

BILL ANALYSIS

C.S.H.B. 3013
By: Talarico
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that school discipline reform is immensely challenging to implement statewide, despite support from a bipartisan and diverse coalition of advocates, because open-enrollment charter schools and public school districts are not subject to the same laws and regulations with regard to the suspension and expulsion of students. C.S.H.B. 3013 seeks to provide a statutory framework regarding student discipline in charter schools that is more aligned with that provided for traditional public schools to ensure a more equal and understandable disciplinary system for the state's public education system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3013 amends the Education Code to limit the reasons for which an open-enrollment charter school may suspend a student to one of the reasons identified in the school's code of conduct and to cap the length of a suspension at three days. The bill expands the reasons for which a charter school may expel a student to include any reason identified in the school's code of conduct or for which a student may be expelled from a public school. The bill prohibits a charter school's code of conduct from authorizing expulsion based on a student's attendance or academic ability or performance or based on acts or omissions of a student's parent or legal guardian. The bill prohibits a student who is younger than 10 years of age from being expelled for a period of more than one school year. The bill prohibits a charter school employee from suggesting a student withdraw from the school in lieu of being disciplined as provided by the school's code of conduct. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3013 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not subject a charter school to statutory provisions governing the suspension of a public school student. The substitute instead sets out provisions regulating the suspension of a student by a charter school according to the school's code of conduct.

The substitute does not limit the reasons for which a charter school may expel a student to a serious offense for which a public school student may be expelled. The substitute expands the reasons for which a charter school may expel a student instead to include all reasons for which a public school student may be expelled and sets out restrictions on the reasons for which a school's code of conduct may authorize expulsion. The substitute includes a prohibition against expelling a student who is younger than 10 years of age for a period of more than one school year.

The substitute includes a prohibition against a charter school employee making a suggestion relating to the withdrawal of a student in lieu of discipline under the school's code of conduct.