86R9579 SOS-F

By:  Allen H.B. No. 2183

A BILL TO BE ENTITLED

AN ACT

relating to school district and open-enrollment charter school reporting of certain releases of a student to the student's parent after school-initiated communication.

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

SECTION 1.  Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0875 to read as follows:

Sec. 25.0875.  REPORTING OF RELEASE OF STUDENT TO PARENT AFTER SCHOOL-INITIATED COMMUNICATION. (a) In this section, "parent" includes a person standing in parental relation.

(b)  A school district or open-enrollment charter school that releases a student to the student's parent before the end of the instructional day and after the parent receives a school-initiated communication shall provide to the agency a report about the communication and the student's release not later than the third instructional day after the date the communication and release occur if the district or school releases the student:

(1)  as a disciplinary management technique; or

(2)  as a reaction to the student's behavior that impedes the student's ability to learn but does not:

(A)  violate the student code of conduct under Section 37.001; or

(B)  require disciplinary action.

(c)  A report required under Subsection (b) must include:

(1)  the name of the student;

(2)  the race, ethnicity, sex, and socioeconomic status of the student;

(3)  a statement of whether the student receives special education services under Subchapter A, Chapter 29;

(4)  a statement of whether the student is identified as a student of limited English proficiency, as defined by Section 29.052;

(5)  a statement of whether the student's release was an excused absence under Section 25.087;

(6)  a statement of the approximate amount of the instructional day remaining after the student's release;

(7)  the date of the school-initiated communication and the release of the student;

(8)  the reason for the school-initiated communication and the release of the student;

(9)  the approximate time of the communication;

(10)  the approximate time of the student's release; and

(11)  a summary of the communication.

(d)  A school district or open-enrollment charter school shall retain a copy of each report provided under Subsection (b).

(e)  In addition to the individual reporting requirement under this section, the commissioner by rule shall:

(1)  require each school district and open-enrollment charter school annually to report through the Public Education Information Management System the information described under Subsections (c)(2) through (10); and

(2)  ensure the reporting required by this section complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

(f)  The agency shall make the following information collected under Subsection (e) available to the public, disaggregated by:

(1)  race;

(2)  ethnicity;

(3)  sex;

(4)  socioeconomic status of the student;

(5)  whether the student is in a special education program under Subchapter A, Chapter 29; and

(6)  whether the student is identified as a student of limited English proficiency, as defined by Section 29.052.

(g)  The agency shall provide the information under Subsection (f) in a manner that does not identify an individual student. The agency shall also make the information available to the public in a manner showing all intersectional data for the categories described by Subsection (f).

SECTION 2.  Chapter 26, Education Code, is amended by adding Section 26.0045 to read as follows:

Sec. 26.0045.  ACCESS TO REPORT OF RELEASE OF STUDENT. A parent is entitled to access to a copy of each report provided to the agency under Section 25.0875 with respect to the parent's child.

SECTION 3.  This Act applies beginning with the 2019-2020 school year.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.