

By: Giddings

H.B. No. 1732

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring a school district or open-enrollment charter  
3 school to report data regarding restraints administered to,  
4 complaints filed against, citations issued to, and arrests made of  
5 students.

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

7 SECTION 1. Subchapter C, Chapter 37, Education Code, is  
8 amended by adding Section 37.0814 to read as follows:

9 Sec. 37.0814. REPORT TO AGENCY ON RESTRAINTS, COMPLAINTS,  
10 CITATIONS, AND ARRESTS. (a) In this section:

11 (1) "Citation" means a ticket issued to a student for a  
12 Class C misdemeanor by a school district peace officer or other  
13 peace officer acting under a memorandum of understanding described  
14 by Subsection (g).

15 (2) "OC spray" means any aerosol-propelled  
16 debilitation device that is composed of a lachrymatory chemical  
17 compound that irritates the eyes to cause tears, pain, or temporary  
18 blindness. The term includes pepper spray, capsicum spray, OC gas,  
19 and oleoresin capsicum.

20 (3) "Restraint" means the use of physical force or a  
21 mechanical device to significantly restrict the free movement of  
22 all or a portion of a student's body. The term includes the use of:

23 (A) a baton or a similar club;

24 (B) OC spray; and

1                    (C) a Taser.

2                    (4) "Taser" means a device manufactured, sold, or  
3 distributed by Taser International, Incorporated, that is  
4 intended, designed, made, or adapted to incapacitate a person by  
5 inflicting an electrical charge through the emission of a  
6 projectile or conductive stream. The term, for purposes of this  
7 section, includes a similar device manufactured, sold, or  
8 distributed by another person.

9                    (b) Not later than the 60th day after the last day of classes  
10 for the academic year, the superintendent of a school district  
11 shall electronically submit to the agency a report that contains  
12 incident-based data describing the total number of the following  
13 incidents occurring during the preceding academic year, organized  
14 by campus:

15                    (1) restraints administered to a student;

16                    (2) complaints filed against a student under Section  
17 37.145;

18                    (3) citations issued to a student; and

19                    (4) arrests made of a student.

20                    (c) The incident-based data submitted under this section  
21 must include, as applicable, information identifying:

22                    (1) the age of the student;

23                    (2) the gender of the student;

24                    (3) the race or ethnicity of the student;

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

27                    (5) whether the student is a student of limited

1 English proficiency, as defined by Section 29.052;  
2 (6) the nature of the offense;  
3 (7) whether the offense occurred during regular school  
4 hours;  
5 (8) whether the offense occurred on school property or  
6 off school property while the student was attending a  
7 school-sponsored or school-related activity;  
8 (9) the type of restraint administered to the student;  
9 (10) the offense for which a complaint was filed  
10 against the student or for which the student was issued a citation  
11 or was arrested; and  
12 (11) the campus at which the student was enrolled at  
13 the time of the incident.  
14 (d) The data collected for a report required under this  
15 section does not constitute prima facie evidence of racial  
16 profiling.  
17 (e) A report required under this section may not include  
18 information that identifies the peace officer who issued a  
19 citation. The identity of the peace officer is confidential and not  
20 subject to disclosure under Chapter 552, Government Code.  
21 (f) A report required under this section may not include  
22 personally identifiable student information and must comply with  
23 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
24 Section 1232g).  
25 (g) A school district that enters into a memorandum of  
26 understanding with a local law enforcement agency for the provision  
27 of a regular police presence on campus shall designate in the

1 memorandum of understanding which entity will be responsible for  
2 collecting the data described by Subsection (b).

3 (h) The agency shall collect the reports required under this  
4 section, compile the data, and make the data available to the  
5 public.

6 SECTION 2. Section 12.104(b), Education Code, is amended to  
7 read as follows:

8 (b) An open-enrollment charter school is subject to:

9 (1) a provision of this title establishing a criminal  
10 offense; and

11 (2) a prohibition, restriction, or requirement, as  
12 applicable, imposed by this title or a rule adopted under this  
13 title, relating to:

14 (A) the Public Education Information Management  
15 System (PEIMS) to the extent necessary to monitor compliance with  
16 this subchapter as determined by the commissioner;

17 (B) criminal history records under Subchapter C,  
18 Chapter 22;

19 (C) reading instruments and accelerated reading  
20 instruction programs under Section 28.006;

21 (D) accelerated instruction under Section  
22 28.0211;

23 (E) high school graduation requirements under  
24 Section 28.025;

25 (F) special education programs under Subchapter  
26 A, Chapter 29;

27 (G) bilingual education under Subchapter B,

1 Chapter 29;

2 (H) prekindergarten programs under Subchapter E  
3 or E-1, Chapter 29;

4 (I) extracurricular activities under Section  
5 33.081;

6 (J) discipline management practices or behavior  
7 management techniques under Section 37.0021;

8 (K) health and safety under Chapter 38;

9 (L) public school accountability under  
10 Subchapters B, C, D, E, F, G, and J, Chapter 39;

11 (M) the requirement under Section 21.006 to  
12 report an educator's misconduct;

13 (N) intensive programs of instruction under  
14 Section 28.0213; ~~and~~

15 (O) the right of a school employee to report a  
16 crime, as provided by Section 37.148; and

17 (P) the reporting of certain information  
18 regarding restraints, complaints, citations, and arrests under  
19 Section 37.0814.

20 SECTION 3. This Act applies beginning with the 2017-2018  
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2017.