

SENATE AMENDMENTS

2nd Printing

By: Olivo

H.B. No. 171

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consideration of mitigating factors in determining
3 appropriate disciplinary action to be taken against a public school
4 student.

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

6 SECTION 1. Section 37.001(a), Education Code, is amended to
7 read as follows:

8 (a) The board of trustees of an independent school district
9 shall, with the advice of its district-level committee established
10 under Subchapter F, Chapter 11, adopt a student code of conduct for
11 the district. The student code of conduct must be posted and
12 prominently displayed at each school campus or made available for
13 review at the office of the campus principal. In addition to
14 establishing standards for student conduct, the student code of
15 conduct must:

16 (1) specify the circumstances, in accordance with this
17 subchapter, under which a student may be removed from a classroom,
18 campus, or disciplinary alternative education program;

19 (2) specify conditions that authorize or require a
20 principal or other appropriate administrator to transfer a student
21 to a disciplinary alternative education program;

22 (3) outline conditions under which a student may be
23 suspended as provided by Section 37.005 or expelled as provided by
24 Section 37.007;

1 (4) specify that [~~whether~~] consideration will be [~~is~~]
2 given, as a factor in each [~~a~~] decision concerning [~~to order~~]
3 suspension, removal to a disciplinary alternative education
4 program, or expulsion and placement in a juvenile justice
5 alternative education program, regardless of whether the decision
6 concerns a mandatory or discretionary action, to:

7 (A) self-defense;

8 (B) intent or lack of intent at the time the
9 student engaged in the conduct;

10 (C) a student's disciplinary history; or

11 (D) a disability that substantially impairs the
12 student's capacity to appreciate the wrongfulness of the student's
13 conduct;

14 (5) provide guidelines for setting the length of a
15 term of:

16 (A) a removal under Section 37.006; and

17 (B) an expulsion under Section 37.007;

18 (6) address the notification of a student's parent or
19 guardian of a violation of the student code of conduct committed by
20 the student that results in suspension, removal to a disciplinary
21 alternative education program, or expulsion;

22 (7) prohibit bullying, harassment, and making hit
23 lists and ensure that district employees enforce those
24 prohibitions; and

25 (8) provide, as appropriate for students at each grade
26 level, methods, including options, for:

27 (A) managing students in the classroom and on

1 school grounds;

2 (B) disciplining students; and

3 (C) preventing and intervening in student
4 discipline problems, including bullying, harassment, and making
5 hit lists.

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

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

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 1

Letty Spaw
Secretary of the Senate

BY:

M. Salby

1 Amend H.B. No. 171 (senate committee report) in SECTION 1 of
2 the bill, in amended Section 37.001(a), Education Code (page 1,
3 line 34), by striking "or expulsion and placement" and substituting
4 "~~or~~ expulsion, or placement".

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 27 2009

BY:

Secretary of the Senate

1 Amend H.B. No. 171 (senate committee printing) by adding
2 the following appropriately numbered SECTION and renumbering
3 subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . Sections 37.008(a) and (1), Education Code,
5 are amended to read as follows:

6 (a) Each school district shall provide a disciplinary
7 alternative education program that:

8 (1) is provided in a setting other than a student's
9 regular classroom;

10 (2) is located on or off of a regular school campus;

11 (3) provides for the students who are assigned to the
12 disciplinary alternative education program to be separated from
13 students who are not assigned to the program;

14 (4) provides structured courses in [~~focuses on~~]
15 English language arts, mathematics, science, history, and self-
16 discipline that are equivalent in content and rigor to courses
17 in those subjects as provided in the regular classroom setting;

18 (5) provides for students' educational and behavioral
19 needs;

20 (6) provides supervision and counseling;

21 (7) employs only teachers who meet all certification
22 requirements established under Subchapter B, Chapter 21; [~~and~~]

23 (8) provides not less than the minimum amount of
24 instructional time per day required by Section 25.082(a); and

25 (9) provides an established curriculum for each grade
26 level that provides students an opportunity to achieve promotion
27 to the next grade level or to graduate from high school on the
28 same schedule as students in the regular classroom setting.

29 (1) A school district is required to provide in the
9.143.114 kka

1 district's disciplinary alternative education program a course
2 necessary to fulfill a student's high school graduation
3 requirements [~~only as provided by this subsection~~]. A school
4 district shall offer a student removed to a disciplinary
5 alternative education program an opportunity to complete
6 coursework before the beginning of the next school year. The
7 school district may provide the student an opportunity to
8 complete coursework through any method available, including a
9 correspondence course, distance learning, or summer school. The
10 district may not charge the student for a course provided under
11 this subsection.

