

BILL ANALYSIS

C.S.H.B. 3485
By: Goodwin
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to a recent study, black and brown students are more likely than white students to be suspended or expelled from Texas schools, which can lead to learning setbacks and a higher risk of dropping out. Concerns have been raised around current data collection and reporting practices relating to school discipline, particularly with respect to the lack of data disaggregation by both race and gender and the difficulty that individuals face in comprehending available data. Addressing these concerns may help in understanding and remedying discrepancies in disciplinary outcomes. C.S.H.B. 3485 seeks to address these concerns by requiring each public school district to include certain disaggregated information regarding disciplinary measures in its PEIMS report. The bill provides for the compilation of a related report that will be made publicly available online and emailed to parents, guardians, or other persons having lawful control over a student.

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 rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 3485 amends the Education Code to require an independent school district board of trustees that adopts a policy under which corporal punishment is permitted as a method of student discipline to provide by email to each parent, guardian, or other person having lawful control over a student for whom the district has an email address a notice that includes the following information:

- a statement of that person's right to prohibit the use of corporal punishment by the district against the student;
- the district's policy on the use of corporal punishment and the statutory definition of corporal punishment;
- the procedure, in a format that is readily understandable by an individual, for the parent, guardian, or other person to prohibit the use of corporal punishment; and
- a conspicuous statement that a new written, signed statement must be submitted by a student's parent, guardian, or other person having lawful control over the student to the district each school year to prohibit the use of corporal punishment against the student during that school year.

This notice must be provided not later than the beginning of each school year.

C.S.H.B. 3485 requires each public school district to include in the district's PEIMS report the total number, disaggregated by race, ethnicity, gender, and status as receiving special education services, of the following events:

- incidents of uses of corporal punishment, if the district permits the use of corporal punishment;
- reports to local law enforcement for certain conduct;
- suspensions, disaggregated by the number of students who received only one out-of-school suspension during the year, more than one out-of-school suspension during the year, and one or more in-school suspensions;
- changes in school placement, including placement in a juvenile justice alternative education program or a disciplinary alternative education program;
- discretionary and mandatory expulsions, including expulsions arising under a zero-tolerance policy adopted by the district;
- arrests; and
- referrals to a truancy court.

C.S.H.B. 3485 requires the Texas Education Agency (TEA) to aggregate the data collected under the bill's PEIMS reporting provisions by state, region, district, and campus in a readily understandable annual report, make the report publicly available on TEA's website, and provide the report to each district. The bill requires each district to provide annually by email to each parent, guardian, or other person having lawful control over a student enrolled in the district for whom the district has an email address a notice that includes the following information:

- a copy of the report;
- a summary that compares the aggregate data for the district campus and for the state, region, and other campuses in the district; and
- the website link to the report on the TEA website.

C.S.H.B. 3485 requires the commissioner of education to adopt rules as necessary to implement the bill's provisions relating to required PEIMS reporting of disciplinary measures and the associated TEA report, including rules to ensure compliance with the federal Family Education Rights and Privacy Act. The bill 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. 3485 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 includes provisions not in the original setting out notice requirements for an independent school district board of trustees that adopts a policy under which corporal punishment is permitted as a method of student discipline.

The substitute changes provisions in the original relating to required PEIMS reporting of disciplinary measures and the associated TEA report in the following ways:

- requires the commissioner to adopt rules as necessary to implement those provisions, including rules to ensure compliance with certain federal law;
- does not subject an open-enrollment charter school to those provisions;
- expands the required categories of disaggregation by a district to include ethnicity and status as receiving special education services;
- does not include removals of a student from a classroom by a teacher among the events required to be reported;

- expands the expulsions required to be reported to include all discretionary and mandatory expulsions;
- specifies that TEA is required to aggregate the data by state, region, district, and campus in a readily understandable report;
- changes the entity responsible for making the report publicly available on its website from each district and charter school to TEA; and
- revises the requirement for a district to provide a copy of the report to certain individuals as follows:
 - requires the copy of the report to be accompanied by a certain comparison summary and a website link to the report on the TEA website;
 - requires the information to be provided annually by email; and
 - changes the recipients of the information from each parent of or person standing in parental relation to a student enrolled in the district to each parent, guardian, or other person having lawful control over a student enrolled in the district for whom the district has an email address.