

BILL ANALYSIS

Senate Research Center
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S.B. 420
By: West
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research shows that school disciplinary action, including removing students from the classroom through suspension in-school and out-of-school, expulsion, and placements in disciplinary alternative education programs (DAEPs) and juvenile justice alternative education programs (JJAEPs), increases the chances that students will drop out of school or land in the juvenile justice or criminal justice system.

Research also shows that whether a student will be suspended or expelled for misbehavior at school is largely dependent on the school the student attends, and the student's race or disability—not the student's behavior.

S.B. 420 seeks to address this problem by having the Texas Education Agency examine disciplinary records of each school district. Districts that disproportionately remove students from the classroom will then be required to develop and implement a remediation plan. Recognizing that each school district has different needs and populations, specific remediation plans are not mandated.

As proposed, S.B. 420 amends current law relating to disproportionate discretionary disciplinary action by school districts against students of a particular race or students enrolled in a special education program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.0201, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0201, as follows:

Sec. 37.0201. REMEDIATION PLAN: DISPROPORTIONATE DISCRETIONARY DISCIPLINARY ACTION. (a) Defines "discretionary disciplinary action" in this section.

(b) Requires the Texas Education Agency (TEA) to evaluate information reported through the Public Education Information Management System (PEIMS) to determine whether a school district appears to be taking discretionary disciplinary action, including suspension, expulsion, placement in a disciplinary alternative education program or juvenile justice alternative education program, or any other disciplinary action reported through PEIMS, against a disproportionate number of students of a particular race or who are enrolled in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs).

(c) Requires TEA, on determining that a school district is taking discretionary disciplinary action disproportionately, to:

(1) notify the district of the determination;

(2) obtain from the district any additional information necessary to enable TEA to perform a more comprehensive analysis of the district's disciplinary practices;

(3) require the district to submit a remediation plan, which may include the implementation of school-wide positive behavioral interventions and supports, for approval by TEA; and

(4) require the district to implement the approved remediation plan.

(d) Authorizes the district, in developing a remediation plan, to request technical assistance from the Center for Elimination of Disproportionality and Disparities (center) created under Chapter 107A (Center for Elimination of Disproportionality and Disparities), Health and Safety Code. Requires the center, if requested by the district, to provide the assistance at no charge to the district.

(e) Requires TEA to monitor implementation of the remediation plan required under Subsection (c)(3) and to maintain oversight of the district's disciplinary practices until information provided by the district indicates that remediation has been achieved.

(f) Authorizes the commissioner of education to adopt rules necessary to implement this section.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date: upon passage or September 1, 2013.