

BILL ANALYSIS

Senate Research Center
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S.B. 1544
By: Patrick
Education
4/6/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that if a teacher or other district employee is assaulted in the classroom or during the employee's duties, the school district must grant the employee assault leave for the number of days required to recuperate from sustained injuries. If, upon investigation, the district determines that the employee was not assaulted, it may change the assault leave status and charge the leave against the employee's personal leave or pay. However, in some cases, districts have changed the assault leave status of an employee, even when the assailant has been charged and convicted in court of assaulting the district employee.

S.B. 1544 requires districts to provide assault leave in cases when an assailant has been convicted or adjudicated as having violated the Penal Code for assault, aggravated assault, sexual assault, or aggravated sexual assault, and prohibits the district from changing that status.

As proposed, S.B. 1544 amends current law relating to a determination on granting assault leave to a certified educator where there has been a juvenile or criminal conviction.

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(c), Education Code, as follows:

Sec. 22.003. (c) Requires that an employee of a school district, for the purposes of Subsection (b) (entitling an employee of a school district who is physically assaulted during the performance of the employee's regular duties, in addition to all other days of leave provided by this section or by the school district, to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the assault), be deemed to have been physically assaulted and granted assault leave by the district as of the date of the assault regardless of any intervening determination by the district if the person engaging in conduct causing injury to the employee:

- (1) has been found guilty of the crime of assault based on the same conduct causing injury to the employee by either a juvenile or criminal court of law;
- (2) could be prosecuted for assault; or
- (3) could not be prosecuted for assault only because the person's age or mental capacity make the person a nonresponsible person for purposes of criminal liability.

SECTION 2. Effective date: upon passage or September 1, 2011.