

By: Olivo

H.B. No. 2476

A BILL TO BE ENTITLED

AN ACT

relating to discipline management in public schools.

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

SECTION 1. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsection (c-1) to read as follows:

(c-1) The staff development must include training in discipline strategies and must address:

(1) classroom management;

(2) the school district's discipline policies; and

(3) the student code of conduct adopted under Section

37.001.

(d) The staff development may:

(1) include training in:

(A) technology; and

(B) conflict resolution; and

~~[(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37,]~~

(2) include training that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; and

1 (3) include instruction as to what is permissible
2 under law, including opinions of the United States Supreme Court,
3 regarding prayer in public school.

4 SECTION 2. Section 21.453(b), Education Code, is amended to
5 read as follows:

6 (b) The commissioner may allocate funds from the account to
7 regional education service centers to provide staff development
8 resources to school districts that:

9 (1) are rated academically unacceptable;

10 (2) have one or more campuses rated as academically
11 unacceptable; or

12 (3) are otherwise in need of assistance as indicated
13 by the academic performance or disciplinary records of students, as
14 determined by the commissioner.

15 SECTION 3. Subchapter J, Chapter 21, Education Code, is
16 amended by adding Section 21.4552 to read as follows:

17 Sec. 21.4552. DISCIPLINE MANAGEMENT TRAINING PROGRAM. (a)
18 The commissioner shall develop a discipline management training
19 program for teachers and, to the extent authorized under this
20 section, make the training available to teachers at all grade
21 levels.

22 (b) The discipline management training program developed
23 under this section must include training for teachers in
24 age-appropriate:

25 (1) conflict resolution techniques;

26 (2) positive behavior management;

27 (3) classroom management; and

1 (4) intervention strategies for students exhibiting
2 behavioral difficulties.

3 (c) On request of the commissioner, regional education
4 service centers shall assist in developing the discipline
5 management training program or providing the training. The
6 commissioner also may solicit assistance from another public entity
7 or from a private entity.

8 (d) Each teacher assigned to a campus that is considered
9 academically unacceptable under Section 39.132 based on the
10 percentage of students placed in a disciplinary alternative
11 education program under Section 37.008 shall participate in
12 discipline management training under this section. The
13 commissioner shall adopt a rule establishing criteria for selecting
14 other teachers who may participate in the training.

15 (e) From funds appropriated for the purpose, a teacher who
16 participates in discipline management training under this section
17 is entitled to receive a stipend in a reasonable amount established
18 by commissioner rule. The stipend is not considered in determining
19 whether a district is paying the teacher the minimum monthly salary
20 under Section 21.402.

21 (f) From funds appropriated for purposes of this section,
22 the commissioner shall conduct or contract with a qualified public
23 or private entity to conduct a comprehensive evaluation of the
24 discipline management training program developed under this
25 section, including implementation of the program. The evaluation
26 must:

27 (1) use qualitative, quantitative, and expert review

1 methodologies, including:

2 (A) direct observations;

3 (B) interviews with and surveys of teachers who
4 have participated in the training;

5 (C) surveys of administrators supervising
6 teachers who have participated in the training; and

7 (D) analysis of student data submitted through
8 the Public Education Information Management System (PEIMS) to
9 compare the percentages of disciplinary removals under Section
10 37.002 by teachers who have participated in the training with the
11 percentages of such removals by teachers who have not participated
12 in the training; and

13 (2) include an analysis of financial data to assess
14 the cost-effectiveness of providing the training.

15 (g) Not later than December 1, 2014, the commissioner shall
16 prepare and deliver to each member of the legislature a report
17 describing the results of the evaluation required by Subsection
18 (f). Subsection (f) and this subsection expire September 1, 2015.

19 SECTION 4. Section 37.008(m), Education Code, is amended to
20 read as follows:

21 (m) The commissioner shall adopt rules necessary to
22 evaluate annually the performance of each district's disciplinary
23 alternative education program established under this subchapter.
24 The evaluation required by this section shall be based on
25 indicators defined by the commissioner, but must include student
26 performance on assessment instruments required under Sections
27 39.023(a) and (c) and student dropout rates. Academically, the

1 mission of disciplinary alternative education programs shall be to
2 enable students to perform at grade level and, notwithstanding
3 Subsection (l), to graduate from high school.

4 SECTION 5. Section 37.009, Education Code, is amended by
5 amending Subsection (b) and adding Subsection (k) to read as
6 follows:

7 (b) If a student's placement in a disciplinary alternative
8 education program is based on conduct other than conduct for which
9 placement in a disciplinary alternative education program is
10 required by Section 37.006, or if the student's placement in a
11 disciplinary alternative education program is to extend beyond 60
12 days or the end of the next grading period, whichever is earlier, a
13 student's parent or guardian is entitled to notice of and an
14 opportunity to participate in a proceeding before the board of
15 trustees of the school district or the board's designee, as
16 provided by policy of the board of trustees of the district. Any
17 decision of the board or the board's designee under this subsection
18 is final and may not be appealed.

