

## **BILL ANALYSIS**

C.S.H.B. 773

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Youth Health & Safety, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It is common practice for school personnel to contact a child's parent when the child is having behavior issues at school or if a teacher is unsure how to support a student with disabilities. When this occurs, the school often requests or encourages the parent to pick the child up before the end of the school day. These early pickups, which are not considered official out-of-school suspensions, disproportionately impact students with disabilities and students of color, excluding certain children from the classroom and from other important periods of academic and social interaction. Students, parents, and educators are concerned about this practice. These school-initiated early pickups are often recorded as unexcused absences, resulting in truancy notices to parents, and parents' employment being put at risk due to repeated absences. Unrecorded parent pickups may allow schools to circumvent federally required evaluations and services for students with disabilities, which are triggered after a student has been removed from class for a certain number of days. Since out-of-school suspensions were eliminated for prekindergarten through second-grade students in 2017, parents report that schools are using early pickups instead. C.S.H.B. 773 seeks to address these issues by prohibiting the use of undocumented school-initiated early pickups as a disciplinary technique or as a reaction to student behavior when that behavior does not violate the student code of conduct or require the student's teacher to remove the student. This will reduce negative impacts on families and help schools address the underlying needs of students to provide more effective services and supports to keep kids learning and in school.

### **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. 773 amends the Education Code to prohibit a public school district or open-enrollment charter school from releasing a student to the student's parent, which includes a person standing in parental relation, before the end of the instructional day and after the parent receives a school-initiated communication if the release of the student is either of the following:

- a discipline management technique; or
- a reaction to the student's behavior that impedes the student's ability to learn but does not violate the district's student code of conduct or require the student's teacher to remove the student.

The bill authorizes such a release if the release occurs because the student is suspended or is expelled due to engaging in certain bullying behavior, conduct that constitutes certain serious

offenses, or conduct that triggers an authorization for placement in an alternative setting. The bill's provisions apply beginning with the 2023-2024 school year.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

#### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 773 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes a condition under which the prohibition against releasing a student to their parents applies from if the release of the student does not require disciplinary action, as in the introduced, to if the release in that situation does not require the student's teacher to remove the student.