

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1451
By: Taylor
Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Teachers are charged with maintaining a safe and orderly environment in their classrooms so learning can occur. In recognition of this, the Texas Legislature adopted Section 37.002 of the Education Code in 1995. This section of the law authorizes a teacher to send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. This section also authorizes a teacher to remove from class a student:

- who has repeatedly interfered with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
- whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

This section requires teachers to remove from class students who have engaged in conduct requiring mandatory placement in a disciplinary alternative education program or expulsion for serious offenses.

There are a number of checks and balances built into these provisions. For example, if after removing a student, a teacher refuses to consent to the return of the student to his/her classroom, in most cases a grade placement review committee can still require the return of the student to the class if such a placement is the best or only alternative available.

Despite this explicit authority, teachers are experiencing pressure to limit removal of students from the classroom. Several recent reports have pointed to downward pressure from the state and federal levels to reduce rates of in-school and out-of-school suspensions as one possible explanation for this phenomenon. One way that this has manifested itself is that teachers are being marked down on their annual appraisals for exercising their authority to remove unruly, disruptive, or abusive students from the classroom.

Accordingly, teachers are having to choose between maintaining a safe, orderly learning environment and receiving low appraisal scores. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1451 amends current law relating to the ability of public school teachers to maintain student discipline without being subjected to adverse employment consequences.

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 21.351, Education Code, by adding Subsection (a-1) to require the commissioner of education, in adopting criteria described by Subsection (a)(1) (relating to criteria based on teachers' implementation of discipline management procedures), to ensure that a teacher is prohibited from being assigned an area of deficiency in an appraisal solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct

submitted by the teacher under Section 37.002 (Removal by Teacher). Provides that this subsection does not prohibit a teacher from being assigned an area of deficiency based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report.

SECTION 2. Amends Section 21.352, Education Code, by adding Subsection (a-1) to prohibit a school district from assigning an area of deficiency to a teacher solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher under Section 37.002. Provides that this subsection does not prohibit a teacher from being assigned an area of deficiency based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report.

SECTION 3. Amends Section 37.002, Education Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes a teacher to document any conduct by a student that does not conform to the student code of conduct adopted under Section 37.001 (Student Code of Conduct) and authorizes a teacher to submit that documentation to the principal. Prohibits a school district from disciplining a teacher on the basis of documentation submitted under this subsection.

SECTION 4. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.