

By: Whitmire

S.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to reporting, standards, and restrictions 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, ethnicity, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) information indicating whether the placement was

1 based on:

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

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

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

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

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

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

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

20 (1) information identifying the student, including
21 the student's race, ethnicity, sex, and date of birth, that will
22 enable the agency to compare placement data with information
23 collected through other reports;

24 (2) information indicating whether the expulsion was
25 based on:

26 (A) conduct for which expulsion is required under
27 Section 37.007, including information specifically indicating

1 whether a student was expelled on the basis of Section 37.007(e); or

2 (B) conduct for which expulsion is permitted
3 under Section 37.007;

4 (3) the number of full or partial days the student was
5 expelled;

6 (4) information indicating whether:

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

9 (B) the student was placed in a disciplinary
10 alternative education program; or

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

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

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

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

25 (2) information indicating the type of disciplinary
26 action;

27 (3) information indicating the basis of the

1 disciplinary action; and

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

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

6 Sec. 37.0201. IN-SCHOOL SUSPENSION PLACEMENT DATA. (a) If
7 the commissioner determines from data reported under Section 37.020
8 that a school district has placed an excessive number of students in
9 in-school suspension, has placed a disproportionate number of
10 students with disabilities or students of a particular race or
11 ethnicity in in-school suspension, or has placed one or more
12 students in in-school suspension for an excessive number of days,
13 the commissioner may take any of the following actions:

14 (1) order a hearing conducted by the board of trustees
15 of the district for the purpose of informing the public of, as
16 applicable, the excessive number of placements in in-school
17 suspension, the disproportionate number of placements of students
18 with disabilities or students of a particular race or ethnicity in
19 in-school suspension, or the excessive length of placements in
20 in-school suspension; or

21 (2) order the district to include in the district
22 improvement plan under Section 11.252 strategies to reduce, as
23 applicable, the total number of placements in in-school suspension,
24 the number of placements in in-school suspension of students with
25 disabilities or students of a particular race or ethnicity, or the
26 length of placements in in-school suspension.

27 (b) The commissioner by rule shall develop criteria for

1 making determinations regarding excessive number of placements,
2 disproportionate number of placements, and excessive length of
3 placements for purposes of this section.

4 Sec. 37.0202. IN-SCHOOL SUSPENSION EDUCATIONAL STANDARDS.

5 (a) The agency shall adopt minimum educational standards for
6 in-school suspension settings, including standards relating to:

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

9 (2) training for personnel providing education
10 services to students assigned to in-school suspension; and

11 (3) the ratio of students in in-school suspension to
12 teachers or educational aides providing education services to
13 students assigned to in-school suspension.

14 (b) In the manner required by the commissioner, each school
15 district shall annually report to the commissioner information
16 relating to the educational quality of the district's in-school
17 suspension settings. The data collected shall include the
18 qualifications and training of teachers or educational aides
19 assigned to in-school suspension, the ratio of students to teachers
20 or educational aides, and information regarding the district's
21 compliance with Section 37.021.

22 SECTION 5. This Act applies beginning with the 2013-2014
23 school year.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.