

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1375
By: Thompson (Gallegos)
Education
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the 74th Legislature, Regular Session, 1995, the legislature passed the "Safe Schools Act," which includes two key provisions. It specifies certain misconduct for which placement in a disciplinary alternative education program or expulsion is required. The length of such placement or expulsion, however, remains a matter of local discretion and it grants authority to teachers to remove disruptive students from their classrooms and restricts the authority of administrators to return such students to class without the teacher's consent.

Some administrators have failed to apply the Safe Schools Act correctly, undermining its effectiveness. As a result, members of the public sometimes suppose mistakenly that state law mandates minimum terms of disciplinary alternative education placements and expulsions. Also, teachers have been frustrated in their efforts to exercise their discretionary authority to remove disruptive students from their classroom by administrative error and confusion.

This bill will help correct these problems by providing appropriate training for school administrators and teachers. This should make the Safe Schools Act more effective and lead to fewer complaints about its requirements.

C.S.H.B. 1375 amends current law relating to staff development training for certain public school personnel regarding student disciplinary procedures.

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 Subchapter A, Chapter 37, Education Code, by adding Section 37.0181, as follows:

Sec. 37.0181. STAFF DEVELOPMENT REGARDING DISCIPLINARY PROCEDURES. (a) Requires each principal or other appropriate administrator who oversees student discipline, at least once every three school years, to attend staff development training regarding Subchapter A (Alternative Settings for Behavior Management), Chapter 37 (Discipline; Law and Order), including information relating to the distinction between a discipline management technique used at the principal's discretion under Section 37.002(a) (relating to a teacher sending a student to the principal's office to maintain effective discipline in the classroom) and the discretionary authority of a teacher to remove a disruptive student under Section 37.002(b) (relating to certain reasons for a teacher to remove from class a student).

(b) Authorizes that staff development training under this section be provided in coordination with regional education service centers through the use of distance learning methods, such as telecommunications networks, and using available Texas Education Agency resources.

SECTION 2. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 3. Effective date: upon passage or September 1, 2009.