

By: Walle

H.B. No. 918

A BILL TO BE ENTITLED

AN ACT

relating to requiring a school district to report data regarding citations issued to and arrests made of students.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0811 to read as follows:

Sec. 37.0811. REPORT TO AGENCY ON CITATIONS AND ARRESTS.

(a) Not later than the 60th day after the last day of classes for the academic year, the superintendent of a school district shall electronically submit to the agency a report that contains incident-based data describing the total number of citations issued to and arrests made of students for the preceding academic year, organized by campus. The incident-based data submitted under this subsection must include information identifying:

(1) the age of the student;

(2) the gender of the student;

(3) the race or ethnicity of the student;

(4) whether the student is eligible for special education services under Section 29.003;

(5) whether the student is a student of limited English proficiency, as defined by Section 29.052;

(6) the nature of the offense;

(7) whether the offense occurred during regular school hours;

1           (8) whether the offense occurred on school property or  
2 off school property while the student was attending a  
3 school-sponsored or school-related activity; and

4           (9) the campus at which the student is enrolled.

5           (b) The data collected for a report required under this  
6 section does not constitute prima facie evidence of racial  
7 profiling.

8           (c) A report required under this section may not include  
9 information that identifies the peace officer who issued a  
10 citation. The identity of the peace officer is confidential and not  
11 subject to disclosure under Chapter 552, Government Code.

12           (d) A report required under this section may not include  
13 personally identifiable student information and must comply with  
14 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
15 Section 1232g).

16           (e) A school district that enters into a memorandum of  
17 understanding with a local law enforcement agency for the provision  
18 of a regular police presence on campus shall designate in the  
19 memorandum of understanding which entity will be responsible for  
20 collecting the data described by Subsection (a).

21           (f) If the agency determines that a superintendent  
22 intentionally failed to submit a report required under this  
23 section, the agency shall notify the State Board for Educator  
24 Certification of the failure, and the board shall determine whether  
25 to impose sanctions against the superintendent in accordance with  
26 board rules.

27           (g) The agency shall collect the reports required under this

1 section, compile the data, and make the data available to the  
2 public.

3 (h) In this section, "citation" means a ticket issued to a  
4 student for a Class C misdemeanor by a school district peace officer  
5 or other peace officer acting under a memorandum of understanding  
6 described by Subsection (e).

7 SECTION 2. This Act applies beginning with the 2013-2014  
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2013.