for the maintenance of discipline and order in public schools. It requires each local school district to adopt a student code of conduct that lays out expectations for appropriate student behavior and consequences of inappropriate conduct. The law allows a teacher to remove a student from the regular classroom for repeated or serious interference with instruction and provides the teacher a right to refuse that student's return to the classroom. These provisions are important tools for teachers to maintain order in their classrooms and to ensure that their students can spend time learning.

Unfortunately, school principals and other administrators sometimes take adverse actions against a teacher who employs these tools. This discourages educators, interferes with their teaching, and undermines the safeguard of students' valuable learning time that the law is meant to provide.

H.B. 2280 makes it a violation of the educator's code of ethics for an educator to retaliate against another educator for having removed a student from that educator's classroom as provided by state law. The bill sets forth actions that may be considered retaliation, and requires the State Board for Educator Certification to issue sanctions against an educator who retaliates against another educator.

### **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**

H.B. 2280 amends the Education Code to make it a violation of the educator's code of ethics adopted under State Board for Educator Certification provisions for an educator to retaliate against another educator for having removed a student from that educator's classroom as provided by state law. The bill authorizes the following actions to be considered retaliation: suspending or terminating the employment of the educator; and taking other adverse personnel action against the educator, including reassigning the educator or giving the educator a negative appraisal. The bill requires the board to issue sanctions against an educator who retaliates against another educator. The bill authorizes sanctions to include issuing a reprimand, placing a restriction on the certificate of the educator, suspending the certificate of the educator, or revoking or canceling the certificate of the educator. The bill 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.