

## **BILL ANALYSIS**

C.S.H.B. 875  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that there is no available data to see how graduated sanctions and interventions for school discipline of students are being used or whether this type of disciplinary method is working effectively. 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. C.S.H.B. 875 seeks to address this issue by requiring public school district superintendents and open-enrollment charter schools to annually submit to the Texas Education Agency a report regarding certain disciplinary incident-based data by campus.

### **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**

C.S.H.B. 875 amends the Education Code to require the superintendent of a public school district and open-enrollment charter schools to electronically submit to the Texas Education Agency (TEA), not later than the 60th day after the last day of classes for the academic year, 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, criminal complaints filed by a school against a student for failure to comply with or complete graduated sanctions for certain school offenses, citations issued to a student, and arrests made of a student. The bill sets out the information relating to the student and the applicable offense or restraint that must be included in the incident-based data and establishes that the data collected for the report expressly does not constitute prima facie evidence of racial profiling.

C.S.H.B. 875 prohibits the report from including information that identifies the peace officer who issued a citation and makes the peace officer's identity 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 district or charter school 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 reports, compile the data, and make the data available to the public.

C.S.H.B. 875 applies beginning with the 2019-2020 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 875 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes among the incident-based data required to be in the report information identifying whether a student is in the conservatorship of the Department of Family and Protective Services and whether the student is homeless, as defined by federal law.