

## **BILL ANALYSIS**

Senate Research Center  
77R15159 KKA-F

C.S.H.B. 1188  
By: Telford (Van de Putte)  
Education  
5/8/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Current law provides assault leave for school district employees to recover from injuries resulting from an assault during the performance of their regular duties. In 1998 the commissioner of education ruled that a student with a mental disability could not knowingly or intentionally commit assault under the statutory standard for assault. The effect of this ruling is that a teacher attacked by a student with a mental disability is not entitled to assault leave. C.S.H.B. 1188 provides that a person may not be denied assault leave solely because of the age or disability of the perpetrator.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 22.003, Education Code, to set forth the conditions for an employee of a school district to be considered physically assaulted.

SECTION 2. Provides that this Act applies beginning with the 2001-2002 school year.

SECTION 3. Effective date: upon passage or September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Amends Engrossed H.B. 1188 as follows:

SECTION 1. Maintains existing text of Section 22.003(b), Education Code, that was proposed to be amended.

Removes SECTION 2 relating to the prospective application of changes made by this Act.

Redesignates SECTIONS 3 and 4 as SECTIONS 2 and 3.