

## **BILL ANALYSIS**

C.S.H.B. 97  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Texas charter schools are prevented from barring student enrollment based on a student's sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district they would otherwise attend. Unlike traditional school districts, however, charter schools can deny admission based on a student's previous disciplinary history. That history may include not only disciplinary action for serious misconduct resulting in suspension, expulsion, or placement in a disciplinary alternative education program, but also short term removals to in-school suspension and even informal disciplinary actions. Some charter schools include a screening question on their initial enrollment forms asking students to disclose their disciplinary history. The ability to exclude students on that basis disproportionately impacts student populations such as students of color, male students, students with disabilities, students from low-income and disadvantaged backgrounds, students identified as at-risk, and students of other traditionally marginalized groups because those students receive a disproportionate number of disciplinary actions from schools, even when committing the same infractions for which their peers are not disciplined. C.S.H.B. 97 seeks to address this inequality by prohibiting charter schools from discriminating on the basis of disciplinary history for admissions purposes. The bill provides a narrow exception for charter schools with an on-site daycare facility to allow those schools to screen students with certain serious criminal convictions that would, by existing law, prohibit the student from being present near the daycare facility.

### **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. 97 amends the Education Code to require a charter for an open-enrollment charter school to prohibit discrimination in admission policy on the basis of discipline history. The bill restricts the grounds on which the charter may provide for the exclusion of a student because of disciplinary status to the following circumstances:

- the student's being currently subject to an expulsion order from a public school district or charter school; or
- the student's current placement in a disciplinary alternative education program or juvenile justice alternative education program.

The bill authorizes a charter to provide for the exclusion of a student from a campus that includes a child-care facility if the student's conviction for a criminal offense would preclude the student from being admitted to a public school district campus that includes such a facility.

C.S.H.B. 97 applies beginning with the 2021-2022 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 97 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 include prohibitions from the original against a charter school's common admission application form or any other admission-related communication with an applicant or an applicant's current school including a request for information regarding the applicant's disciplinary history.