

By: Olivo

H.B. No. 172

Substitute the following for H.B. No. 172:

By: Allen

C.S.H.B. No. 172

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the right of a parent of a public school student to  
3 immediate notice of certain disciplinary action taken against the  
4 student.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 26, Education Code, is amended by adding  
7 Section 26.0082 to read as follows:

8 Sec. 26.0082. RIGHT TO IMMEDIATE NOTICE OF DISCIPLINARY  
9 ACTION. (a) A parent is entitled to immediate notice from a school  
10 district as provided by this section if under Subchapter A, Chapter  
11 37, the parent's child is or will be placed into in-school or  
12 out-of-school suspension, placed in a disciplinary alternative  
13 education program, expelled, or placed in a juvenile justice  
14 alternative education program or is taken or will be taken into  
15 custody by a law enforcement officer. A school district must comply  
16 with this subsection by:

17 (1) immediately contacting the parent by telephone or  
18 in person; and

19 (2) giving written notice of the disciplinary action  
20 to the student, on the day the action is taken, for delivery to the  
21 student's parent.

22 (b) If a parent entitled to notice under Subsection (a) has  
23 not been reached by telephone or in person by 5 p.m. of the first  
24 business day after the day the disciplinary action is taken, a

1 school district shall mail written notice of the action to the  
2 parent at the parent's last known address.

3 (c) The notice provided under this section must include:

4 (1) the disciplinary action taken against the student;

5 (2) a statement of the student's and parent's  
6 applicable procedural rights under Subchapter A, Chapter 37; and

7 (3) the name of the person to contact at the campus in  
8 connection with the disciplinary action.

9 SECTION 2. Section 37.0091(a), Education Code, is amended  
10 to read as follows:

11 (a) A noncustodial parent may request in writing that a  
12 school district or school, for the remainder of the school year in  
13 which the request is received, provide that parent with:

14 (1) a copy of any written notification relating to  
15 student misconduct under Section 37.006 or 37.007 that is generally  
16 provided by the district or school to a student's parent or  
17 guardian; and

18 (2) any notice required by Section 26.0082.

19 SECTION 3. Section 26.0082, Education Code, as added by  
20 this Act, applies beginning with the 2009-2010 school year.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.