

BILL ANALYSIS

Senate Research Center
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S.B. 1115
By: Whitmire
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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. 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.

As proposed, S.B. 1115 amends current law relating to reporting, standards, and restrictions 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, ethnicity, sex, and date of birth, 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, ethnicity, sex, and date of birth, 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 in-school suspension and out-of-school suspension. Requires the district, for each disciplinary action, to report information identifying the student, including the student's race, ethnicity, sex, and date of birth, 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. IN-SCHOOL SUSPENSION PLACEMENT DATA. (a) Authorizes the commissioner of education (commissioner), if the commissioner determines from data reported under Section 37.020 (Reports Relating to Expulsions and Disciplinary Alternative Education Program Placements) that a school district has placed an excessive number of students in in-school suspension, has placed a disproportionate number of students with disabilities or students of a particular race or ethnicity in in-school suspension, or has placed one or more students in in-school suspension for an excessive number of days, 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 placements in in-school suspension, the disproportionate number of placements of students with disabilities or students of a particular race or ethnicity in in-school suspension, or the excessive length of placements in in-school suspension; 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 placements in in-school suspension, the number of placements in in-school suspension of students with disabilities or students of a particular race or ethnicity, or the length of placements in in-school suspension.

(b) Requires the commissioner by rule to develop criteria for making determinations regarding excessive number of placements, disproportionate number of placements, and excessive length of placements for purposes of 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; and the ratio of students in in-school suspension to teachers or educational aides providing education services to students assigned to in-school suspension.

(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 the district's compliance with Section 37.021 (Opportunity to Complete Course During In-School and Certain Other Placements).

SECTION 5. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 6. Effective date: upon passage or September 1, 2013.