ADOPTED

FLOOR AMENDMENT NO. 3

MAY 27 2009

BY:



Leta Spaul
Secretary of the Senate

1 Amend H.B. No. 171 (senate committee printing) by adding
2 the following appropriately numbered SECTION and renumbering
3 subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Subchapter A, Chapter 37, Education Code, is
5 amended by adding Section 37.0181 to read as follows:

6 Sec. 37.0181. STAFF DEVELOPMENT REGARDING DISCIPLINARY
7 PROCEDURES. (a) Each principal or other appropriate
8 administrator who oversees student discipline shall, at least
9 once every three years, attend staff development training
10 regarding this subchapter that includes information relating to
11 the distinction between a discipline management technique used
12 at the principal's discretion under Section 37.002(a) and the
13 discretionary authority of a teacher to remove a disruptive
14 student under Section 37.002(b).

15 (b) Staff development training under this section may be
16 provided in coordination with regional education service centers
17 through the use of distance learning methods, such as
18 telecommunications networks, and using available agency
19 resources.

ADOPTED

FLOOR AMENDMENT NO. 4

MAY 27 2009

BY: Watson

Atty Gen
Secretary of the Senate

1 Amend H.B. 171 by adding the following appropriately
2 numbered SECTIONS and renumbering subsequent SECTIONS of the
3 bill as appropriate:

4 SECTION __. Subchapter A, Chapter 29, Education Code, is
5 amended by adding Sections 29.020 and 29.021 to read as follows:

6 Sec. 29.020. OPTIONAL DISPUTE RESOLUTION METHODS. (a) A
7 school district shall make available and provide information to
8 parents regarding optional dispute resolution methods that may
9 be used when a dispute arises between the district and a parent
10 of a student with a disability regarding:

11 (1) identification of the student as a student
12 entitled to special education services;

13 (2) evaluation or educational placement of the
14 student; or

15 (3) the provision of a free appropriate public
16 education to the student.

17 (b) A school district's optional dispute resolution
18 methods:

19 (1) must include:

20 (A) requesting mediation through the agency in
21 accordance with 20 U.S.C. Section 1415(e) and 34 C.F.R. Section
22 300.506;

23 (B) requesting independent individualized
24 education program facilitation, as described by Section 29.021,
25 if the district is included within the boundaries of a regional
26 education service center participating in the pilot program
27 implemented under that section; and

28 (C) filing a complaint with the agency in
29 accordance with 34 C.F.R. Section 300.153; and

1 (2) may include:

2 (A) convening a meeting of a student's
3 admission, review, and dismissal committee;

4 (B) meeting with a student's teachers;

5 (C) meeting with one or more of the following:

6 (i) a campus administrator;

7 (ii) the district special education
8 director or the director of a shared services arrangement under
9 Section 29.007 to which the district is a party;

10 (iii) the district superintendent; or

11 (iv) the board of trustees of the district;

12 and

13 (D) requesting individualized education program
14 facilitation similar to the facilitation provided under the
15 pilot program implemented under Section 29.021, except that
16 facilitation may be provided by either an independent
17 facilitator or a district employee serving as the facilitator.

18 (c) The use of an optional dispute resolution method made
19 available under this section and the availability of those
20 methods may not in any manner be used to deny or delay the right
21 to a special education due process hearing in accordance with
22 federal law.

23 (d) Notwithstanding Subsection (c), on the filing of a
24 request for a special education due process hearing in
25 accordance with federal law, the school district and the parent
26 shall be provided with the opportunity to attempt to resolve the
27 dispute between the district and the parent through the agency's
28 mediation process, provided that both the school district and
29 the parent agree to participate in the mediation.

30 (e) If a school district and a parent participate in
31 mediation under this section:

1 (1) the fact that the mediation occurred is not
2 admissible into evidence in any subsequent proceeding involving
3 the subject matter of the mediation;

4 (2) the mediator may not be subpoenaed to testify
5 regarding the subject matter of the mediation at any subsequent
6 special education due process hearing or civil action arising
7 under federal special education law; and

8 (3) the school district and parent are not entitled
9 to access to any records created by the mediator in connection
10 with the mediation.

11 (f) Unless specifically provided otherwise by federal or
12 other state law, the participation of an individualized
13 education program facilitator in the development of a student's
14 individualized education program does not violate
15 confidentiality provisions under federal or state law.

