

1-1 By: Whitmire S.B. No. 1115
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Education; April 2, 2013,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 2, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Patrick	X		
1-9	Lucio	X		
1-10	Campbell	X		
1-11	Duncan	X		
1-12	Paxton	X		
1-13	Seliger	X		
1-14	Taylor	X		
1-15	Van de Putte	X		
1-16	West	X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1115 By: Taylor

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to reporting, standards, restrictions, and requirements
1-21 regarding public school disciplinary actions.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 12.131, Education Code, is amended by
1-24 adding Subsection (b-1) to read as follows:

1-25 (b-1) An open-enrollment charter school may not elect to
1-26 suspend a student for a number of school days that exceeds the
1-27 maximum number of school days allowed under Section 37.005(b).

1-28 SECTION 2. The heading to Section 37.020, Education Code,
1-29 is amended to read as follows:

1-30 Sec. 37.020. REPORTS RELATING TO [~~EXPULSIONS AND~~]
1-31 ~~DISCIPLINARY ACTIONS [ALTERNATIVE EDUCATION PROGRAM PLACEMENTS]~~.

1-32 SECTION 3. Section 37.020, Education Code, is amended by
1-33 amending Subsections (b) and (c) and adding Subsection (d) to read
1-34 as follows:

1-35 (b) For each placement in a disciplinary alternative
1-36 education program established under Section 37.008, the district
1-37 shall report:

1-38 (1) information identifying the student, including
1-39 the student's race or ethnicity, sex, and date of birth, and, if
1-40 applicable, the student's designation as a student with
1-41 disabilities, that will enable the agency to compare placement data
1-42 with information collected through other reports;

1-43 (2) information indicating whether the placement was
1-44 based on:

1-45 (A) conduct violating the student code of conduct
1-46 adopted under Section 37.001;

1-47 (B) conduct for which a student may be removed
1-48 from class under Section 37.002(b);

1-49 (C) conduct for which placement in a disciplinary
1-50 alternative education program is required by Section 37.006; or

1-51 (D) conduct occurring while a student was
1-52 enrolled in another district and for which placement in a
1-53 disciplinary alternative education program is permitted by Section
1-54 37.008(j);

1-55 (3) the number of full or partial days the student was
1-56 assigned to the program and the number of full or partial days the
1-57 student attended the program; and

1-58 (4) the number of placements that were inconsistent
1-59 with the guidelines included in the student code of conduct under
1-60 Section 37.001(a)(5).

2-1 (c) For each expulsion under Section 37.007, the district
2-2 shall report:

2-3 (1) information identifying the student, including
2-4 the student's race or ethnicity, sex, and date of birth, and, if
2-5 applicable, the student's designation as a student with
2-6 disabilities, that will enable the agency to compare placement data
2-7 with information collected through other reports;

2-8 (2) information indicating whether the expulsion was
2-9 based on:

2-10 (A) conduct for which expulsion is required under
2-11 Section 37.007, including information specifically indicating
2-12 whether a student was expelled on the basis of Section 37.007(e); or

2-13 (B) conduct for which expulsion is permitted
2-14 under Section 37.007;

2-15 (3) the number of full or partial days the student was
2-16 expelled;

2-17 (4) information indicating whether:

2-18 (A) the student was placed in a juvenile justice
2-19 alternative education program under Section 37.011;

2-20 (B) the student was placed in a disciplinary
2-21 alternative education program; or

2-22 (C) the student was not placed in a juvenile
2-23 justice or other disciplinary alternative education program; and

2-24 (5) the number of expulsions that were inconsistent
2-25 with the guidelines included in the student code of conduct under
2-26 Section 37.001(a)(5).

2-27 (d) Each district shall report all other disciplinary
2-28 actions resulting in a removal of a student from any part of the
2-29 student's regular academic program, including suspension and
2-30 in-school suspension. For each disciplinary action, the district
2-31 shall report:

2-32 (1) information identifying the student, including
2-33 the student's race or ethnicity, sex, and date of birth, and, if
2-34 applicable, the student's designation as a student with
2-35 disabilities, that will enable the agency to compare placement data
2-36 with information collected through other reports;

2-37 (2) information indicating the type of disciplinary
2-38 action;

2-39 (3) information indicating the basis of the
2-40 disciplinary action; and

2-41 (4) the number of full or partial days the student was
2-42 the subject of disciplinary action.

2-43 SECTION 4. Subchapter A, Chapter 37, Education Code, is
2-44 amended by adding Sections 37.0201 and 37.0202 to read as follows:

2-45 Sec. 37.0201. DISCIPLINARY ACTION DATA. (a) For purposes
2-46 of this section, "discretionary disciplinary action" includes:

2-47 (1) in-school suspension;

2-48 (2) suspension or placement in a disciplinary
2-49 education program, other than placement in a disciplinary education
2-50 program in accordance with Section 37.006(a), (b), (c), or (f),
2-51 Section 37.007(e), or Section 37.304; and

2-52 (3) expulsion or placement in a juvenile justice
2-53 alternative education program, other than expulsion or placement in
2-54 a juvenile justice alternative education program for conduct
2-55 described by Section 37.007(a) or (e), in accordance with Section
2-56 37.007(d) if the conduct contains the elements of any offense
2-57 listed in Section 37.007(a), or in accordance with Section 37.304.

2-58 (b) The agency shall evaluate information reported under
2-59 Section 37.020 to determine whether:

2-60 (1) a school district has taken a discretionary
2-61 disciplinary action against an excessive number of students;

2-62 (2) a district has taken a discretionary disciplinary
2-63 action against a disproportionate number of students with
2-64 disabilities or students of a particular race or ethnicity; or

2-65 (3) the length of a discretionary disciplinary action
2-66 imposed on one or more students by a district is for an excessive
2-67 number of days.

