

By: Goodwin

H.B. No. 2126

Substitute the following for H.B. No. 2126:

By: Thompson of Harris

C.S.H.B. No. 2126

A BILL TO BE ENTITLED

1 AN ACT

2 relating to information reported through the Public Education
3 Information Management System and to parents regarding
4 disciplinary measures or restraint used by a public school.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 37.0011(b), Education Code, is amended
7 to read as follows:

8 (b) If the board of trustees of an independent school
9 district adopts a policy under Section 37.001(a)(8) or the
10 governing body of an open-enrollment charter school adopts a policy
11 under Section 12.131(a) under which corporal punishment is
12 permitted as a method of student discipline:

13 (1) not later than the beginning of each school year,
14 the district or school must provide to each student's parent,
15 guardian, or other person having lawful control over the student
16 for whom the district or school has an e-mail address a notice by
17 e-mail that includes:

18 (A) a statement of that person's right to
19 prohibit the use of corporal punishment against the student;

20 (B) the district's or school's policy on the use
21 of corporal punishment and the definition of corporal punishment
22 under Subsection (a);

23 (C) the procedure, in a readily understandable
24 format, for the parent, guardian, or other person having lawful

1 control over the student to prohibit the use of corporal punishment
2 against the student; and

3 (D) a conspicuous statement that, as provided by
4 Subsection (c), a new written, signed statement must be submitted
5 by a student's parent, guardian, or other person having lawful
6 control over the student to the district or school each school year
7 to prohibit the use of corporal punishment against the student
8 during that school year; and

9 (2) [r] a district or school educator may use corporal
10 punishment to discipline a student during a school year unless the
11 student's parent or guardian or other person having lawful control
12 over the student has previously provided a written, signed
13 statement prohibiting the use of corporal punishment as a method of
14 student discipline for that school year.

15 SECTION 2. Subchapter A, Chapter 37, Education Code, is
16 amended by adding Section 37.024 to read as follows:

17 Sec. 37.024. REQUIRED PEIMS REPORTING OF DISCIPLINARY
18 MEASURES AND RESTRAINT; REPORT. (a) Each school district and
19 open-enrollment charter school shall include in the district's or
20 school's Public Education Information Management System (PEIMS)
21 report the total number, disaggregated by race, ethnicity, gender,
22 status as receiving special education services, and status as being
23 in the conservatorship of the Department of Family and Protective
24 Services, of, as applicable:

25 (1) incidents of uses of corporal punishment, if the
26 district or school permits the use of corporal punishment;

27 (2) incidents of uses of restraint, as defined by

1 Section 37.0021;

2 (3) reports to local law enforcement under Section
3 37.015 or 37.0151;

4 (4) suspensions of students by the district or school,
5 disaggregated by the number of students who received:

6 (A) only one out-of-school suspension during the
7 year;

8 (B) more than one out-of-school suspension
9 during the year; and

10 (C) one or more in-school suspensions;

11 (5) changes in school placement, including placement
12 in a juvenile justice alternative education program or a
13 disciplinary alternative education program;

14 (6) discretionary and mandatory expulsions, including
15 expulsions arising under a zero-tolerance policy adopted by the
16 district or school;

17 (7) citations for Class C misdemeanors;

18 (8) arrests; and

19 (9) referrals to a truancy court.

20 (b) The agency shall:

21 (1) aggregate the data required under Subsection (a)
22 by state, region, district or school, and campus in an annual report
23 that is readily understandable;

24 (2) make the report publicly available on the agency's
25 Internet website; and

26 (3) provide the report to each school district and
27 open-enrollment charter school.

1 (c) Each school district and open-enrollment charter school
2 shall provide annually to each student's parent, guardian, or other
3 person having lawful control over a student enrolled in the
4 district or school for whom the district or school has an e-mail
5 address a notice by e-mail that includes:

6 (1) a copy of the report under Subsection (b);

7 (2) a summary that compares the aggregate data
8 collected under Subsection (a) for the district or school campus
9 and for the state, region, and other campuses in the district or the
10 geographic area served by the school; and

11 (3) the Internet website link to the report under
12 Subsection (b) on the agency's Internet website.

13 (d) The commissioner shall adopt rules as necessary to
14 implement this section, including rules to ensure compliance with
15 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
16 Section 1232g).

17 SECTION 3. This Act applies beginning with the 2023-2024
18 school year.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.