

## **BILL ANALYSIS**

C.S.H.B. 2126  
By: Goodwin  
Youth Health & Safety, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Parents want more transparency in schools across Texas. According to a 2019 working paper published by the National Bureau of Economic Research, students who are disciplined are at increased risk for criminal behavior later in life. Advocates suspect that this disproportionality also has a gender component. But they have difficulty determining this because the publicly available data is difficult to navigate. The Texas Education Agency has data on disciplinary statistics, but PEIMS is difficult to find, navigate, and understand for average users. Parents especially should be aware of any disproportionality that exists within discipline in their child's school, and how that school compares to other schools in the district and statewide. The reporting of racial, gender, and other disparities in discipline would provide greater transparency in our schools. If there are any such disparities, then these reports would provide more clarity. Sending this information to parents would also allow them to make appropriate decisions for their children. C.S.H.B. 2126 seeks to address these issues by providing for public school districts and charter schools to include the use of disciplinary measures and restraints in their PEIMS report, disaggregated by race, ethnicity, gender, and status, and by requiring districts and charter schools to annually provide related information to parents and guardians.

### **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. 2126 amends the Education Code to require each public school district and open-enrollment charter school to include in the district's or charter school's PEIMS report the total number, disaggregated by race, ethnicity, gender, status as receiving special education services, and status as being in the conservatorship of the Department of Family and Protective Services of the following events:

- incidents of uses of corporal punishment, if the district or charter school permits the use of corporal punishment;
- incidents of uses of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body;
- 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 or charter school;
- Class C misdemeanor citations;
- arrests; and
- referrals to a truancy court.

C.S.H.B. 2126 requires the Texas Education Agency (TEA) to aggregate the data collected under the bill's PEIMS reporting provisions by state, region, district or school, and campus in a readily understandable annual report, make the report publicly available on TEA's website, and provide the report to each district and charter school. The bill requires each district or charter school to provide annually by email to each parent, guardian, or other person having lawful control over a student for whom the district or charter school 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 or charter school and for the state, region, and other campuses in the district or the geographic area served by the charter school; and
- the website link to the report on the TEA website.

C.S.H.B. 2126 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 Educational Rights and Privacy Act of 1974.

C.S.H.B. 2126 requires an independent school district board of trustees or the governing body of a charter school 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 or charter school 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 against the student;
- the district's or charter school's policy on the use of corporal punishment and the statutory definition of corporal punishment;
- the procedure, in a readily understandable format, for the person to prohibit the use of corporal punishment against the student; and
- a conspicuous statement that a new written, signed statement must be submitted by the person to the district or charter school 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. 2126 applies 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. 2126 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.

While both the introduced and substitute require each district and charter school to include the total number of specified incidents, disaggregated by race, ethnicity, gender, status as receiving special education services, and status as being in the conservatorship of the Department of Family and Protective Services in the district or charter school's PEIMS report, the substitute includes incidents of uses of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body among those specified incidents, which did not appear in the introduced.