

## **BILL ANALYSIS**

Senate Research Center

H.B. 2280  
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Education  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Subchapter A (Alternative Settings for Behavior Management), Chapter 37 (Discipline; Law and Order), Education Code, provides for the maintenance of discipline and order in public schools. It requires each local school district to adopt a student code of conduct that lays out expectations for appropriate student behavior and consequences of inappropriate conduct. The law authorizes a teacher to remove a student from the regular classroom for repeated or serious interference with instruction and provides the teacher a right to refuse the student's return to the classroom. These provisions are important tools for teachers to maintain order in their classrooms and to ensure that their students can spend time learning.

Unfortunately, school principals and other administrators sometimes take adverse actions against a teacher who employs these tools, which discourages educators, interferes with their teaching, and undermines the safeguard of student's learning time that Subchapter A is meant to provide.

H.B. 2280 provides that it is a violation of the educator's code of ethics adopted under Section 21.041 (Rules; Fees) for an educator to retaliate against another educator for having removed a student from that educator's classroom as provided by Section 37.002 (Removal by Teacher).

### **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 B, Chapter 21, Education Code, by adding Section 21.0412, as follows:

Sec. 21.0412. EDUCATOR'S RIGHT TO REMOVE STUDENT. (a) Prohibits an educator from retaliating against another educator for having removed a student from that educator's classroom as provided by Section 37.002 (Removal by Teacher).

(b) Provides that actions that may be considered retaliation under this section include suspending or terminating the employment of the educator; and taking other adverse personnel action against the educator, including reassigning the educator or giving the educator a negative appraisal.

(c) Provides that this section does not affect any other remedy allowed by law.

(d) Requires that it be an affirmative defense to the issuance of sanctions that the educator's removal of the student was not in accordance with Section 37.002 or Section 37.004 (Placement of Students with Disabilities), and that the educator did not act in good faith in removing the student.

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

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