

By: Gallegos

S.B. No. 1991

A BILL TO BE ENTITLED

AN ACT

relating to the right of a public school educator to remove a student from the educator's classroom.

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

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0412 to read as follows:

Sec. 21.0412. EDUCATOR'S RIGHT TO REMOVE STUDENT. (a) It is a violation of the educator's code of ethics adopted under Section 21.041 for an educator to retaliate against another educator for having removed a student from that educator's classroom as provided by Section 37.002.

(b) Actions that may be considered retaliation under this section include:

(1) suspending or terminating the employment of the educator; and

(2) taking other adverse personnel action against the educator, including reassigning the educator or giving the educator a negative appraisal.

(c) The board shall issue sanctions against an educator who violates this section. Sanctions may include:

(1) issuing a reprimand;

(2) placing a restriction on the certificate of the educator;

(3) suspending the certificate of the educator; or

1 (4) revoking or canceling the certificate of the
2 educator.

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

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