

By: West

S.B. No. 2395

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a task force to study disciplinary practices and policies in public schools.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Agency" means the Texas Education Agency.

(2) "Task force" means the task force established by this Act to study disciplinary practices and policies in public schools in this state.

SECTION 2. TASK FORCE TO STUDY SCHOOL DISCIPLINE. (a) A task force is established under this Act to study, evaluate, and make recommendations for policies and practices relating to student discipline in public schools in this state.

(b) The task force shall consist of:

(1) the commissioner of education or the commissioner's designee;

(2) the following members appointed by the commissioner of education:

(A) two parents of students enrolled in a public school;

(B) two administrators of a public school;

(C) two educators certified under Subchapter B, Chapter 21, Education Code, and employed by a public school;

(D) a person who is either:

1 (i) a licensed clinical social worker, as  
2 defined by Section 505.002, Occupations Code; or

3 (ii) a school counselor certified under  
4 Subchapter B, Chapter 21, Education Code;

5 (E) a licensed specialist in school psychology,  
6 as defined by Section 501.002, Occupations Code;

7 (F) two people with expertise in school safety  
8 and school discipline in this state;

9 (G) a representative from the Texas School Safety  
10 Center; and

11 (H) a behavior analyst licensed under Chapter  
12 506, Occupations Code; and

13 (3) one additional member appointed by the task force  
14 to represent each additional organization, group, or agency that  
15 the task force determines would make necessary or helpful  
16 contributions.

17 (c) The commissioner of education or the commissioner's  
18 designee shall serve as the presiding officer of the task force.

19 (d) The task force shall meet at the times and places that  
20 the presiding officer determines appropriate. The task force may  
21 meet at an education research center, as defined by Section 1.005,  
22 Education Code.

23 SECTION 3. DUTIES OF THE TASK FORCE. (a) The task force  
24 shall conduct a study to examine school discipline practices and  
25 policies in public schools throughout this state. The study shall  
26 include:

27 (1) an identification of the exclusionary and punitive

1 disciplinary practices and procedures used in public schools,  
2 including:

3 (A) in-school suspension;

4 (B) out-of-school suspension;

5 (C) corporal punishment, as defined by Section  
6 [37.0011](#), Education Code;

7 (D) restraint, as defined by Section [37.0021](#),  
8 Education Code;

9 (E) disciplinary alternative education programs  
10 under Subchapter [A](#), Chapter [37](#), Education Code;

11 (F) juvenile justice alternative education  
12 programs under Section [37.011](#), Education Code;

13 (G) informal disciplinary actions that result in  
14 a student being removed from a classroom or instruction; and

15 (H) expulsion;

16 (2) an identification of the alternative disciplinary  
17 practices and procedures that are age-appropriate and  
18 research-based and focus on conflict resolution strategies to keep  
19 students engaged in the classroom that are used in public schools,  
20 including positive behavior programs under Section [37.0013](#),  
21 Education Code;

22 (3) an analysis of the practices and procedures  
23 identified under Subdivision (1) disaggregated based on student  
24 demographics including:

25 (A) race;

26 (B) gender;

27 (C) national origin;

- 1 (D) disability status;
- 2 (E) economic status;
- 3 (F) emergent bilingual status;
- 4 (G) whether the student is homeless; and
- 5 (H) whether the student is in the conservatorship
- 6 of the state;

7 (4) an examination of the practices and policies  
8 identified under Subdivisions (1) and (2) to determine:

9 (A) how the use of disciplinary practices varies  
10 among independent school districts and open-enrollment charter  
11 schools, particularly among schools of similar size and student  
12 characteristics;

13 (B) the due process rights provided by schools to  
14 students and families in school disciplinary proceedings;

15 (C) the challenges students and families face in  
16 understanding and navigating school disciplinary proceedings;

17 (D) the impact removing a student from school or  
18 instruction has on the student and the broader school community;

19 (E) the protections afforded to students with  
20 diagnosed or undetected disabilities in disciplinary practices;

21 (F) the challenges students with diagnosed or  
22 undetected disabilities face when subjected to disciplinary  
23 practices under Subsection (a);

24 (G) the impacts mental and behavioral health  
25 challenges have on student behavior;

26 (H) the current law and relevant regulations  
27 permitting or requiring a school to account for a student's mental

1 or behavioral health when making disciplinary decisions;

2 (I) how frequently independent school districts  
3 and open-enrollment charter schools implement alternative  
4 disciplinary practices and policies identified under Subdivision  
5 (2);

