

BILL ANALYSIS

C.S.H.B. 1194
By: Wu
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Presently, there are inequities within the public education system relating to student arrests and punishments. In order to further understand this issue, it is critical to have the reporting data on these incidences. However, under current Texas law, there is no requirement for schools to report their student discipline data. C.S.H.B. 1194 requires public school districts to submit a report every year describing certain disciplinary or law enforcement actions taken against a student in the previous year, including other information such as the student's age, gender, race or ethnicity, homelessness status, eligibility of special education services, and English proficiency.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1194 amends the Education Code to require the superintendents of public school districts and open-enrollment charter schools to submit electronically to the Texas Education Agency (TEA) a report that contains incident-based data describing the total number of the following incidents occurring during the preceding academic year, organized by campus:

- sending a student to the campus behavior coordinator's or other administrator's office or removal of a student from class;
- the name of any teacher who took such a disciplinary action more than twice during the applicable school year;
- restraints, as that term is defined in the bill, administered to a student;
- complaints filed against a student with a criminal court for certain school offenses; and
- tickets issued to a student for Class C misdemeanors and arrests made of a student occurring on school property that result from a district employee's request for intervention by a law enforcement agency, district peace officer, or school resource officer.

The incident-based data so submitted must include, as applicable, certain information about the offense itself as well as information identifying the following:

- the campus at which the student was enrolled at the time of the incident;
- the type of restraint administered to the student;
- the age, gender, and race or ethnicity of the student;

- whether the student is homeless, eligible for special education services, of limited English proficiency, or in the conservatorship of the Department of Family and Protective Services; and
- a comparison for each campus of the demographics of students who were the subject of an incident to the demographics of the campus's student body, disaggregated by age, gender, race or ethnicity, eligibility for special education services, English proficiency, status in a conservatorship, or homelessness status.

C.S.H.B. 1194 provides the following with respect to a required report:

- the data collected for a report does not constitute prima facie evidence of racial profiling;
- a report may not include personally identifiable student information;
- a report must comply with the federal Family Educational Rights and Privacy Act of 1974; and
- a report may not include information that identifies a peace officer who issued a citation and the identity of such a peace officer is confidential and not subject to disclosure under state public information law.

A school district that enters into a memorandum of understanding with a local law enforcement agency for the provision of regular police presence on campus must designate in the memorandum of understanding which entity will be responsible for collecting the data under the bill.

C.S.H.B. 1194 requires TEA to collect the reports, compile the data, and make the data available to the public. The data must be disaggregated by school district to the extent possible while protecting the confidentiality of student information. The bill requires the commissioner of education to adopt rules as necessary to implement the bill, including rules requiring the data to use existing PEIMS codes. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1194 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following among the contents of the incident-based data report required in the original:

- the total number of incidents of sending a student to the campus behavior coordinator's or other administrator's office or removal of a student from class;
- the name of any teacher who took such a disciplinary action more than twice during the applicable school year; and
- a comparison for each campus of the demographics of students who were the subject of an incident to the demographics of the campus's student body, disaggregated by certain demographic data.

The substitute replaces the use of the term "TASER," whose use qualifies as a restraint and appeared in the original, with the term "conducted energy weapon," which is defined in the substitute.