

BILL ANALYSIS

Senate Research Center

H.B. 1043
By: Dutton (West, Royce)
Education
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 74th Legislature passed the Safe Schools Act in 1995, requiring school districts to establish disciplinary alternative education programs. Placement in such a program can either be mandatory or discretionary. Students who may not be expelled from school are sent to juvenile justice alternative education programs. These two alternative education programs are required to provide counseling and supervise students in the program while attending to their educational and behavioral needs. However, neither program is required to provide a course or class on behavioral modification or to hire certified teachers.

H.B. 1043 requires each school district to provide a disciplinary alternative education program and juvenile justice alternative education program that offers a course in behavioral modification taught by a person who has at least a bachelor's degree in behavioral science with certain exceptions. The bill also requires that a district's disciplinary alternative education program employ only teachers who meet all certification requirements established under Subchapter B (Certification of Educators), Chapter 21, Education Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.008(a), Education Code, as follows:

(a) Requires each school district to provide a disciplinary alternative education program that offers a course in behavioral modification taught by a person who has a master's degree in behavioral science; and employs only teachers who meet all certification requirements established under Subchapter B (Certification of Educators), Chapter 21. Deletes existing text requiring each school district to provide a disciplinary alternative education program that requires each teacher employed by a school district during the 2003-2004 school year or an earlier school year to meet all certification requirements established under Subchapter B, Chapter 21, by a certain time.

SECTION 2. Amends Section 37.011(d), Education Code, to require a juvenile justice alternative education program to offer a course in behavioral modification taught by a person who has a master's degree in behavioral science.

SECTION 3. Makes application of this Act prospective to the 2007-2008 school year.

SECTION 4. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1 of H.B. 1043 (Engrossed Version), in amended Section 37.008(a), Education Code, as follows:

(Page 1, line 19) Strikes "a master's degree in behavioral science;" and substitutes "at least a bachelor's degree in a behavioral science where practical, and if not, then the

district shall request a waiver from the agency and make notice to the student's parent or guardian;".

Amends SECTION 2 of H.B. 1043 (Engrossed Version), in amended Section 37.011(d), Education Code, as follows:

(Page 2, lines 14-15) Strikes "a master's degree in behavioral science;" and substitutes "at least a bachelor's degree in a behavioral science where practical, and if not, then the juvenile justice alternative education program shall request a waiver from the agency and make notice to the student's parent or guardian;".