

BILL ANALYSIS

Senate Research Center

S.B. 132
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Education
2-23-97
As Filed

DIGEST

Currently Section 37.009(a), Education Code, provides for a hearing within three days after a student has been removed from class under Sections 37.002(b) and (d), Education Code. Sections 37.002(b) and (d) concern teacher removals, and therefore Section 37.009(a), Education Code, does not require a hearing for removals by principals or other school officials. As in *Nevares v. San Marcos C.I.S.D.*, the statute violates due process. S.B. 132 amends Section 37.009(a) to clarify that hearings are required for all removals from the student's regular classroom.

PURPOSE

As proposed, S.B. 132 sets forth requirements regarding placement of a public school student in an alternative education program.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.009(a), Education Code, to require the principal to schedule a hearing after a student is removed from class by the teacher or by the school principal or the principal's designee under Section 37.006. Requires the principal to order the placement of the student as provided by Section 37.006 for a period consistent with this subchapter. Makes a nonsubstantive change.

SECTION 2. Provides that this Act applies beginning with the 1997-1998 school year.

SECTION 3. Emergency clause.
Effective date: 90 days after adjournment.