19 (k) Each school district shall establish a disciplinary
20 conference oversight committee to ensure that a conference or
21 hearing held under this section is consistent with this chapter and
22 the student code of conduct adopted under Section 37.001.

23 SECTION 6. Section 39.051(b), Education Code, is amended to
24 read as follows:

25 (b) Performance on the indicators adopted under this
26 section shall be compared to state-established standards. The
27 degree of change from one school year to the next in performance on

1 each indicator adopted under this section shall also be
2 considered. The indicators must be based on information that is
3 disaggregated by race, ethnicity, gender, and socioeconomic status
4 and must include:

5 (1) the results of assessment instruments required
6 under Sections 39.023(a), (c), and (l), aggregated by grade level
7 and subject area;

8 (2) dropout rates, including dropout rates and
9 district completion rates for grade levels 9 through 12, computed
10 in accordance with standards and definitions adopted by the
11 National Center for Education Statistics of the United States
12 Department of Education;

13 (3) high school graduation rates, computed in
14 accordance with standards and definitions adopted in compliance
15 with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

16 (4) student attendance rates;

17 (5) the percentage of graduating students who attain
18 scores on the questions developed for end-of-course assessment
19 instruments under Section 39.0233(a) that are equivalent to a
20 passing score on the assessment instrument required under Section
21 51.3062;

22 (6) the percentage of graduating students who meet the
23 course requirements established for the recommended high school
24 program by State Board of Education rule;

25 (7) the results of the Scholastic Assessment Test
26 (SAT), the American College Test (ACT), articulated postsecondary
27 degree programs described by Section 61.852, and certified

1 workforce training programs described by Chapter 311, Labor Code;

2 (8) the percentage of students, aggregated by grade
3 level, provided accelerated instruction under Section 28.0211(c),
4 the results of assessments administered under that section, the
5 percentage of students promoted through the grade placement
6 committee process under Section 28.0211, the subject of the
7 assessment instrument on which each student failed to perform
8 satisfactorily, and the performance of those students in the school
9 year following that promotion on the assessment instruments
10 required under Section 39.023;

11 (9) the percentage of students, aggregated by age,
12 grade level, ethnicity, and gender, placed in a disciplinary
13 alternative education program under Section 37.008, and the number
14 of those placements required to be reported under Section
15 37.020(b)(2) and the number required to be reported under Section
16 37.020(b)(4);

17 (10) for students who have failed to perform
18 satisfactorily on an assessment instrument required under Section
19 39.023(a) or (c), the numerical progress of those students grouped
20 by percentage on subsequent assessment instruments required under
21 those sections, aggregated by grade level and subject area;

22 (11) [~~(10)~~] the percentage of students exempted, by
23 exemption category, from the assessment program generally
24 applicable under this chapter;

25 (12) [~~(11)~~] the percentage of students of limited
26 English proficiency exempted from the administration of an
27 assessment instrument under Sections 39.027(a)(3) and (4);

1 (13) [~~(12)~~] the percentage of students in a special
2 education program under Subchapter A, Chapter 29, assessed through
3 assessment instruments developed or adopted under Section
4 39.023(b);

5 (14) [~~(13)~~] the measure of progress toward
6 preparation for postsecondary success; and

7 (15) [~~(14)~~] the measure of progress toward dual
8 language proficiency under Section 39.034(b), for students of
9 limited English proficiency, as defined by Section 29.052.

10 SECTION 7. Section 39.052(b), Education Code, is amended to
11 read as follows:

12 (b) The report card shall include the following
13 information:

14 (1) where applicable, the academic excellence
15 indicators adopted under Sections 39.051(b)(1) through (11)
16 [~~(10)~~];

17 (2) average class size by grade level and subject;

18 (3) the administrative and instructional costs per
19 student, computed in a manner consistent with Section 44.0071; and

20 (4) the district's instructional expenditures ratio
21 and instructional employees ratio computed under Section 44.0071,
22 and the statewide average of those ratios, as determined by the
23 commissioner.

24 SECTION 8. Sections 39.072(b) and (c), Education Code, are
25 amended to read as follows:

26 (b) The academic excellence indicators adopted under
27 Sections 39.051(b)(1) through (9) [~~(8)~~] and the district's current

1 special education compliance status with the agency shall be the
2 main considerations of the agency in the rating of the district
3 under this section. Additional criteria in the rules may include
4 consideration of:

5 (1) compliance with statutory requirements and
6 requirements imposed by rule of the State Board of Education under
7 specific statutory authority that relate to:

8 (A) reporting data through the Public Education
9 Information Management System (PEIMS);

10 (B) the high school graduation requirements
11 under Section 28.025; or

12 (C) an item listed in Sections
13 7.056(e)(3)(C)-(I) that applies to the district;

14 (2) the effectiveness of the district's programs for
15 special populations; and

16 (3) the effectiveness of the district's career and
17 technology programs.

