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## Conference Committee Report Analysis for Senate Bill 2432 Sunday, May 26, 2019

Author: Sen. Larry Taylor      Sponsor: Scott Sanford

Committee: Public Education

Recommendation: Unfavorable

CCR SB 2432 Evaluated By: Marissa Gorena  
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SB 2432 requires school districts to send kids to DAEPs (disciplinary alternative education programs) for "harassment" of teachers. While we agree harassment of anyone in schools should be addressed, the language from the CCR would allow punishment for vague, subjective behaviors that we know disproportionately target Black and Latino students, students with disabilities, and LGBTQ students. DAEPs actually make things worse for students socially and academically, increasing the likelihood that they'll drop out of school.

There are some really serious issues with requiring **mandatory** DAEP placement as a response -- including that the language **without the Talarico and M. Gonzalez Amendments make SB 2432 a zero tolerance bill**. Rep. Sanford, the House sponsor of the bill, accepted the amendments from Rep. Talarico and Rep. Mary Gonzalez that removed obscene language from triggering a mandatory referral to DAEP, as well as required a threat assessment team to assess whether a student behavior merited referral to DAEP. These amendments aligned the bill with major school-based mental health legislation, SB 11.

The conference committee however, stripped the language added in the House.

### By removing the House's amendments, the Senate:

- **has undermined local control - school administrators should have the disciplinary discretion to address behavioral issues as they see fit;**
- **has undermined the mental health resources we worked hard to connect students through SB 11 because SB 2432 undermines the school-based threat assessment teams created through SB 11; and**
- **has created an unfunded mandate for our schools, because it will require more students be sent to DAEP without any additional funding.**

For your convenience, below we have added the bill analysis for SB 2432 as it appeared on the LSG Floor Report for members during 2<sup>nd</sup> reading on May 20, 2019:

There is a list of allowable reasons in the Education Code that allow the removal of a student in a public school district to be transferred to a Disciplinary Alternative Education Program (DAEP).

SB 2432 would extend the requirements and reasons for the removal of a student to DAEP to a student who commits certain harassment offenses against a district employee on or off school property. If a student engages in conduct that contains the following elements of the offense of harassment against an employee of the school district:

- initiates communication and during the communication makes a comment, request, suggestion, or proposal that is obscene;
- threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

The concerns with this bill are that sending a student to a DAEP does not change the behavior that the student is exhibiting and results in less time for the student in their regular school setting. Using a DAEP to address behaviors does not appropriately look at the underlying issues a student might be facing as would a more effective intervention. TEA has previously identified that the placement of a student in a DAEP is a factor that increases the risk that a student would drop out of school. This means if school districts rely on these placements the school district is harming students and not helping the teachers who felt harassed. The last concern is that language in SB 2432 regarding harassment is a vague and this has the potential to be open to interpretation, leaving certain students such as black, special education, and LGBTQ students to be disproportionately affected.

OK for Distribution -  Rep Garnet Coleman