16 (g) If a school district chooses to offer individualized
17 education program facilitation under Subsection (b)(2)(D), the
18 facilitation must be provided at no cost to a parent.

19 (h) The commissioner shall adopt rules necessary to
20 implement this section.

21 Sec. 29.021. PILOT PROGRAM FOR INDEPENDENT INDIVIDUALIZED
22 EDUCATION PROGRAM FACILITATION. (a) The agency shall develop
23 an independent individualized education program facilitation
24 process as a method of alternative dispute resolution.

25 (b) The agency shall implement the process developed under
26 Subsection (a) on a pilot program basis within the boundaries of
27 three regional education service centers selected by the
28 commissioner for that purpose. Not more than 500 facilitations
29 may be conducted under the pilot program.

30 (c) Notwithstanding Subsection (b), if the commissioner
31 determines that adequate funding is available, the commissioner

1 may authorize:

2 (1) the expansion of the pilot program to additional
3 areas; or

4 (2) a greater number of facilitations than the limit
5 specified under that subsection.

6 (d) The commissioner shall select the participating
7 regional education service centers based on criteria established
8 by the commissioner. The selection criteria must include
9 criteria relating to:

10 (1) the geographic location of a center;

11 (2) student enrollment within the boundaries of a
12 center;

13 (3) the number of formal complaints regarding special
14 education issues filed by persons within the boundaries of a
15 center; and

16 (4) the number of mediations and special education
17 due process hearings requested by persons within the boundaries
18 of a center.

19 (e) The facilitation process may be used when a school
20 district located within the boundaries of a participating
21 regional education service center and the parents of a student
22 with a disability agree on the value of involving an impartial
23 facilitator in the procedures, used to develop the student's
24 individualized education program.

25 (f) The role of a facilitator under the facilitation
26 process developed under this section is to assist in creating an
27 atmosphere for fair communication and the successful development
28 of a student's individualized education program.

29 (g) Each participating regional education service center
30 shall develop a network of impartial facilitators to be made
31 available on request to school districts and parents that choose

1 to use the facilitation process developed under this section.
2 Facilitators must be provided at no cost to a school district or
3 parent.

4 (h) The commissioner shall adopt rules necessary to
5 implement this section.

6 (i) Not later than January 1, 2011, the agency shall
7 submit a report to the legislature regarding the implementation
8 and effectiveness of the pilot program. This subsection expires
9 September 1, 2011.

10 SECTION __. Sections 29.020 and 29.021 of this Act apply
11 beginning with the 2009-2010 school year.

12 SECTION __. Sections 29.020 and 29.021 of this Act do not
13 make an appropriation. A provision in this Act that creates a
14 new governmental program, creates a new entitlement, or imposes
15 a new duty on a governmental entity is not mandatory during a
16 fiscal period for which the legislature has not made a specific
17 appropriation to implement the provision, unless funding is
18 provided from another source such as federal funds.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 5

Robert Spaw
Secretary of the Senate

BY: Wendy R. Davis

1 Amend H.B. No. 171 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter A, Chapter 37, Education Code, is
5 amended by adding Section 37.0012 to read as follows:

6 Sec. 37.0012. DESIGNATION OF CAMPUS DISCIPLINE OFFICER. (a)
7 A person at each campus must be designated to serve as the campus
8 discipline officer. The person designated may be the principal of
9 the campus or any other campus administrator selected by the
10 principal.

11 (b) The campus discipline officer is primarily responsible
12 for maintaining student discipline and the implementation of this
13 subchapter.

14 (c) The specific duties of the campus discipline officer may
15 be established by campus or district policy. Unless otherwise
16 provided by campus or district policy:

17 (1) a duty imposed on a campus principal or other
18 campus administrator under this subchapter shall be performed by
19 the campus discipline officer; and

20 (2) a power granted to a campus principal or other
21 campus administrator under this subchapter may be exercised by the
22 campus discipline officer.

23 (d) The campus discipline officer shall promptly notify a
24 student's parent or guardian as provided by this subsection if
25 under this subchapter the student is placed into in-school or
26 out-of-school suspension, placed in a disciplinary alternative
27 education program, expelled, or placed in a juvenile justice
28 alternative education program or is taken into custody by a law
29 enforcement officer. A campus discipline officer must comply with

1 this subsection by:

2 (1) promptly contacting the parent or guardian by
3 telephone or in person; and

4 (2) making a good faith effort to provide written
5 notice of the disciplinary action to the student, on the day the
6 action is taken, for delivery to the student's parent or guardian.

