

BILL ANALYSIS

H.B. 2885
By: Giddings
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Although a variety of issues surrounding school safety and school discipline are currently monitored, schools are not required to track and report data regarding restraints administered to a student or other data regarding sanctions imposed on, complaints filed against, citations issued to, and arrests made of a student. Interested parties contend that, by tracking this information, schools, administrators, parents, and public interest groups will have a better understanding of the disciplinary issues and types of enforcement affecting Texas youth. Reports indicate that recently enacted legislation requiring the implementation of graduated sanctions and interventions for school discipline of students has resulted in a dramatic drop in the number of school citations issued and reported. However, the parties are concerned about the lack of available data regarding how the sanctions are being used or whether this type of disciplinary method is working effectively. H.B. 2885 seeks to address this concern.

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. 2885 amends the Education Code to require a school district superintendent, not later than the 60th day after the last day of classes for the academic year, to electronically submit to the Texas Education Agency (TEA) a report that contains incident-based data describing the total number of the following incidents occurring during the preceding academic year, organized by campus: restraints administered to a student, sanctions imposed on a student under the system of graduated sanctions for certain school offenses involving disruptive behavior or disorderly conduct, complaints filed against a student with a criminal court for the student's failure to comply with or complete such sanctions, citations issued to a student, and arrests made of a student. The bill requires the incident-based data to include specified information about the student and the offense. The bill defines, among other terms, "restraint" as the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body and "citation" as a ticket issued to a student for a Class C misdemeanor by a school district peace officer or other peace officer acting under a memorandum of understanding between a school district and a local law enforcement agency for the provision of a regular police presence on campus.

H.B. 2885 establishes that the data collected for the report does not constitute prima facie evidence of racial profiling. The bill prohibits the report from including information that

identifies the peace officer who issued a citation and establishes such peace officer's identity as confidential and not subject to disclosure under state public information law. The bill prohibits the report from including personally identifiable student information and requires the report to comply with the federal Family Educational Rights and Privacy Act of 1974. The bill requires a school district that enters into a memorandum of understanding with a local law enforcement agency for the provision of a regular police presence on campus to designate in the memorandum of understanding which entity will be responsible for collecting the incident-based data. The bill requires TEA to collect the required reports, compile the data, and make the data available to the public. The bill's provisions apply beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.