

- SUBJECT:** Requiring certain factors for consideration when disciplining students
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 12 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, K. King, Meyer, Sanford, Talarico, VanDeaver
- 0 nays
- 1 absent — M. González
- WITNESSES:** For — Brett Merfish, Texas Appleseed; Bryan Mares, Texas CASA; Bryce Jackson; (*Registered, but did not testify:* Adam Cahn, Cahnman's Musings; Jo DePrang, Children's Defense Fund-Texas; Eric Kunish, National Alliance on Mental Illness-Austin; Alissa Sughrue, National Alliance on Mental Illness-Texas; Will Francis, National Association of Social Workers-Texas Chapter; Josh Cogan, Outlast Youth; Desiree Viramontes Le, Round Rock ISD; Kathryn Freeman, Texas Baptist Christian Life Commission; Lauren Rose, Texas Network of Youth Services; Jennifer Lucy, Texprotects; Kyle Piccola, The Arc of Texas; Darren Grissom, Texas PTA; Knox Kimberly, Upbring)
- Against — (*Registered, but did not testify:* Michelle Davis)
- On — (*Registered, but did not testify:* Lisa Dawn-Fisher, Texas State Teachers Association)
- BACKGROUND:** Education Code sec. 37.001 requires school districts to adopt a student code of conduct. Sec. 37.001(4) requires the student code of conduct to specify that certain circumstances be taken into consideration when making a decision concerning certain disciplinary actions for students.
- 42 U.S.C. sec. 11434a defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence.
- DIGEST:** HB 811 would require a student code of conduct adopted by a school

district to specify that consideration would be given, in decisions on certain disciplinary actions, to a student's status in the conservatorship of the Department of Family and Protective Services or status as a student who is experiencing homelessness.

These factors would be added to the list of factors to be considered in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerned a mandatory or discretionary action.

The bill would define students who are homeless using the definition of homeless children and youths in federal law.

The bill would apply beginning with the 2019-2020 school year.

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.

**SUPPORTERS
SAY:**

HB 811 would protect vulnerable student populations, allow flexibility for school districts, and encourage equity in school disciplinary actions.

The bill would protect students who are experiencing homelessness or who are in the foster care system by encouraging districts to take into consideration these students' unique circumstances when implementing discipline for behavioral issues. Children can lose months of academic progress when changing schools, a common frustration for foster youth, and students experiencing homelessness are more likely to experience challenges to their emotional well-being. Both are factors that can manifest in behavioral problems. Foster children or children experiencing homelessness also tend to be disciplined at a disproportionate rate compared to their peers. This bill would encourage school districts to consider this potential inequity.

HB 811 would require districts to consider these factors before

disciplining these students, but it would not prohibit school districts from taking the disciplinary actions they deemed appropriate.

OPPONENTS
SAY:

HB 811 would infringe on school districts' control over what they consider when implementing disciplinary actions, and this is not a proper role for state government.