

By: Madden

H.B. No. 2817

A BILL TO BE ENTITLED

AN ACT

relating to discipline of a public school student with a disability whose continued presence in the classroom threatens others.

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

SECTION 1. Section 37.004, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the continued presence in the classroom of a student with a disability who receives special education services threatens the safety of other students or the teacher, the teacher may initiate review by the student's admission, review, and dismissal committee of the student's placement or of the student's behavioral intervention plan.

SECTION 2. This Act applies beginning with the 2009-2010 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.