18 (c) The agency shall evaluate against state standards and
19 shall, not later than August 1 of each year, report the performance
20 of each campus in a district and each open-enrollment charter
21 school on the basis of the campus's performance on the indicators
22 adopted under Sections 39.051(b)(1) through (9)
23 [~~(8)~~]. Consideration of the effectiveness of district programs
24 under Subsection (b)(2) or (3) must be based on data collected
25 through the Public Education Information Management System for
26 purposes of accountability under this chapter and include the
27 results of assessments required under Section 39.023.

1 SECTION 9. Sections 39.073(a) and (b), Education Code, are
2 amended to read as follows:

3 (a) The agency shall annually review the performance of each
4 district and campus on the indicators adopted under Sections
5 39.051(b)(1) through (9) [~~(8)~~] and determine if a change in the
6 accreditation status of the district is warranted. The
7 commissioner may determine how all indicators adopted under Section
8 39.051(b) may be used to determine accountability ratings and to
9 select districts and campuses for acknowledgment.

10 (b) Each annual review shall include an analysis of the
11 indicators under Sections 39.051(b)(1) through (9) [~~(8)~~] to
12 determine district and campus performance in relation to:

13 (1) standards established for each indicator;

14 (2) required improvement as defined under Section
15 39.051(c); and

16 (3) comparable improvement as defined by Section
17 39.051(c).

18 SECTION 10. Section 39.074(e), Education Code, is amended
19 to read as follows:

20 (e) If an annual review indicates low performance on one or
21 more of the indicators under Sections 39.051(b)(1) through (9)
22 [~~(8)~~] of one or more campuses in a district, the agency may conduct
23 an on-site evaluation of those campuses only.

24 SECTION 11. Section 39.114(b), Education Code, is amended
25 to read as follows:

26 (b) A school district may use funds allocated under Section
27 42.2516(b)(3) on any instructional program in grades six through 12

1 other than an athletic program if:

2 (1) the district is recognized as exceptional by the
3 commissioner under the academic accountability indicator adopted
4 under Section 39.051(b) (14) [~~(13)~~]; and

5 (2) the district's completion rates for grades nine
6 through 12 meet or exceed completion rate standards required by the
7 commissioner to achieve a rating of exemplary under Section 39.072.

8 SECTION 12. Section 822.201(b), Government Code, is amended
9 to read as follows:

10 (b) "Salary and wages" as used in Subsection (a) means:

11 (1) normal periodic payments of money for service the
12 right to which accrues on a regular basis in proportion to the
13 service performed;

14 (2) amounts by which the member's salary is reduced
15 under a salary reduction agreement authorized by Chapter 610;

16 (3) amounts that would otherwise qualify as salary and
17 wages under Subdivision (1) but are not received directly by the
18 member pursuant to a good faith, voluntary written salary reduction
19 agreement in order to finance payments to a deferred compensation
20 or tax sheltered annuity program specifically authorized by state
21 law or to finance benefit options under a cafeteria plan qualifying
22 under Section 125, ~~[of the]~~ Internal Revenue Code of 1986, if:

23 (A) the program or benefit options are made
24 available to all employees of the employer; and

25 (B) the benefit options in the cafeteria plan are
26 limited to one or more options that provide deferred compensation,
27 group health and disability insurance, group term life insurance,

1 dependent care assistance programs, or group legal services plans;

2 (4) performance pay awarded to an employee by a school
3 district as part of a total compensation plan approved by the board
4 of trustees of the district and meeting the requirements of
5 Subsection (e);

6 (5) the benefit replacement pay a person earns under
7 Subchapter H, Chapter 659, except as provided by Subsection (c);

8 (6) stipends paid to teachers in accordance with
9 Section 21.410, 21.411, 21.412, [~~or~~] 21.413, or 21.4552, Education
10 Code;

11 (7) amounts by which the member's salary is reduced or
12 that are deducted from the member's salary as authorized by
13 Subchapter J, Chapter 659;

14 (8) a merit salary increase made under Section 51.962,
15 Education Code;

16 (9) amounts received under the relevant parts of the
17 awards for student achievement program under Subchapter N, Chapter
18 21, Education Code, the educator excellence awards program under
19 Subchapter O, Chapter 21, Education Code, or a mentoring program
20 under Section 21.458, Education Code, that authorized compensation
21 for service; and

22 (10) salary amounts designated as health care
23 supplementation by an employee under Subchapter D, Chapter 22,
24 Education Code.

25 SECTION 13. Not later than January 1, 2010, the
26 commissioner of education shall complete development of and make
27 available to public school teachers the discipline management

1 training program required by Section 21.4552, Education Code, as
2 added by this Act.

3 SECTION 14. This Act, other than Section 21.4552, Education
4 Code, as added by this Act, applies beginning with the 2009-2010
5 school year.

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