

BILL ANALYSIS

Senate Research Center
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S.B. 43
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Public schools utilize suspension, expulsion, and disciplinary placement as mandated and discretionary punishments to manage student behavior. A 2011 report from the Council of State Governments examined the human capital cost of these disciplinary actions and found a disproportionate use of these measures on African American students and students with disabilities. The report concluded that students who are removed from the classroom for disciplinary reasons are more likely to repeat grades, drop out, and come in contact with the juvenile justice system. What is more, the Legislative Budget Board found that independent school districts spent \$230 million on disciplinary alternative education programs (DAEPs) during the 2010-2011 school year.

The Texas Education Agency (TEA) collects each district's disciplinary data through the Public Education Information Management System. This data includes all in-school suspension (ISS), out-of-school suspension (OSS), DAEP placements, and Juvenile Justice Alternative Education program (JJAEP) placements. The data is also disaggregated by race, gender, ethnicity, socioeconomic status, special education status, and discretionary versus mandatory referrals; however, this information is not publically available. The Academic Excellence Indicator System (AEIS) is accessible to the public, but it does not include information on ISSs and OSSs, and does not disaggregate DAEP and JJAEP placements.

S.B. 43 requires TEA to include disciplinary data in the public AEIS reports for each district and to disaggregate this data by special education status and discretionary versus mandatory referrals. In doing so, the bill will help to supply better information regarding the disparities that exist among districts regarding their rates of placing students in disciplinary settings to parents, the community, and schools. The intention of this bill is not to discourage disciplinary action in schools, but rather to encourage the development of alternative disciplinary methods that keep children in classrooms, especially in cases of discretionary disciplinary action.

As proposed, S.B. 43 amends current law relating to consideration of school district disciplinary placement information in evaluating district performance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.301(c), Education Code, as follows:

(c) Requires that indicators for reporting purposes include:

(1)-(10) Makes no change to these subdivisions;

(11)-(12) Makes nonsubstantive changes; and

(13) the percentage of students subject to each of the following actions, disaggregated by whether the action was discretionary or mandatory and by status

as a student in a special education program under Subchapter A (Special Education Program), Chapter 29 (Education Programs):

- (A) placement in an in-school suspension setting;
- (B) suspension from school;
- (C) placement in a disciplinary alternative education program;
- (D) expulsion from school; and
- (E) placement in a juvenile justice alternative education program.

SECTION 2. Amends Section 39.305(b), Education Code, to require that the campus report card include certain information, including where applicable, the student achievement indicators described by Section 39.053(c) (relating to requiring that indicators of student achievement adopted under this section include certain information) and the reporting indicators described by Sections 39.301(c)(1) (relating to the required inclusion in indicators for reporting purposes the percentage of graduating students who meet the course requirements established by the State Board of Education rule), (2) (relating to the required inclusion in indicators for reporting purposes the results of certain college admission examinations and preparatory programs), (3) (relating to the required inclusion in indicators for reporting purposes the performance of students who have previously performed unsatisfactorily on certain assessment instruments on subsequent assessment instruments), (4) (relating to the required inclusion in indicators for reporting purposes the number of students who opt to take courses under the minimum high school program), (5) (relating to the required inclusion in indicators for reporting purposes certain information, including the percentage of students provided accelerated instruction), and (13).

SECTION 3. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 4. Effective date: upon passage or September 1, 2013.