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H.B. No. 3485

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to information reported through the Public Education  
3 Information Management System and to parents regarding  
4 disciplinary measures used by a school district.

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

6 SECTION 1. Section 37.0011(b), Education Code, is amended  
7 to read as follows:

8 (b) If the board of trustees of an independent school  
9 district adopts a policy under Section 37.001(a)(8) under which  
10 corporal punishment is permitted as a method of student discipline:

11 (1) not later than the beginning of each school year, a  
12 district must provide to each student's parent, guardian, or other  
13 person having lawful control over the student for whom the district  
14 has an e-mail address a notice by e-mail that includes:

15 (A) a statement of that person's right to  
16 prohibit the use of corporal punishment by the district against the  
17 student;

18 (B) the district's policy on the use of corporal  
19 punishment and the definition of corporal punishment under  
20 Subsection (a);

21 (C) the procedure, in a format that is readily  
22 understandable by an individual, for the parent, guardian, or other  
23 person to prohibit the use of corporal punishment; and

24 (D) a conspicuous statement that a new written,

1 signed statement must be submitted by a student's parent, guardian,  
2 or other person having lawful control over the student to the  
3 district each school year to prohibit the use of corporal  
4 punishment against the student during that school year; and

5         (2) [~~7~~] a district educator may use corporal  
6 punishment to discipline a student unless the student's parent or  
7 guardian or other person having lawful control over the student has  
8 previously provided a written, signed statement prohibiting the use  
9 of corporal punishment as a method of student discipline.

10         SECTION 2. Subchapter A, Chapter 37, Education Code, is  
11 amended by adding Section 37.024 to read as follows:

12         Sec. 37.024. REQUIRED PEIMS REPORTING OF DISCIPLINARY  
13 MEASURES; REPORT. (a) Each school district shall include in the  
14 district's Public Education Information Management System (PEIMS)  
15 report the total number, disaggregated by race, ethnicity, gender,  
16 status as receiving special education services, and status as being  
17 in the conservatorship of the Department of Family and Protective  
18 Services, of:

19                 (1) incidents of uses of corporal punishment, if the  
20 district permits the use of corporal punishment under Section  
21 37.0011;

22                 (2) reports to local law enforcement under Section  
23 37.015 or 37.0151;

24                 (3) suspensions under Section 37.005, disaggregated  
25 by the number of students who received:

26                         (A) only one out-of-school suspension during the  
27 year;

1                   (B) more than one out-of-school suspension  
2 during the year; and

3                   (C) one or more in-school suspensions;

4                   (4) changes in school placement, including placement  
5 in a juvenile justice alternative education program or a  
6 disciplinary alternative education program;

7                   (5) discretionary and mandatory expulsions, including  
8 expulsions arising under a zero-tolerance policy adopted by the  
9 district;

10                   (6) citations for Class C misdemeanors;

11                   (7) arrests; and

12                   (8) referrals to a truancy court.

13           (b) The agency shall:

14                   (1) aggregate the data required under Subsection (a)  
15 by state, region, district, and campus in an annual report that is  
16 readily understandable by an individual;

17                   (2) make the report publicly available on the agency's  
18 Internet website; and

19                   (3) provide the report to each school district.

20           (c) Each school district shall provide annually to each  
21 student's parent, guardian, or other person having lawful control  
22 over a student enrolled in the district for whom the district has an  
23 e-mail address a notice by e-mail that includes:

24                   (1) a copy of the report under Subsection (b);

25                   (2) a summary that compares the aggregate data  
26 collected under Subsection (a) for the district campus and for the  
27 state, region, and other campuses in the district; and

1           (3) the Internet website link to the report under  
2 Subsection (b) on the agency's Internet website.

3           (d) The commissioner shall adopt rules as necessary to  
4 implement this section, including rules to ensure compliance with  
5 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
6 Section 1232g).

7           SECTION 3. This Act applies beginning with the 2021-2022  
8 school year.

9           SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2021.