6 (J) the challenges independent school districts  
7 and open-enrollment charter schools face in implementing  
8 alternative disciplinary practices and policies identified under  
9 Subdivision (2);

10 (K) the systems in place to monitor and support  
11 school districts and open-enrollment charter schools in  
12 implementing alternative disciplinary practices and policies  
13 identified under Subdivision (2);

14 (L) the number of school districts that have  
15 implemented:

16 (i) a positive behavior program under  
17 Section [37.0013](#), Education Code; or

18 (ii) a program for graduated sanctions for  
19 certain school offenses under Section [37.144](#), Education Code;

20 (M) for each program listed under Paragraph (L)  
21 implemented by a school district:

22 (i) the method with which the program is  
23 implemented;

24 (ii) the challenges that made  
25 implementation difficult;

26 (iii) the systems in place to monitor and  
27 support the program;

1 (iv) whether and to what extent the  
2 implementation of the program has reduced the district's reliance  
3 on disciplinary practices and policies identified under  
4 Subdivision (1); and

5 (v) whether the programs have reduced the  
6 incidence of behavioral complaints by students and teachers in the  
7 district;

8 (N) the duties typically performed by a campus  
9 behavior coordinator;

10 (O) the strategies campus behavior coordinators  
11 use to reduce a reliance on disciplinary practices and policies  
12 identified under Subdivision (1);

13 (P) the resources and training to which educators  
14 have access regarding the disciplinary practices and policies  
15 identified under Subdivision (2);

16 (Q) the resources and training educators lack  
17 relating to disciplinary practices and policies identified under  
18 Subdivision (2);

19 (R) how the COVID-19 pandemic and remote learning  
20 impacted student behavior and school disciplinary resources;

21 (S) whether there are gaps in current data  
22 collection methods relating to the disciplinary practices and  
23 policies identified under Subdivisions (1) and (2), that if  
24 corrected, would aid assessment of disciplinary practices;

25 (T) the manner and frequency of use of informal  
26 disciplinary practices and policies in public schools, including  
27 unreported out-of-school suspensions, early parent pick-ups,

1 silent lunches, exclusion from recess, time-out, as defined by  
2 Section 37.0021, Education Code, and removal by a teacher under  
3 Section 37.002, Education Code; and

4 (U) the frequency with which restraint, as  
5 defined by Section 37.0021, Education Code, is used on students as a  
6 disciplinary measure; and

7 (5) an examination of the manner in which current laws  
8 and practices interact with and affect student discipline in this  
9 state, including:

10 (A) whether Chapter 37, Education Code, provides  
11 sufficiently clear guidance on disciplinary practices identified  
12 under Subdivisions (1) and (2), specifically identifying  
13 redundancies or conflicts in the law that impact implementation;

14 (B) the current state of disciplinary  
15 alternative education programs under Subchapter A, Chapter 37,  
16 Education Code, and how those programs affect student outcomes;

17 (C) the current state of, and challenges to,  
18 oversight and accountability for disciplinary alternative  
19 education programs under Subchapter A, Chapter 37, Education Code;

20 (D) how to reduce the frequency and lengths of  
21 student placements in disciplinary alternative education programs  
22 under Subchapter A, Chapter 37, Education Code, in this state; and

23 (E) changes to law or policy that will better  
24 facilitate a student's transition back to the student's regular  
25 classroom from a disciplinary alternative education program under  
26 Subchapter A, Chapter 37, Education Code.

27 (b) Based on the results of the study conducted under this

1 Act, the task force shall recommend changes to current law and  
2 regulations to improve student disciplinary practices and policies  
3 in public schools in this state.

4 (c) In completing the study and recommendations under this  
5 Act, the task force shall seek feedback from students, families,  
6 and educators and shall include that feedback in its report.

7 (d) The task force may use money appropriated or otherwise  
8 available for the purposes of completing the duties assigned to the  
9 task force under this Act.

10 SECTION 4. REPORT TO LEGISLATURE. Not later than December  
11 1, 2024, the task force shall prepare and submit to the legislature  
12 a written report that includes the findings from the study and the  
13 recommendations developed by the task force under this Act.

14 SECTION 5. EXPIRATION. The task force is abolished and this  
15 Act expires September 1, 2025.

16 SECTION 6. EFFECTIVE DATE. This Act takes effect  
17 immediately if it receives a vote of two-thirds of all the members  
18 elected to each house, as provided by Section 39, Article III, Texas  
19 Constitution. If this Act does not receive the vote necessary for  
20 immediate effect, this Act takes effect September 1, 2023.