

By: Whitmire, Van de Putte

S.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to reporting, standards, restrictions, and requirements regarding public school disciplinary actions.

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

SECTION 1. Section 12.131, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An open-enrollment charter school may not elect to suspend a student for a number of school days that exceeds the maximum number of school days allowed under Section 37.005(b).

SECTION 2. The heading to Section 37.020, Education Code, is amended to read as follows:

Sec. 37.020. REPORTS RELATING TO ~~[EXPULSIONS AND]~~ DISCIPLINARY ACTIONS ~~[ALTERNATIVE EDUCATION PROGRAM PLACEMENTS]~~.

SECTION 3. Section 37.020, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) For each placement in a disciplinary alternative education program established under Section 37.008, the district shall report:

(1) information identifying the student, including the student's race or ethnicity, sex, and date of birth, and, if applicable, the student's designation as a student with disabilities, that will enable the agency to compare placement data with information collected through other reports;

1 (2) information indicating whether the placement was
2 based on:

3 (A) conduct violating the student code of conduct
4 adopted under Section 37.001;

5 (B) conduct for which a student may be removed
6 from class under Section 37.002(b);

7 (C) conduct for which placement in a disciplinary
8 alternative education program is required by Section 37.006; or

9 (D) conduct occurring while a student was
10 enrolled in another district and for which placement in a
11 disciplinary alternative education program is permitted by Section
12 37.008(j);

13 (3) the number of full or partial days the student was
14 assigned to the program and the number of full or partial days the
15 student attended the program; and

16 (4) the number of placements that were inconsistent
17 with the guidelines included in the student code of conduct under
18 Section 37.001(a)(5).

19 (c) For each expulsion under Section 37.007, the district
20 shall report:

21 (1) information identifying the student, including
22 the student's race or ethnicity, sex, and date of birth, and, if
23 applicable, the student's designation as a student with
24 disabilities, that will enable the agency to compare placement data
25 with information collected through other reports;

26 (2) information indicating whether the expulsion was
27 based on:

1 (A) conduct for which expulsion is required under
2 Section 37.007, including information specifically indicating
3 whether a student was expelled on the basis of Section 37.007(e); or

4 (B) conduct for which expulsion is permitted
5 under Section 37.007;

6 (3) the number of full or partial days the student was
7 expelled;

8 (4) information indicating whether:

9 (A) the student was placed in a juvenile justice
10 alternative education program under Section 37.011;

11 (B) the student was placed in a disciplinary
12 alternative education program; or

13 (C) the student was not placed in a juvenile
14 justice or other disciplinary alternative education program; and

15 (5) the number of expulsions that were inconsistent
16 with the guidelines included in the student code of conduct under
17 Section 37.001(a)(5).

18 (d) Each district shall report all other disciplinary
19 actions resulting in a removal of a student from any part of the
20 student's regular academic program, including suspension and
21 in-school suspension. For each disciplinary action, the district
22 shall report:

23 (1) information identifying the student, including
24 the student's race or ethnicity, sex, and date of birth, and, if
25 applicable, the student's designation as a student with
26 disabilities, that will enable the agency to compare placement data
27 with information collected through other reports;

1 (2) information indicating the type of disciplinary
2 action;

3 (3) information indicating the basis of the
4 disciplinary action; and

5 (4) the number of full or partial days the student was
6 the subject of disciplinary action.

7 SECTION 4. Subchapter A, Chapter 37, Education Code, is
8 amended by adding Sections 37.0201 and 37.0202 to read as follows:

9 Sec. 37.0201. DISCIPLINARY ACTION DATA. (a) For purposes
10 of this section, "discretionary disciplinary action" includes:

11 (1) in-school suspension;

12 (2) suspension or placement in a disciplinary
13 education program, other than placement in a disciplinary education
14 program in accordance with Section 37.006(a), (b), (c), or (f),
15 Section 37.007(e), or Section 37.304; and

16 (3) expulsion or placement in a juvenile justice
17 alternative education program, other than expulsion or placement in
18 a juvenile justice alternative education program for conduct
19 described by Section 37.007(a) or (e), in accordance with Section
20 37.007(d) if the conduct contains the elements of any offense
21 listed in Section 37.007(a), or in accordance with Section 37.304.

22 (b) The agency shall review information reported under
23 Section 37.020 to determine whether:

24 (1) a school district has taken a discretionary
25 disciplinary action against an excessive number of students;

26 (2) a district has taken a discretionary disciplinary
27 action against a disproportionate number of students with

1 disabilities or students of a particular race or ethnicity; or

2 (3) the length of a discretionary disciplinary action
3 imposed on one or more students by a district is for an excessive
4 number of days.