2-68 (c) If the agency makes an affirmative finding under
2-69 Subsection (b)(1), (2), or (3), the commissioner may take any of the

3-1 following actions:
 3-2 (1) order a hearing conducted by the board of trustees
 3-3 of the district for the purpose of informing the public of, as
 3-4 applicable, the excessive number of discretionary disciplinary
 3-5 actions taken, the disproportionate number of discretionary
 3-6 disciplinary actions taken against students with disabilities or
 3-7 students of a particular race or ethnicity, or the excessive length
 3-8 of discretionary disciplinary actions imposed; or
 3-9 (2) order the district to include in the district
 3-10 improvement plan under Section 11.252 strategies to reduce, as
 3-11 applicable, the total number of discretionary disciplinary
 3-12 actions, the number of discretionary disciplinary actions taken
 3-13 against students with disabilities or students of a particular race
 3-14 or ethnicity, or the length of discretionary disciplinary actions
 3-15 imposed.
 3-16 (d) For purposes of this section, an in-school suspension
 3-17 placement that is for a period of three school days or less may not
 3-18 be considered a discretionary disciplinary action that is excessive
 3-19 in length.
 3-20 (e) This section does not apply to a placement in a
 3-21 disciplinary alternative education program or juvenile justice
 3-22 alternative education program that is ordered by a court
 3-23 independently of any action taken by a school district.
 3-24 (f) The commissioner may adopt rules as necessary to
 3-25 implement this section.
 3-26 Sec. 37.0202. IN-SCHOOL SUSPENSION EDUCATIONAL STANDARDS.
 3-27 (a) The agency shall adopt minimum educational standards for
 3-28 in-school suspension settings, including standards relating to:
 3-29 (1) qualifications of personnel providing education
 3-30 services to students assigned to in-school suspension;
 3-31 (2) training for personnel providing education
 3-32 services to students assigned to in-school suspension;
 3-33 (3) the ratio of students in in-school suspension to
 3-34 teachers or educational aides providing education services to
 3-35 students assigned to in-school suspension;
 3-36 (4) providing opportunities for students in in-school
 3-37 suspension to keep current on all coursework during placements of
 3-38 10 school days or less; and
 3-39 (5) complying with Section 37.021.
 3-40 (b) In the manner required by the commissioner, each school
 3-41 district shall annually report to the commissioner information
 3-42 relating to the educational quality of the district's in-school
 3-43 suspension settings. The data collected shall include the
 3-44 qualifications and training of teachers or educational aides
 3-45 assigned to in-school suspension, the ratio of students to teachers
 3-46 or educational aides, and information regarding providing
 3-47 opportunities for students to keep current on coursework and the
 3-48 district's compliance with Section 37.021.
 3-49 SECTION 5. Subchapter A, Chapter 37, Education Code, is
 3-50 amended by adding Section 37.0092 to read as follows:
 3-51 Sec. 37.0092. DISCIPLINARY ACTION PLAN. (a) If a school
 3-52 district has twice previously taken a discretionary disciplinary
 3-53 action against a student as described by Section 37.0201, other
 3-54 than in-school suspension, an evaluation of the student's conduct
 3-55 must be conducted and a disciplinary action plan must be prepared
 3-56 before the district may take a third discretionary disciplinary
 3-57 action, other than in-school suspension, against the student.
 3-58 (b) The principal or other appropriate administrator and
 3-59 school counselor, in consultation with the parent or guardian of
 3-60 the student, shall conduct the evaluation required under this
 3-61 section using common sense, considering:
 3-62 (1) each factor under Section 37.001(a)(4);
 3-63 (2) whether the student's conduct was egregious;
 3-64 (3) the student's past conduct;
 3-65 (4) whether the student's conduct interferes with a
 3-66 teacher's ability to communicate effectively with the students in
 3-67 the class or with the ability of the student's classmates to learn;
 3-68 (5) whether the student is a threat to the safety of
 3-69 other students or to district employees;

4-1 (6) the severity of the punishment; and
4-2 (7) available opportunities for increased parental
4-3 involvement, including conferences and suggestions for addressing
4-4 the student's conduct at home.

4-5 (c) The principal, or other appropriate administrator, and
4-6 school counselor, in consultation with the parent or guardian of
4-7 the student, shall develop a disciplinary action plan that best
4-8 meets the needs of the student, considering the factors described
4-9 by Subsection (b). The disciplinary action plan must address
4-10 appropriate behavioral interventions, address any appropriate
4-11 alternative forms of instruction, and include an individual
4-12 graduation plan for the student.

4-13 (d) A written copy of the evaluation and disciplinary action
4-14 plan, including the individual graduation plan, required under this
4-15 section must be placed in the student's educational records and be
4-16 provided to the student's parent or guardian.

4-17 (e) A parent or any other person may file a complaint with
4-18 the superintendent alleging that a school district did not comply
4-19 with the requirements of this section before taking a discretionary
4-20 disciplinary action, other than in-school suspension, against a
4-21 specific student. If the parent or other person is not satisfied
4-22 with the superintendent's resolution of the complaint, the parent
4-23 or other person may appeal to the school district board of trustees.
4-24 The determination of the board of trustees is final and may not be
4-25 appealed.

4-26 SECTION 6. This Act applies beginning with the 2013-2014
4-27 school year.

4-28 SECTION 7. This Act takes effect immediately if it receives
4-29 a vote of two-thirds of all the members elected to each house, as
4-30 provided by Section 39, Article III, Texas Constitution. If this
4-31 Act does not receive the vote necessary for immediate effect, this
4-32 Act takes effect September 1, 2013.

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