

SUBJECT: Reporting certain information regarding public school disciplinary actions

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

2 absent — Allison, Dutton

WITNESSES: For — Jolene Sanders, Easterseals Texas; Charles Luke, Pastors for Texas Children; David Feigen, Texans Care For Children; Ellen Stone, Texas Appleseed; Linda Litzinger, Texas Parent to Parent; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Chris Masey, Coalition of Texans With Disabilities; Chandra Villanueva, Center for Public Policy Priorities; Steven Aleman, Disability Rights Texas; Lisa Flores, Easterseals Central Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas Inc.; Greg Hansch and Alissa Sughrue, National Alliance on Mental Illness Texas; Will Francis, National Association of Social Workers Texas Chapter; Christine Broughal, Texans for Special Education Reform; Ted Raab, Texas American Federation of Teachers; Kathryn Freeman, Texas Baptists Christian Life Commission; Sarah Crockett, Texas CASA; Amelia Casas, Texas Criminal Justice Coalition; Gyl Switzer, Texas Gun Sense; Kyle Ward, Texas PTA; Lisa Dawn-Fisher, Texas State Teachers Association; Kyle Piccola, The Arc of Texas)

Against — (*Registered, but did not testify*: Robin Lennon, Kingwood TEA Party Inc.)

On — (*Registered, but did not testify*: Terri Hanson, Eric Marin, and Melody Parrish, Texas Education Agency; Dee Carney, Texas School Alliance)

BACKGROUND: Education Code sec. 37.020 requires school districts to report annually to the education commissioner the following information on expulsions and disciplinary alternative program placements:

- the race, sex, and date of birth of the student expelled or placed in a disciplinary alternative program;
- the conduct that caused the expulsion or placement;
- for disciplinary alternative program placements, the number of full or partial days the student was assigned to attend the program and the number of full or partial days the student attended the program;
- for expulsions, the number of full or partial days the student was expelled and whether the student was placed in a juvenile justice alternative education program or disciplinary alternative program; and
- the number of expulsions and placements that were inconsistent with the guidelines in the district's student code of conduct.

DIGEST: HB 65 would require school districts to include in their annual report to the education commissioner the following information regarding out-of-school suspensions:

- information identifying the student, including the student's race, sex, and date of birth;
- the basis for the suspension;
- the number of full or partial days the student was suspended; and
- the number of suspensions that were inconsistent with the guidelines listed in the district's student code of conduct.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019. It would apply beginning with the 2019-2020 school year.

SUPPORTERS SAY: HB 65 would help the state create better-informed policies regarding school discipline by requiring districts to report data on out-of-school

suspensions.

Current data indicate that suspensions increase a student's likelihood of falling behind in school and eventually dropping out, and reports show disproportionate rates of suspension for students of color, students from low-income households, students with disabilities, and students in the foster care system. The bill's reporting requirements would help the state better address the underlying causes of suspensions.

The bill would not be a burden on school districts because districts already are required to compile an annual report to the education commissioner regarding expulsions and placements in disciplinary alternative programs. The bill would simply add one category to this reporting requirement.

The bill would not change how schools discipline students, but it would give the state a starting point to improve school disciplinary policy.

OPPONENTS
SAY:

HB 65 could have the unintended consequence of pressuring districts to under-discipline their students to avoid having to report data that could negatively reflect on them.

OTHER
OPPONENTS
SAY:

HB 65 should require charter schools, not just school districts, to report discipline statistics to the education commissioner.

The bill should require schools to report whether a student with a disability had an individualized education program that addressed the student's conduct.