7 (e) If a parent or guardian entitled to notice under
8 Subsection (d) has not been reached by telephone or in person by 5
9 p.m. of the first business day after the day the disciplinary action
10 is taken, a campus discipline officer shall mail written notice of
11 the action to the parent or guardian at the parent's or guardian's
12 last known address.

13 (f) If a campus discipline officer is unable or not
14 available to promptly provide notice under Subsection (d), the
15 principal or other designee shall provide the notice.

16 (g) This section does not create any liability for or cause
17 of action against a school district or a school district's officers
18 or employees.

19 SECTION _____. Section 37.002(a), Education Code, is amended
20 to read as follows:

21 (a) A teacher may send a student to the campus discipline
22 officer's [~~principal's~~] office to maintain effective discipline in
23 the classroom. The campus discipline officer [~~principal~~] shall
24 respond by employing appropriate discipline management techniques
25 consistent with the student code of conduct adopted under Section
26 37.001 that can reasonably be expected to improve the student's
27 behavior before returning the student to the classroom.

28 SECTION _____. Section 37.009(a), Education Code, is amended
29 to read as follows:

30 (a) Not later than the third class day after the day on which
31 a student is removed from class by the teacher under Section

1 37.002(b) or (d) or by the school principal or other appropriate
2 administrator under Section 37.001(a)(2) or 37.006, the campus
3 discipline officer [~~principal~~] or other appropriate administrator
4 shall schedule a conference among the campus discipline officer
5 [~~principal~~] or other appropriate administrator, a parent or
6 guardian of the student, the teacher removing the student from
7 class, if any, and the student. At the conference, the student is
8 entitled to written or oral notice of the reasons for the removal,
9 an explanation of the basis for the removal, and an opportunity to
10 respond to the reasons for the removal. The student may not be
11 returned to the regular classroom pending the conference.
12 Following the conference, and whether or not each requested person
13 is in attendance after valid attempts to require the person's
14 attendance, the campus discipline officer, after consideration of
15 the factors under Section 37.001(a)(4), [~~principal~~] shall order the
16 placement of the student for a period consistent with the student
17 code of conduct. If school district policy allows a student to
18 appeal to the board of trustees or the board's designee a decision
19 of the campus discipline officer [~~principal~~] or other appropriate
20 administrator, other than an expulsion under Section 37.007, the
21 decision of the board or the board's designee is final and may not
22 be appealed. If the period of the placement is inconsistent with
23 the guidelines included in the student code of conduct under
24 Section 37.001(a)(5), the order must give notice of the
25 inconsistency. The period of the placement may not exceed one year
26 unless, after a review, the district determines that[+]

27 [~~(1)~~] the student is a threat to the safety of other
28 students or to district employees[+ or

29 [~~(2) extended placement is in the best interest of the~~
30 ~~student~~].

ADOPTED

MAY 27 2009

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 6

BY: *Zaffirini*

1 Amend H.B. No. 171 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter A, Chapter 37, Education Code, is
5 amended by adding Section 37.0015 to read as follows:

6 Sec. 37.0015. RIGHT TO PROMPT NOTICE OF DISCIPLINARY
7 ACTION. (a) A parent is entitled to prompt notice from a school
8 district as provided by this section if under this subchapter the
9 parent's child is placed into in-school or out-of-school
10 suspension, placed in a disciplinary alternative education
11 program, expelled, or placed in a juvenile justice alternative
12 education program or is taken into custody by a law enforcement
13 officer. A school district must comply with this subsection by:

14 (1) promptly contacting the parent by telephone or in
15 person; and

16 (2) making a good faith effort to provide written
17 notice of the disciplinary action to the student, on the day the
18 action is taken, for delivery to the student's parent.

19 (b) If a parent entitled to notice under Subsection (a) has
20 not been reached by telephone or in person by 5 p.m. of the first
21 business day after the day the disciplinary action is taken, a
22 school district shall mail written notice of the action to the
23 parent at the parent's last known address.

24 SECTION _____. Section 37.008, Education Code, is amended by
25 adding Subsection (1-1) to read as follows:

26 (1-1) A school district shall provide the parents of a
27 student removed to a disciplinary alternative education program
28 with written notice of the district's obligation under Subsection
29 (1) to provide the student with an opportunity to complete

1 coursework required for graduation. The notice must:

2 (1) include information regarding all methods
3 available for completing the coursework; and

4 (2) state that the methods are available at no cost to
5 the student.

