

By: Ward Johnson

H.B. No. 3549

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a school district or open-enrollment charter
3 school to report data regarding certain disciplinary or law
4 enforcement actions taken against students.

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

6 SECTION 1. Subchapter C, Chapter 37, Education Code, is
7 amended by adding Section 37.088 to read as follows:

8 Sec. 37.088. REPORT TO AGENCY ON CERTAIN DISCIPLINARY OR
9 LAW ENFORCEMENT ACTIONS. (a) In this section:

10 (1) "Citation" means a ticket issued to a student for a
11 Class C misdemeanor by a school district peace officer or other
12 peace officer acting under a memorandum of understanding described
13 by Subsection (g).

14 (2) "Conducted energy weapon" means a device that is
15 intended, designed, made, or adapted to inflict pain on,
16 immobilize, or incapacitate a person by delivering electrical
17 energy into the person's body through direct contact or through one
18 or more projectiles.

19 (3) "OC spray" means any aerosol-propelled
20 debilitation device that is composed of a lachrymatory chemical
21 compound that irritates the eyes to cause tears, pain, or temporary
22 blindness. The term includes pepper spray, capsicum spray, OC gas,
23 and oleoresin capsicum.

24 (4) "Restraint" means the use of physical force or a

1 mechanical device to significantly restrict the free movement of
2 all or a portion of a student's body. The term includes the use of:

3 (A) a baton or a similar club;

4 (B) OC spray; and

5 (C) a conducted energy weapon.

6 (b) Not later than the 60th day after the last day of classes
7 for the school year, the superintendent of a school district shall
8 electronically submit to the agency a report that contains
9 incident-based data describing the total number of the following
10 incidents occurring during the preceding school year, organized by
11 campus:

12 (1) restraints administered to a student;

13 (2) complaints filed against a student under Section
14 37.145; and

15 (3) the following incidents occurring on school
16 property that result from a district employee's request for
17 intervention by a law enforcement agency, district peace officer,
18 or school resource officer:

19 (A) citations issued to a student; and

20 (B) arrests made of a student.

21 (c) The incident-based data submitted under this section
22 must include:

23 (1) as applicable, information identifying:

24 (A) the age of the student;

25 (B) the gender of the student;

26 (C) the race or ethnicity of the student;

27 (D) whether the student is eligible for special

1 education services under Section 29.003;

2 (E) whether the student is an emergent bilingual
3 student, as defined by Section 29.052;

4 (F) whether the student is in the conservatorship
5 of the Department of Family and Protective Services;

6 (G) whether the student is homeless, as defined
7 by 42 U.S.C. Section 11302;

8 (H) the nature of the offense;

9 (I) whether the offense occurred during regular
10 school hours;

11 (J) whether the offense occurred on school
12 property or off school property while the student was attending a
13 school-sponsored or school-related activity;

14 (K) the type of restraint administered to the
15 student;

16 (L) the offense for which a complaint was filed
17 against the student or for which the student was issued a citation
18 or was arrested; and

19 (M) the campus at which the student was enrolled
20 at the time of the incident; and

21 (2) for each campus for which an incident described by
22 Subsection (b) is reported, a comparison of the demographics of
23 students who were the subject of such an incident to the
24 demographics of the campus's student body, disaggregated by each
25 student group described by Subdivision (1)(A), (B), (C), (D), (E),
26 (F), or (G).

27 (d) The data collected for a report required under this

1 section does not constitute prima facie evidence of racial
2 profiling.

3 (e) A report required under this section may not include
4 information that identifies the peace officer who issued a
5 citation. The identity of the peace officer is confidential and not
6 subject to disclosure under Chapter 552, Government Code.

7 (f) A report required under this section may not include
8 personally identifiable student information and must comply with
9 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
10 Section 1232g).

11 (g) A school district that enters into a memorandum of
12 understanding with a local law enforcement agency for the provision
13 of a regular police presence on campus shall designate in the
14 memorandum of understanding which entity will be responsible for
15 collecting the data described by Subsection (b).

16 (h) The agency shall collect the reports required under this
17 section, compile the data, and make the data available to the
18 public. The data must be disaggregated by school district to the
19 extent possible while protecting the confidentiality of student
20 information in accordance with Subsection (f).

21 (i) The commissioner shall adopt rules as necessary to
22 implement this section, including rules requiring the reporting of
23 incident-based data using existing Public Education Information
24 Management System (PEIMS) codes for the reporting of incidents
25 described by Subsection (b).

26 SECTION 2. Section 12.104(b), Education Code, is amended to
27 read as follows:

1 (b) An open-enrollment charter school is subject to:

2 (1) a provision of this title establishing a criminal
3 offense;

4 (2) the provisions in Chapter 554, Government Code;
5 and

6 (3) a prohibition, restriction, or requirement, as
7 applicable, imposed by this title or a rule adopted under this
8 title, relating to:

9 (A) the Public Education Information Management
10 System (PEIMS) to the extent necessary to monitor compliance with
11 this subchapter as determined by the commissioner;

12 (B) criminal history records under Subchapter C,
13 Chapter 22;

14 (C) reading instruments and accelerated reading
15 instruction programs under Section 28.006;

16 (D) accelerated instruction under Section
17 28.0211;

18 (E) high school graduation requirements under
19 Section 28.025;

20 (F) special education programs under Subchapter
21 A, Chapter 29;

22 (G) bilingual education under Subchapter B,
23 Chapter 29;

24 (H) prekindergarten programs under Subchapter E
25 or E-1, Chapter 29, except class size limits for prekindergarten
26 classes imposed under Section 25.112, which do not apply;

27 (I) extracurricular activities under Section

1 33.081;

2 (J) discipline management practices or behavior
3 management techniques under Section 37.0021;

4 (K) health and safety under Chapter 38;

5 (L) the provisions of Subchapter A, Chapter 39;

6 (M) public school accountability and special
7 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
8 39, and Chapter 39A;

9 (N) the requirement under Section 21.006 to
10 report an educator's misconduct;

11 (O) intensive programs of instruction under
12 Section 28.0213;

13 (P) the right of a school employee to report a
14 crime, as provided by Section 37.148;

15 (Q) bullying prevention policies and procedures
16 under Section 37.0832;

17 (R) the right of a school under Section 37.0052
18 to place a student who has engaged in certain bullying behavior in a
19 disciplinary alternative education program or to expel the student;

20 (S) the right under Section 37.0151 to report to
21 local law enforcement certain conduct constituting assault or
22 harassment;

23 (T) a parent's right to information regarding the
24 provision of assistance for learning difficulties to the parent's
25 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

26 (U) establishment of residency under Section
27 25.001;

1 (V) school safety requirements under Sections
2 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
3 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
4 37.2071 and Subchapter J, Chapter 37;

5 (W) the early childhood literacy and mathematics
6 proficiency plans under Section 11.185;

7 (X) the college, career, and military readiness
8 plans under Section 11.186; ~~and~~

9 (Y) parental options to retain a student under
10 Section 28.02124; and

11 (Z) the reporting of information regarding
12 certain disciplinary or law enforcement actions under Section
13 37.088.

14 SECTION 3. This Act applies beginning with the 2025-2026
15 school year.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.