

## **BILL ANALYSIS**

Senate Research Center

H.B. 1188  
By: Telford (Van de Putte)  
Education  
5/3/2001  
Engrossed

### **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. 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 provide an exception to this section. Authorizes an employee who does not take the two full years of assault leave, before the fifth anniversary of the date of the assault, to take the portion of that period not previously taken, not to exceed one year, if two physicians certify that additional recovery time is medically necessary due to a complication or another injury resulting from the assault. Sets forth the conditions for an employee of a school district to be considered physically assaulted.

SECTION 2. Makes application of Section 22.003(b), Education Code, as amended by this Act, prospective.

SECTION 3. Provides that this Act applies beginning with the 2001-2002 school year.

SECTION 4. Effective date: upon passage or September 1, 2001.