6 SECTION _____. Section 37.009, Education Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) A school principal or other appropriate administrator
9 shall prepare and maintain documentation regarding each conference
10 held under Subsection (a). The documentation must:

11 (1) indicate the date and time the conference was
12 held;

13 (2) identify:

14 (A) each person who attended the conference by
15 name and profession; and

16 (B) each person who failed to attend the
17 conference after being requested to attend, including the reason
18 for the failure to attend, if known; and

19 (3) state the outcome of the conference.

20 SECTION _____. Section 37.0091(a), Education Code, is amended
21 to read as follows:

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

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

29 (2) any notice required by Section 37.0015.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB171 by Olivo (relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB171, As Passed 2nd House: a negative impact of (\$936,244) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$508,122)
2011	(\$428,122)
2012	(\$428,122)
2013	(\$428,122)
2014	(\$428,122)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$508,122)	2.0
2011	(\$428,122)	2.0
2012	(\$428,122)	2.0
2013	(\$428,122)	2.0
2014	(\$428,122)	2.0

Fiscal Analysis

The bill would require that consideration be given to mitigating factors in determining disciplinary actions.

The bill would require that principals or other administrators overseeing student discipline attend staff development training regarding Texas Education Code Chapter 37 at least once every three years. The bill would allow for the training to be provided in coordination with the Regional Education Service Centers and to occur through distance learning methods. Costs to the Texas Education Agency for the development and maintenance of content are not estimated to be significant.

The bill would require school districts to provide for optional dispute resolution methods that may be

used in certain disputes between school districts and parents of students with disabilities.

The bill would require the Texas Education Agency (TEA) to develop an independent individualized education program facilitation process as a method of alternative dispute resolution and implement the process as a pilot program for districts within the boundaries of three regional education service centers (RESC) selected by the commissioner of education. The pilot program is limited to a maximum of 500 facilities in the program unless expansion of the program is authorized by the commissioner of education and if adequate funding is available.

Methodology

Based on current costs for mediation, TEA indicates that facilitators would be contracted individuals to provide the IEP facilitation process, but instead of an hourly rate, a flat rate of \$600 per facilitation is assumed at a maximum of 500 facilitations. The total contract cost for facilitation is estimated at \$300,000 per year.

TEA estimates that 2.0, FTEs would be required to manage and coordinate the network of facilitators at an estimated cost of \$118,122 in FY2010 and \$110,122 in each subsequent year inclusive of salary, benefits, and other operating expenses. TEA estimates technology costs of \$90,000 in FY2010 and \$18,000 in each subsequent year associated with implementing the facilitation process.

TEA estimates that all costs would be funded with funding received under the federal Individuals with Disabilities Education Act. However, it is assumed for the purpose of this fiscal note that these federal funds would need to be withdrawn from an existing program to fund the provisions of the bill, requiring general revenue to fill the resulting funding deficit. To the extent that TEA limits the program for which the federal funds currently are being used, or additional federal funds become available, general revenue costs noted in this fiscal note may decrease.

Technology

TEA estimates technology costs of \$90,000 in FY2010 and \$18,000 in each subsequent year associated with implementing the facilitation process and network of facilitators.

Local Government Impact

School district administrators involved in student discipline activities would be required to attend relevant staff development training. Districts would have the option to seek training delivered by the TEA or by an RESC, or they could choose to develop their own training that complied with the requirements of the bill.

Costs for school districts, in implementing the bill's requirements to designate a campus discipline officer at each campus and to consider certain mitigating factors when determining some forms of punishment for students, could vary. Costs for school districts to implement the bill's requirement to provide written notice to the parents of a public school student removed to a disciplinary alternative education program (DAEP) could vary. Some districts may already document DAEP conferences, and costs for such districts would likely be lower in fulfilling this requirement. Districts with a high number of DAEP referrals would experience relatively higher administrative and mailing costs.

Local school districts within a participating RESC's boundaries or parents of a student with disabilities attending a school within a participating RESC's boundaries could request an impartial facilitator to assist in developing a student's IEP. Additional school districts and parents could participate if funding was available to expand the pilot program..

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JW, JGM, JSc

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB171 by Olivo (Relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, MN, JSp, JGM, WG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 4, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB171 by Olivo (relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB171 by Olivo (Relating to consideration of mitigating factors in determining appropriate disciplinary action to be taken against a public school student.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Current law provides school districts with the discretion to consider certain mitigating factors when the district determines certain forms of punishment for a student. Since this bill would require districts to consider these factors, some district costs could arise related to the documentation of such factors.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

