88R14341 MLH-D

By:  West S.B. No. 2395

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a task force to study disciplinary practices and policies in public schools.

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

SECTION 1.  DEFINITIONS. In this Act:

(1)  "Agency" means the Texas Education Agency.

(2)  "Task force" means the task force established by this Act to study disciplinary practices and policies in public schools in this state.

SECTION 2.  TASK FORCE TO STUDY SCHOOL DISCIPLINE. (a) A task force is established under this Act to study, evaluate, and make recommendations for policies and practices relating to student discipline in public schools in this state.

(b)  The task force shall consist of:

(1)  the commissioner of education or the commissioner's designee;

(2)  the following members appointed by the commissioner of education:

(A)  two parents of students enrolled in a public school;

(B)  two administrators of a public school;

(C)  two educators certified under Subchapter B, Chapter 21, Education Code, and employed by a public school;

(D)  a person who is either:

(i)  a licensed clinical social worker, as defined by Section 505.002, Occupations Code; or

(ii)  a school counselor certified under Subchapter B, Chapter 21, Education Code;

(E)  a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code;

(F)  two people with expertise in school safety and school discipline in this state;

(G)  a representative from the Texas School Safety Center; and

(H)  a behavior analyst licensed under Chapter 506, Occupations Code; and

(3)  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.

(c)  The commissioner of education or the commissioner's designee shall serve as the presiding officer of the task force.

(d)  The task force shall meet at the times and places that the presiding officer determines appropriate. The task force may meet at an education research center, as defined by Section 1.005, Education Code.

SECTION 3.  DUTIES OF THE TASK FORCE. (a) The task force shall conduct a study to examine school discipline practices and policies in public schools throughout this state. The study shall include:

(1)  an identification of the exclusionary and punitive disciplinary practices and procedures used in public schools, including:

(A)  in-school suspension;

(B)  out-of-school suspension;

(C)  corporal punishment, as defined by Section 37.0011, Education Code;

(D)  restraint, as defined by Section 37.0021, Education Code;

(E)  disciplinary alternative education programs under Subchapter A, Chapter 37, Education Code;

(F)  juvenile justice alternative education programs under Section 37.011, Education Code;

(G)  informal disciplinary actions that result in a student being removed from a classroom or instruction; and

(H)  expulsion;

(2)  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 under Section 37.0013, Education Code;

(3)  an analysis of the practices and procedures identified under Subdivision (1) disaggregated based on student demographics including:

(A)  race;

(B)  gender;

(C)  national origin;

(D)  disability status;

(E)  economic status;

(F)  emergent bilingual status;

(G)  whether the student is homeless; and

(H)  whether the student is in the conservatorship of the state;

(4)  an examination of the practices and policies identified under Subdivisions (1) and (2) to determine:

(A)  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;

(B)  the due process rights provided by schools to students and families in school disciplinary proceedings;

(C)  the challenges students and families face in understanding and navigating school disciplinary proceedings;

(D)  the impact removing a student from school or instruction has on the student and the broader school community;

(E)  the protections afforded to students with diagnosed or undetected disabilities in disciplinary practices;

(F)  the challenges students with diagnosed or undetected disabilities face when subjected to disciplinary practices under Subsection (a);

(G)  the impacts mental and behavioral health challenges have on student behavior;

(H)  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;

(I)  how frequently independent school districts and open-enrollment charter schools implement alternative disciplinary practices and policies identified under Subdivision (2);

(J)  the challenges independent school districts and open-enrollment charter schools face in implementing alternative disciplinary practices and policies identified under Subdivision (2);

(K)  the systems in place to monitor and support school districts and open-enrollment charter schools in implementing alternative disciplinary practices and policies identified under Subdivision (2);

(L)  the number of school districts that have implemented:

(i)  a positive behavior program under Section 37.0013, Education Code; or

(ii)  a program for graduated sanctions for certain school offenses under Section 37.144, Education Code;

(M)  for each program listed under Paragraph (L) implemented by a school district:

(i)  the method with which the program is implemented;

(ii)  the challenges that made implementation difficult;

(iii)  the systems in place to monitor and support the program;

(iv)  whether and to what extent the implementation of the program has reduced the district's reliance on disciplinary practices and policies identified under Subdivision (1); and

(v)  whether the programs have reduced the incidence of behavioral complaints by students and teachers in the district;

(N)  the duties typically performed by a campus behavior coordinator;

(O)  the strategies campus behavior coordinators use to reduce a reliance on disciplinary practices and policies identified under Subdivision (1);

(P)  the resources and training to which educators have access regarding the disciplinary practices and policies identified under Subdivision (2);

(Q)  the resources and training educators lack relating to disciplinary practices and policies identified under Subdivision (2);

(R)  how the COVID-19 pandemic and remote learning impacted student behavior and school disciplinary resources;

(S)  whether there are gaps in current data collection methods relating to the disciplinary practices and policies identified under Subdivisions (1) and (2), that if corrected, would aid assessment of disciplinary practices;

(T)  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, as defined by Section 37.0021, Education Code, and removal by a teacher under Section 37.002, Education Code; and

(U)  the frequency with which restraint, as defined by Section 37.0021, Education Code, is used on students as a disciplinary measure; and

(5)  an examination of the manner in which current laws and practices interact with and affect student discipline in this state, including:

(A)  whether Chapter 37, Education Code, provides sufficiently clear guidance on disciplinary practices identified under Subdivisions (1) and (2), specifically identifying redundancies or conflicts in the law that impact implementation;

(B)  the current state of disciplinary alternative education programs under Subchapter A, Chapter 37, Education Code, and how those programs affect student outcomes;

(C)  the current state of, and challenges to, oversight and accountability for disciplinary alternative education programs under Subchapter A, Chapter 37, Education Code;

(D)  how to reduce the frequency and lengths of student placements in disciplinary alternative education programs under Subchapter A, Chapter 37, Education Code, in this state; and

(E)  changes to law or policy that will better facilitate a student's transition back to the student's regular classroom from a disciplinary alternative education program under Subchapter A, Chapter 37, Education Code.

(b)  Based on the results of the study conducted under this Act, the task force shall recommend changes to current law and regulations to improve student disciplinary practices and policies in public schools in this state.

(c)  In completing the study and recommendations under this Act, the task force shall seek feedback from students, families, and educators and shall include that feedback in its report.

(d)  The task force may use money appropriated or otherwise available for the purposes of completing the duties assigned to the task force under this Act.

SECTION 4.  REPORT TO LEGISLATURE. Not later than December 1, 2024, the task force shall prepare and submit to the legislature a written report that includes the findings from the study and the recommendations developed by the task force under this Act.

SECTION 5.  EXPIRATION. The task force is abolished and this Act expires September 1, 2025.

SECTION 6.  EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.