5 (c) If the agency makes an affirmative finding under
6 Subsection (b)(1), (2), or (3), the commissioner may take any of the
7 following actions:

8 (1) order a hearing conducted by the board of trustees
9 of the district for the purpose of informing the public of, as
10 applicable, the excessive number of discretionary disciplinary
11 actions taken, the disproportionate number of discretionary
12 disciplinary actions taken against students with disabilities or
13 students of a particular race or ethnicity, or the excessive length
14 of discretionary disciplinary actions imposed; or

15 (2) order the district to include in the district
16 improvement plan under Section 11.252 strategies to reduce, as
17 applicable, the total number of discretionary disciplinary
18 actions, the number of discretionary disciplinary actions taken
19 against students with disabilities or students of a particular race
20 or ethnicity, or the length of discretionary disciplinary actions
21 imposed.

22 (d) For purposes of this section, an in-school suspension
23 placement that is for a period of three school days or less may not
24 be considered a discretionary disciplinary action that is excessive
25 in length.

26 (e) This section does not apply to a placement in a
27 disciplinary alternative education program or juvenile justice

1 alternative education program that is ordered by a court
2 independently of any action taken by a school district.

3 (f) The commissioner may adopt rules as necessary to
4 implement this section.

5 Sec. 37.0202. IN-SCHOOL SUSPENSION EDUCATIONAL
6 STANDARDS. The agency shall adopt minimum educational standards
7 for in-school suspension settings, including standards relating
8 to:

9 (1) qualifications of personnel providing education
10 services to students assigned to in-school suspension;

11 (2) training for personnel providing education
12 services to students assigned to in-school suspension;

13 (3) the ratio of students in in-school suspension to
14 teachers or educational aides providing education services to
15 students assigned to in-school suspension;

16 (4) providing opportunities for students in in-school
17 suspension to keep current on all coursework during placements of
18 10 school days or less; and

19 (5) complying with Section 37.021.

20 SECTION 5. Subchapter A, Chapter 37, Education Code, is
21 amended by adding Section 37.0092 to read as follows:

22 Sec. 37.0092. DISCIPLINARY ACTION PLAN. (a) If a school
23 district has twice previously taken a discretionary disciplinary
24 action against a student as described by Section 37.0201, other
25 than in-school suspension, an evaluation of the student's conduct
26 must be conducted and a disciplinary action plan must be prepared
27 before the district may take a third discretionary disciplinary

1 action, other than in-school suspension, against the student.

2 (b) The principal, or other appropriate administrator, and
3 school counselor, in consultation with the parent or guardian of
4 the student, shall conduct the evaluation required under this
5 section using common sense, considering:

6 (1) each factor under Section 37.001(a)(4);

7 (2) whether the student's conduct was egregious;

8 (3) the student's past conduct;

9 (4) whether the student's conduct interferes with a
10 teacher's ability to communicate effectively with the students in
11 the class or with the ability of the student's classmates to learn;

12 (5) whether the student is a threat to the safety of
13 other students or to district employees;

14 (6) the severity of the punishment; and

15 (7) available opportunities for increased parental
16 involvement, including conferences and suggestions for addressing
17 the student's conduct at home.

18 (c) The principal, or other appropriate administrator, and
19 school counselor, in consultation with the parent or guardian of
20 the student, shall develop a disciplinary action plan that best
21 meets the needs of the student, considering the factors described
22 by Subsection (b). The disciplinary action plan must address
23 appropriate behavioral interventions, address any appropriate
24 alternative forms of instruction, and include an individual
25 graduation plan for the student.

26 (d) A written copy of the evaluation and disciplinary action
27 plan, including the individual graduation plan, required under this

1 section must be placed in the student's educational records and be
2 provided to the student's parent or guardian.

3 (e) A parent or any other person may file a complaint with
4 the superintendent alleging that a school district did not comply
5 with the requirements of this section before taking a discretionary
6 disciplinary action, other than in-school suspension, against a
7 specific student. If the parent or other person is not satisfied
8 with the superintendent's resolution of the complaint, the parent
9 or other person may appeal to the school district board of trustees.
10 The determination of the board of trustees is final and may not be
11 appealed.

12 SECTION 6. This Act applies beginning with the 2013-2014
13 school year.

14 SECTION 7. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.