

By: Olivo

H.B. No. 172

A BILL TO BE ENTITLED

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AN ACT

relating to the right of a parent of a public school student to prompt notice of certain disciplinary action taken against the student.

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

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

Sec. 26.0082. RIGHT TO PROMPT NOTICE OF DISCIPLINARY ACTION. (a) A parent is entitled to notice from a school district as provided by this section if under Subchapter A, Chapter 37, the parent's child is placed in a disciplinary alternative education program or expelled or placed in a juvenile justice alternative education program. A school district must comply with this subsection by:

(1) giving written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent; and

(2) not later than 5 p.m. of the first business day after the day the disciplinary action is taken:

(A) informing the parent of the action by telephone or in person; or

(B) mailing written notice of the action to the parent at the parent's last known address.

(b) The notice provided under Subsection (a) must include a

1 statement of the student's and parent's applicable procedural  
2 rights under Subchapter A, Chapter 37.

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

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

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

12 (2) any notice required by Section 26.0082.

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

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