

BILL ANALYSIS

H.B. 4449
By: Reynolds
Youth Health & Safety, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Over the past several decades, Chapter 37 of the Education Code, relating to school discipline and safety, has been amended several times in response to various crises and concerns. While many of these changes are well-intended, in practice the law has become confusing and in some places conflicting, particularly with respect to the use of exclusionary discipline practices like disciplinary alternative education programs. These programs were first authorized in 1995, and the 89th Legislative Session will mark 30 years since their implementation. H.B. 4449 takes a step toward updating the law to make it more equitable for all students and in alignment with current research and student, family, and educator needs by creating a taskforce to study, evaluate, and make recommendations for policies and practices relating to student discipline.

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. 4449 establishes a task force to study, evaluate, and make recommendations for policies and practices relating to student discipline in public schools in Texas. The bill requires the task force to consist of the following members:

- the commissioner of education or the commissioner's designee;
- the following members appointed by the commissioner:
 - two parents of students enrolled in a public school;
 - two administrators of a public school;
 - two certified educators employed by a public school;
 - a person who is either a licensed clinical social worker or a certified school counselor;
 - a licensed specialist in school psychology;
 - two people with expertise in school safety and school discipline in Texas;
 - a representative from the Texas School Safety Center; and
 - a licensed behavior analyst; and
- one additional member appointed by the task force to represent each additional organization, group, or agency that the task force determines would make necessary or helpful contributions.

The bill requires the commissioner or the commissioner's designee to serve as the presiding officer of the task force and requires the task force to meet at the times and places that the

presiding officer determines appropriate. The task force may meet at an education research center.

H.B. 4449 requires the task force to conduct a study to examine school discipline practices and policies in public schools throughout Texas. The study must include the following:

- an identification of the exclusionary and punitive disciplinary practices and procedures used in public schools, as specified by the bill;
- an identification of the alternative disciplinary practices and procedures that are age-appropriate and research-based and focus on conflict resolution strategies to keep students engaged in the classroom that are used in public schools, including positive behavior programs;
- an analysis of the exclusionary and punitive disciplinary practices and procedures identified by the study, disaggregated based on specified student demographics;
- an examination of all the practices and policies identified by the study for determining the following:
 - how the use of disciplinary practices varies among independent school districts and open-enrollment charter schools, particularly among schools of similar size and student characteristics;
 - the due process rights provided by schools to students and families in school disciplinary proceedings;
 - the challenges students and families face in understanding and navigating school disciplinary proceedings;
 - the impact removing a student from school or instruction has on the student and the broader school community;
 - the protections afforded to students with diagnosed or undetected disabilities in disciplinary practices;
 - the challenges students with diagnosed or undetected disabilities face when subjected to certain disciplinary practices;
 - the impacts mental and behavioral health challenges have on student behavior;
 - the current law and relevant regulations permitting or requiring a school to account for a student's mental or behavioral health when making disciplinary decisions;
 - how frequently independent school districts and open-enrollment charter schools implement alternative disciplinary practices and policies identified by the study;
 - the challenges independent school districts and open-enrollment charter schools face in implementing alternative disciplinary practices and policies identified by the study;
 - the systems in place to monitor and support school districts and open-enrollment charter schools in implementing alternative disciplinary practices and policies identified by the study;
 - the number of school districts that have implemented a positive behavior program or a program for graduated sanctions for certain school offenses;
 - for each such positive behavior program or program for graduated sanctions: the method with which the program is implemented, the challenges that made implementation difficult, the systems in place to monitor and support the program, whether and to what extent the implementation of the program has reduced the district's reliance on exclusionary and punitive disciplinary practices and policies identified by the study, and whether the programs have reduced the incidence of behavioral complaints by students and teachers in the district;
 - the duties typically performed by a campus behavior coordinator;
 - the strategies campus behavior coordinators use to reduce a reliance on exclusionary and punitive disciplinary practices and policies identified by the study;
 - the resources and training to which educators have access regarding the alternative disciplinary practices and policies identified by the study;

- the resources and training educators lack relating to alternative disciplinary practices and policies identified by the study;
- how the COVID-19 pandemic and remote learning impacted student behavior and school disciplinary resources;
- whether there are gaps in current data collection methods relating to the disciplinary practices and policies identified by the study, that if corrected, would aid assessment of disciplinary practices;
- the manner and frequency of use of informal disciplinary practices and policies in public schools, including unreported out-of-school suspensions, early parent pick-ups, silent lunches, exclusion from recess, time-out, and removal of a student by a teacher as authorized under state law; and
- the frequency with which restraint is used on students as a disciplinary measure; and
- an examination of the manner in which current laws and practices interact with and affect student discipline in Texas, as specified by the bill.

H.B. 4449 requires the task force, based on the results of the study, to recommend changes to current law and regulations to improve student disciplinary practices and policies in public schools in Texas. The task force, in completing the study and recommendations, must seek feedback from students, families, and educators and include that feedback in its report to the legislature. The bill authorizes the task force to use money appropriated or otherwise available for the purposes of completing the duties assigned to the task force.

H.B. 4449 requires the task force, not later than December 1, 2024, to prepare and submit to the legislature a written report that includes the findings from the study and the recommendations developed by the task force. The bill abolishes the task force and its provisions expire September 1, 2025.

EFFECTIVE DATE

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