

- SUBJECT:** School district reporting requirements for certain student offenses
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 11 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff, J. Rodriguez, Villarreal
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Yannis Banks, Texas NAACP; Travis Leete, The Texas Criminal Justice Coalition; Susan Milam, National Association of Social Workers/Texas Chapter; Matt Simpson, ACLU of Texas; Paula Trietsch Chaney)
- Against — (*Registered, but did not testify:* Brent Connett, Texas Conservative Coalition; Julie Shields, Texas Association of School Boards)
- On — (*Registered, but did not testify:* David Anderson, Texas Education Agency; Lauren Rose, Texans Care for Children)
- DIGEST:** HB 964 would add Education Code, sec. 37.023, requiring each school district to submit annual reports relating to citations issued to students who are younger than age 12 for offenses not involving a weapon. These offenses would be those committed during school hours on school property.
- The reports would include only conduct that:
- was not harassment as defined by the Student Code of Conduct in Education Code, sec. 37.001;
 - occurred between two students;
 - was not violent;
 - involved open-handed physical contact; and
 - was playful and not intended to cause harm.
- The reports would have to include:
- the offense committed by the student;

- the age and sex of the student;
- the race or ethnicity of the student;
- the grade level of the student; and
- the campus to which the student was assigned.

The commissioner of education could adopt rules necessary to implement the reporting requirements.

This 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, 2013, and would apply beginning with the 2013-14 school year.

**SUPPORTERS
SAY:**

HB 946 would provide more accurate reporting on how often school districts are issuing tickets to students younger than 12 years old for non-violent physical interactions between students. The report to the commissioner would help policymakers know how often students were being referred to the court system so they could properly assess how to more effectively implement appropriate school discipline.

Some schools have adopted zero-tolerance policies for misbehavior that falls into the category of horseplay. In one instance, a 10-year-old boy pushed another 10-year-old boy, who pushed back. The teacher called police and the officer issued a citation to one of the boys for disorderly conduct. This student had to sign the citation, legally committing himself to appear in court, without a parent or guardian present. It also became the child's responsibility to inform his parents of the incident and ticket.

Because ticketing practices vary across districts, it is impossible to determine the number of similar incidents around the state. The report would gather valuable information and would not be burdensome to districts.

The requirement to include the race and ethnicity of the students who receive citations is necessary because evidence suggests school disciplinary practices have a disproportionate effect on minority students.

**OPPONENTS
SAY:**

HB 946 would require districts to report data that are difficult to collect. School districts currently submit information on incidents such as deadly conduct, fighting, truancy, and robbery to PEIMS. The bill would require districts also to track and report class C misdemeanor citations issued to

students younger than age 12 who engage in certain misbehavior. Reporting of citations for those under 12 would be difficult given the various ways police are involved on campuses.

The bill would require school officials to make judgment calls on very subjective criteria to determine whether an incident should be reported. For example, school officials would have to judge whether open-handed slapping between two students was playful or not.

**OTHER
OPPONENTS
SAY:**

The bill should be expanded to gather information about offenses committed by students older than age 12. Issues about how schools are handling discipline and whether they are treating certain students disproportionately also apply to older students and should be reported to TEA.