

## **BILL ANALYSIS**

H.B. 2278  
By: Bernal  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The legislature recently expanded the mitigating factors to be considered in determining the appropriate disciplinary action to be taken regarding conduct for which a student is expelled from a public school, whether the decision concerns a mandatory or discretionary action. Recognition of these mitigating factors is reflective of the state's efforts to empower school districts to exercise discretion in determining appropriate disciplinary action. However, there are concerns over the cost of mandatory expulsion placements in local juvenile justice alternative education programs as well as the significant rise in expulsions for conduct involving offenses for which mandatory expulsion is required. It has been suggested that fewer mandatory expulsions will result in reduced costs to the state, or counties in the event there are insufficient state funds for placements, and will prevent more students from disengaging from their education, increase graduation rates, and reduce the school-to-prison pipeline. H.B. 2278 seeks to address these concerns by clarifying that all factors must be considered in a school district's decision regarding the expulsion of public school students for engaging in conduct that constitutes serious offenses.

### **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**

H.B. 2278 amends the Education Code to require a public school district to consider each factor specified in statute for disciplinary decisions, including expulsion decisions, before making a decision to expel a student under mandatory or discretionary expulsion provisions. The bill's provisions apply beginning with the 2021-2022 school year.

H.B. 2278 amends the Family Code to make a conforming change.

### **EFFECTIVE DATE**

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