

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 418aa

50th Legislature, 1st Session, 2011

Tracking Number: .184381.1

Short Title: Define School Disciplinary Risks

Sponsor(s): Senator Gerald Ortiz y Pino

Analyst: Ally Hudson

Date: March 15, 2011

AS AMENDED

The Senate Floor amendments:

- **clarify that a school discipline policy will not require the reporting of petty misdemeanors to law enforcement agencies;**
- **remove all references to specific petty acts of misconduct and petty misdemeanors that must no longer be reported to law enforcement agencies;**
- **insert a subsection necessitating that each school discipline policy require that incidents that have a reasonable likelihood of resulting in liability to the school be reported to the local school board; and**
- **require that a local school board enter into an agreement with the Children, Youth and Families Department (CYFD) local juvenile probation office.**

The Senate Education Committee amendments:

- **clarify that a district-wide discipline policy will preempt an individual school's discipline policy; and**
- **add an effective date of July 1, 2012.**

Original Bill Summary:

SB 418 amends provisions relating to local school boards in the *Public School Code* to define school disciplinary risks and procedures.

Among its provisions, SB 418 requires:

- each school district discipline policy to define:
 - acts that pose a substantial threat to school safety justifying arrest; and
 - petty acts of misconduct that should be treated as disciplinary infractions;

- school districts to develop policies that offer alternatives to long-term suspension, expulsion, or referral to law enforcement agencies, except where those alternatives would pose a substantial threat to school safety;
- that a school discipline policy not report petty acts of misconduct and misdemeanors to law enforcement agencies; and
- that any disciplinary action taken against a student who violates a school discipline policy be based on the individual student and the particular circumstances of the student's acts or omissions.

SB 418 further requires a school district to submit a report to the Public Education Department (PED) each year that includes:

- the number of arrests, citations, and referrals to CYFD that law enforcement officers, security guards, school resource officers, and other school employees have made for any alleged delinquent act on school property;
- the offenses for which students were arrested, cited, or referred to CYFD for an alleged delinquent act on school property; and
- for students arrested, cited, or referred to CYFD for an alleged delinquent act, statistics categorized by offense regarding the student's:
 - age;
 - race;
 - gender; and
 - if applicable, special education eligibility category.

The bill also requires a local school board to enter into an agreement with its local county sheriff's office and local police department that:

- specifies guidelines for determining which acts are not petty acts of misconduct or misdemeanors;
- specifies the procedures for reporting acts that are not petty acts of misconduct or misdemeanors to law enforcement agencies;
- specifies any role for school resource officers in reporting incidents;
- specifies circumstances in which school officials may handle incidents without filing a report with a law enforcement agency;
- requires, at a minimum, that school resource officers complete basic police academy training and specific training on interviewing children and the requirements of the *Children's Code*; and
- reports be submitted to PED and made available to the public.

Finally, SB 418 requires that:

- the adoption of the discipline policy be made public to parents and students by providing them with the policy in writing and at public assemblies for students and parents at the beginning of the school year; and
- the policy be circulated to parents and students in the same manner as district-wide policies.

Fiscal Impact:

SB 418 does not contain an appropriation.

Fiscal Issues:

According to an analysis by PED, the costs associated with SB 418 include:

- adding data points to the Student Teacher Accountability Reporting System ;
- revising PED rules;
- developing guidelines for district policy revisions and reports to the department; and
- reviewing revised district policies for approval.

Moreover, the PED analysis continues, these requirements of SB 418 would have associated costs for the:

- school districts to develop Memoranda of Understanding with local sheriffs' offices and police departments;
- school districts to develop reporting systems that incorporate the new requirements; and
- resource officers to attend the basic police academy training.

Finally, according to the agency analysis, the cost of these requirements is unknown.

Likewise, the analysis by the Administrative Office of the District Attorneys raises these points:

- SB 418 allows for simple assaults and batteries not to be reported. "Will that apply when it is a domestic violence situation? Bullying? This bill is starting down a very slippery slope."
- By not reporting certain crimes to the police, the AODA analysis continues, "it would possibly leave [police agencies] open to liability if later that same student commits a more serious crime that might have been prevented if the earlier, more minor crime, had been reported."

Substantive Issues:

According to the PED analysis, "the provisions on page 2, lines 18-25 [and pg. 3, lines 1-3], which require that district policies not permit the reporting of various acts to law enforcement, could actually increase the risk of repeated and escalating violent behavior by students if they know that law enforcement could not be called." Moreover, the analysis continues, this provision has the potential to put faculty, staff, and students at risk.

Technical Issues:

The PED analysis suggests that SB 418 clarify *delinquent act*, *disciplinary infraction*, and *substantial threat* by incorporating a definition for each term.

Related Bills:

SB 78 *School District Bullying Prevention Programs*

SB 319a *Eliminate Corporal Punishment*

SJM 5 *Study Effects of Bullying*

HB 172a *No Corporal Punishment as School Discipline*

HB 494 *Create Crime of Bullying*