

By: West

S.B. No. 420

A BILL TO BE ENTITLED

AN ACT

relating to disproportionate discretionary disciplinary action by school districts against students of a particular race or students enrolled in a special education program.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0201 to read as follows:

Sec. 37.0201. REMEDIATION PLAN: DISPROPORTIONATE DISCRETIONARY DISCIPLINARY ACTION. (a) In this section, "discretionary disciplinary action" means any disciplinary action taken by a school district that is allowed but not required under this chapter or the district's student code of conduct.

(b) The agency shall evaluate information reported through the Public Education Information Management System (PEIMS) to determine whether a school district appears to be taking discretionary disciplinary action, including suspension, expulsion, placement in a disciplinary alternative education program or juvenile justice alternative education program, or any other disciplinary action reported through PEIMS, against a disproportionate number of students:

(1) of a particular race; or
(2) who are enrolled in a special education program under Subchapter A, Chapter 29.

(c) On determining that a school district is taking

1 discretionary disciplinary action disproportionately, the agency
2 shall:

3 (1) notify the district of the determination;

4 (2) obtain from the district any additional
5 information necessary to enable the agency to perform a more
6 comprehensive analysis of the district's disciplinary practices;

7 (3) require the district to submit a remediation plan,
8 which may include the implementation of school-wide positive
9 behavioral interventions and supports, for approval by the agency;
10 and

11 (4) require the district to implement the approved
12 remediation plan.

13 (d) In developing a remediation plan, the district may
14 request technical assistance from the Center for Elimination of
15 Disproportionality and Disparities created under Chapter 107A,
16 Health and Safety Code. If requested by the district, the center
17 shall provide the assistance at no charge to the district.

18 (e) The agency shall monitor implementation of the
19 remediation plan required under Subsection (c)(3) and shall
20 maintain oversight of the district's disciplinary practices until
21 information provided by the district indicates that remediation has
22 been achieved.

23 (f) The commissioner may adopt rules necessary to implement
24 this section.

25 SECTION 2. This Act applies beginning with the 2013-2014
26 school year.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.