

## **BILL ANALYSIS**

Senate Research Center  
81R7314 CAS-D

H.B. 1375  
By: Thompson (Gallegos Jr.)  
Education  
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Engrossed

### **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.

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

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.0181, Education Code) of this bill.

### **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 teacher and each principal or other appropriate administrator who oversees student discipline to attend staff development training designed to assist the teacher or the principal or other administrator in determining methods for incorporating appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 (Student Code of Conduct) by the school district employing the teacher or the principal or other administrator.

(b) Requires that staff development training under this section include specific information relating to appropriate methods for applying the provisions of this chapter and 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).

(c) Requires that staff development training under this section comply with Sections 21.451(a) (relating to the requirements of staff development provided by

a school district), (b) (relating to requiring the staff development to be predominantly campus-based) , and (c) (relating to authorizing the school district to use district-wide staff development developed and approved through the district-level decision process).

(d) Provides that staff development training under this section is in addition to any staff development training required under Section 21.451 (Staff Development Requirements).

(e) Requires the commissioner of education to adopt rules as necessary to implement this section.

SECTION 2. Amends Section 21.453(a), Education Code, to provide that the staff development account consists of gifts, grants, donations, appropriations for the purpose of staff development under this subchapter and Section 37.0181, and any other money transferred by law to the account.

SECTION 3. Makes application of this Act prospective beginning with the 2009-2010 school year.

SECTION 4. Effective date: upon passage or September 1, 2009.