

By: Lucio

S.B. No. 613

A BILL TO BE ENTITLED

AN ACT

relating to school district drug abuse prevention policies for classroom teachers.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.417 to read as follows:

Sec. 21.417. SCHOOL DISTRICT DRUG ABUSE PREVENTION POLICY FOR CLASSROOM TEACHERS. (a) In this section, "controlled substance" and "marihuana" have the meanings assigned by Section 481.002, Health and Safety Code.

(b) The board of trustees of each school district shall adopt a drug abuse prevention policy for district classroom teachers. The policy must require at least one of the following:

(1) that each district classroom teacher submit to random, unannounced drug testing; or

(2) that each district classroom teacher participate in professional development that includes counseling concerning the prevention and dangers of drug abuse and how to obtain assistance in stopping drug abuse.

(c) Each school district shall post on the district's Internet website and maintain in the district's central administrative office a copy of the district policy adopted under this section together with a statement of the estimated annual cost to the district of carrying out the policy.

1 (d) If the board of trustees of a school district adopts a
2 policy described by Subsection (b)(1) and the drug test results of a
3 classroom teacher indicate the presence in the teacher's body of a
4 controlled substance not prescribed for the teacher by a health
5 care practitioner or of marihuana, the district may, in accordance
6 with specific district policy, impose sanctions on the teacher.
7 The sanctions imposed under the policy may not exceed the
8 following, based on positive drug test results as described by this
9 subsection during one calendar year:

10 (1) for the first positive test results, the teacher
11 may be given a verbal reprimand;

12 (2) for the second positive test results, the teacher
13 may be given a written reprimand and suspended one school day;

14 (3) for the third positive test results, the teacher
15 may be given a written reprimand, suspended five school days, and
16 required to seek counseling to address drug abuse; and

17 (4) for the fourth positive test results, the district
18 may submit a written report to the State Board for Educator
19 Certification of the teacher's history of district drug test
20 results and of any other related information.

21 (e) Each day of suspension under this section is without pay
22 unless the teacher uses available personal leave to be absent from
23 work on that day.

24 (f) If the State Board for Educator Certification receives a
25 report under Subsection (d)(4), the board may take disciplinary
26 action against the teacher, including revocation of the teacher's
27 educator certificate, in accordance with disciplinary proceedings

1 adopted under Section 21.041(b)(7).

2 SECTION 2. This Act applies beginning with the 2013-2014
3 school year.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2013.