

## **BILL ANALYSIS**

Senate Research Center  
85R3590 KJE-D

S.B. 370  
By: Garcia  
Education  
4/28/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Studies demonstrate the alarming rates of students in Texas elementary schools who are suspended, sent to alternative schools, or expelled, and the negative impacts that they have on students and schools. A 2016 Texas Appleseed report shows that in the 2013-2014 school year, Texas elementary schools had 88,310 out-of-school suspensions and of those, 2,513 went to Pre-K students and 36,753 went to K-2nd grade students.

According to the report, African American students compose 42 percent of all elementary students that receive such disciplinary actions despite being only 13 percent of the total elementary school population. Boys compose 84 percent of all elementary school students who receive such disciplinary actions, despite being only 51 percent of the total elementary school population. And special education students compose 22 percent of all elementary students that receive such disciplinary actions despite being only nine percent of the total elementary school population. It appears as though special education students and students of color, especially young boys of color, are being suspended and expelled at disproportionate rates.

Furthermore, studies have shown that students who are expelled and suspended are more likely to have low grades, drop out of high school, and/or face incarceration later in life.

S.B. 370 prohibits the expulsion and prevention of all children below the third grade. We also plan on submitting a committee substitute to address alternatives to suspension for teachers.

Supporters include Texas Appleseed and Texans Care for Children. We understand that some teachers' groups might be initially opposed to the bill, but we believe the proposed committee substitute would ease their concerns.

Citations:

1) Suspended Childhood: An Analysis of Exclusionary Discipline of Texas' Pre-K and Elementary School Students: <http://stories.texasappleseed.org/suspended-childhood>

2) U.S. Departments of Health and Human Services and Education: Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings:  
<<https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>>

As proposed, S.B. 370 amends current law relating to the removal, suspension, or expulsion of a public school student enrolled in certain grade levels.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.005, Education Code, by adding Subsection (d) to prohibit a student enrolled in a grade level below grade three from being suspended.

SECTION 2. Amends Section 37.006(1), Education Code, to prohibit a student who is younger than six years of age or who is enrolled in a grade level below grade three from being removed from class and placed in a disciplinary alternative education program, notwithstanding any other provision of this code, other than Section 37.007(e) (relating to requiring a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, to expel a student who brings a firearm to school), rather than 37.007(e)(2) (relating to requiring the district or other local educational agency to provide certain educational services to an expelled student who brought a firearm to school).

SECTION 3. Amends Section 37.007(h), Education Code, to prohibit a student who is younger than 10 years of age or is enrolled in a grade level below grade three from being expelled for engaging in conduct described by this section (Expulsion for Serious Offenses), subject to Subsection (e) and notwithstanding any other provision of this section.

SECTION 4. Amends Section 37.0081, Education Code, by adding Subsection (i) to prohibit a student enrolled in a grade level below grade three from being expelled and ordered to be placed in an alternative setting under this section (Expulsion and Placement of Certain Students in Alternative Settings).

SECTION 5. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 6. Effective date: upon passage or September 1, 2017.