

SUBJECT: Requiring disciplinary information to be reported to PEIMS, parents

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Arati Singh, Austin ISD; Vanessa Beltran, Girls Empowerment Network; Chloe Latham Sikes, Intercultural Development Research Association; Precious Azuree and Jameila "Meme" Styles, MEASURE; Andrew Hairston, Texas Appleseed; Steve Miller, United States Christian Leadership Organization; Sheila Craig; Dhiya Dhandapani; Cleo Wadley; (*Registered, but did not testify:* Warren Burkley, Austin Justice Coalition; Christine Bryan, Clarity Child Guidance Center; Jennifer Toon, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Lisa Flores, Easterseals Central Texas; Micaela Williams, Spark Change Project; Maggie Luna, Statewide; Alycia Castillo, Statewide Leadership; Katie Mitten, Texans Care for Children; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Paige Williams, Texas Classroom Teachers Association; Linda Litzinger, Texas Parent to Parent; Carrie Griffith, Texas State Teachers Association; Emma Shaw, Texas Legislative Education Equity Coalition; Christel Erickson-Collins, Undoing Racism Round Rock; Ashley Harris, United Ways of Texas; and 10 individuals)

Against — (*Registered, but did not testify:* Grover Campbell, TASB; Jennifer Drabbant)

On — Melody Parrish, Texas Education Agency; (*Registered, but did not testify:* Eric Marin, Texas Education Agency)

BACKGROUND: Education Code sec. 48.008 requires each school district to participate in

the Public Education Information Management System (PEIMS) and provide through the system information required for the administration of the Education Code. The commissioner of education is required to ensure that the system provides useful, accurate, and timely information on student demographics and academic performance, personnel, and school district finances, among other functions.

Education Code sec. 37.0011(a) defines "corporal punishment" to mean the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force as a means of discipline. Under sec. 37.0011(b), if a school district board of trustees adopts a disciplinary policy under which corporal punishment is permitted as a method of student discipline, an educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline. To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other relevant party must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.

Interested parties note that recent studies have indicated students from certain racial groups are disciplined at higher rates than other students, but current data collection and reporting practices do not provide sufficient information on school discipline disaggregated by race and gender. Some have called for each public school district to include certain disaggregated information regarding disciplinary measures in its PEIMS report in order to improve understanding of and help address discrepancies in disciplinary outcomes.

DIGEST: CSHB 3485 would require that certain information on disciplinary measures by school districts be reported to the Public Education Information Management System (PEIMS) and for parents to be provided notification of a school district's policy toward corporal punishment.

PEIMS. The bill would require each school district to include in the district's PEIMS report the total number, disaggregated by race, ethnicity, gender, and status as receiving special education services, of:

- incidents of uses of corporal punishment, if the district permitted the use of corporal punishment;
- reports to local law enforcement;
- suspensions, disaggregated by the number of students who received only one out-of-school suspension during the year, more than one out-of-school suspension during the year, and one or more in-school suspensions;
- changes in school placement, including placement in a juvenile justice alternative education program or a disciplinary alternative education program;
- discretionary and mandatory expulsions, including expulsions arising under a zero-tolerance policy adopted by the district;
- arrests; and
- referrals to a truancy court.

The Texas Education Agency (TEA) would be required to aggregate the data required under the bill by state, region, district, and campus in an annual report that was readily understandable by an individual. TEA would have to make the report publicly available on the agency's website and provide the report to each school district.

Each school district would be required to provide annually to each student's parent, guardian, or other person having lawful control over a student enrolled in the district for whom the district had an email address a notice by email that included:

- a copy of the report;
- a summary that compared the aggregate data collected for the district campus and for the state, region, and other campuses in the district; and
- the link to the report on TEA's website.

The commissioner would have to adopt rules as necessary to implement the bill's provisions, including rules to ensure compliance with the Family Educational Rights and Privacy Act of 1974.

Notice to parents. CSHB 3485 would require that, if a school district board of trustees adopted a policy under which corporal punishment was permitted as a method of student discipline, not later than the beginning of each school year the district would have to provide to each student's parent, guardian, or other relevant party for whom the district had an email address a notice by email that included:

- a statement of that person's right to prohibit the use of corporal punishment by the district against the student;
- the district's policy on the use of corporal punishment and the definition of corporal punishment;
- the procedure, in a format that was readily understandable by an individual, for the parent, guardian, or other person to prohibit the use of corporal punishment; and
- a conspicuous statement that a new written, signed statement would have to be submitted by a student's parent, guardian, or other relevant party to the district each school year to prohibit the use of corporal punishment against the student during that school year.

The bill would apply beginning with the 2021-2022 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, 2021.