

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1115
By: Whitmire
Education
4/1/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the Council of State Governments Justice Center in partnership with the Public Policy Research Institute at Texas A&M University released a statewide study that followed nearly one million students through at least six years of their secondary school education. The study illustrated that many students were subjected to suspensions and expulsions between seventh and twelfth grade. Many of these students were also shown to be involved in the juvenile justice system. The study illustrated that there was a disproportionate number of African American students and students with particular educational disabilities suspended or expelled multiple times for discretionary reasons. One recommendation of the study was to address the need for more local monitoring of disciplinary violations that resulted in removal of students from school.

Current state law mandates that all referrals to alternative education be reported to the Texas Education Agency with specific identifying information for each student referred. C.S.S.B. 1115 amends Chapter 37 of the Education Code by requiring reporting of all disciplinary actions that result in the removal of a student from a class and by adding ethnicity to the list of identifying information. In addition this legislation also creates a mechanism for the commissioner of education to intervene when a particular school reports disproportionate numbers of certain groups of students or places the students out of class for an excessive amount of days.

C.S.S.B. 1115 amends current law relating to reporting, standards, restrictions, and requirements regarding public school disciplinary actions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 37.0201, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.131, Education Code, by adding Subsection (b-1), to prohibit an open-enrollment charter school from electing to suspend a student for a number of school days that exceeds the maximum number of school days allowed under Section 37.005(b) (relating to prohibiting a suspension from exceeding three school days).

SECTION 2. Amends the heading to Section 37.020, Education Code, as follows:

Sec. 37.020. REPORTS RELATING TO DISCIPLINARY ACTIONS.

SECTION 3. Amends Section 37.020, Education Code, by amending Subsections (b) and (c), and adding Subsection (d), as follows:

(b) Requires the school district, for each placement in a disciplinary alternative education program established under Section 37.008 (Disciplinary Alternative Education Programs), to report information identifying the student, including the student's race or ethnicity, sex, and date of birth and if applicable, the student's designation as a student with disabilities, that will enable the Texas Education Agency (TEA) to compare placement data with information collected through other reports.

(c) Requires the district, for each expulsion under Section 37.007 (Expulsion for Serious Offenses), to report information identifying the student, including the student's race or ethnicity, sex, and date of birth, and if applicable, the student's designation as a student with disabilities, that will enable TEA to compare placement data with information collected through other reports.

(d) Requires each district to report all other disciplinary actions resulting in a removal of a student from any part of the student's regular academic program, including suspension and in-school suspension. Requires the district, for each disciplinary action, to report information identifying the student, including the student's race or ethnicity, sex, and date of birth, and if applicable, the student's designation as a student with disabilities, that will enable TEA to compare placement data with information collected through other reports; information indicating the type of disciplinary action; information indicating the basis of the disciplinary action; and the number of full or partial days the student was the subject of disciplinary action.

SECTION 4. Amends Subchapter A, Chapter 37, Education Code, by adding Sections 37.0201 and 37.0202, as follows:

Sec. 37.0201. DISCIPLINARY ACTION DATA. (a) Defines "discretionary action" for this section.

(b) Requires TEA to evaluate information reported under Section 37.020 (Reports Relating to Expulsions and Disciplinary Alternative Education Program Placements) to determine whether:

(1) a school district has taken a discretionary disciplinary action against an excessive number of students;

(2) a district has taken a discretionary disciplinary action against a disproportionate number of students with disabilities or students of a particular race or ethnicity; or

(3) the length of a discretionary disciplinary action imposed on one or more students by a district is for an excessive number of days.

(c) Authorizes the commissioner of education (commissioner), if TEA makes an affirmative finding under Subsection (b)(1), (2), or (3), to take any of the following actions:

(1) order a hearing conducted by the board of trustees of the district for the purpose of informing the public of, as applicable, the excessive number of discretionary disciplinary actions taken, the disproportionate number of discretionary disciplinary actions taken against students with disabilities or students of a particular race or ethnicity, or the excessive length of discretionary disciplinary actions imposed; or

(2) order the district to include in the district improvement plan under Section 11.252 (District-Level Planning and Decision-Making) strategies to reduce, as applicable, the total number of discretionary disciplinary actions, the number of discretionary disciplinary actions taken against students with disabilities or students of a particular race or ethnicity, or the length of discretionary disciplinary actions imposed.

(d) Prohibits an in-school suspension placement that is for a period of three school days or less, for purposes of this section, from being considered a discretionary disciplinary action that is excessive in length.

(e) Provides that this section does not apply to a placement in a disciplinary alternative education program or juvenile justice alternative education program that is ordered by a court independently of any action taken by a school district.

(f) Authorizes the commissioner to adopt rules as necessary to implement this section.

Sec. 37.0202. IN-SCHOOL SUSPENSION EDUCATIONAL STANDARDS. (a) Requires TEA to adopt minimum educational standards for in-school suspension settings, including standards relating to qualifications of personnel providing education services to students assigned to in-school suspension; training for personnel providing education services to students assigned to in-school suspension; the ratio of students in in-school suspension to teachers or educational aides providing education services to students assigned to in-school suspension; providing opportunities for students in in-school suspension to keep current on all coursework during placements of 10 school days or less; and complying with Section 37.021 (Opportunity to Complete Course During In-School and Certain Other Placements).

(b) Requires each school district, in the manner required by the commissioner, to annually report to the commissioner information relating to the educational quality of the district's in-school suspension settings. Requires the data collected to include the qualifications and training of teachers or educational aides assigned to in-school suspension, the ratio of students to teachers or educational aides, and information regarding providing opportunities for students to keep current on coursework and the district's compliance with Section 37.021.

SECTION 5. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0092, as follows:

Sec. 37.0092. DISCIPLINARY ACTION PLAN. (a) Requires that an evaluation of the student's conduct, if a school district has twice previously taken a discretionary disciplinary action against a student as described by Section 37.0201, other than in-school suspension, be prepared before the district is authorized to take a third discretionary disciplinary action, other than in-school suspension, against the student.

(b) Requires the principal or other appropriate administrator and school counselor, in consultation with the parent or guardian of the student, to conduct the evaluation required under this section, using common sense considering:

(1) each factor under Section 37.001(a)(4) (relating to requiring the student code of conduct to specify that consideration be given for an alternate education placement for certain scenarios);

(2) whether the student's conduct was egregious;

(3) the student's past conduct;

(4) whether the student's conduct interferes with a teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;

(5) whether the student is a threat to the safety of other students or to district employees;

(6) the severity of the punishment; and

(7) available opportunities for increased parental involvement, including conferences and suggestions for addressing the student's conduct at home.

(c) Requires the principal or other appropriate administrator and school counselor, in consultation with the parent or guardian of the student, to develop a disciplinary action plan that best meets the needs of the student in considering the factors described by Subsection (b). Requires that the disciplinary action plan address appropriate behavioral interventions, address any appropriate alternative forms of instruction, and include an individual graduation plan for the student.

(d) Requires that a written copy of the evaluation and disciplinary action plan, including the individual graduation plan, required under this section be placed in the student's educational records and be provided to the student's parent or guardian.

(e) Authorizes a parent or any other person to file a complaint with the superintendent alleging that a school district did not comply with the requirements of this section before taking a discretionary disciplinary action, other than in-school suspension, against a specific student. Authorizes the parent or other person, if the parent or other person is not satisfied with the superintendent's resolution of the complaint, to appeal to the school district board of trustees. Provides that the determination of the board of trustees is final and is prohibited from being appealed.

SECTION 6. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 7. Effective date: upon passage or September 1, 2013.