



Schools Must be Accountable for Unlawful Discipline

IDRA Testimony against SB 1874, Submitted by Paige Duggins-Clay, J.D., to the Texas Senate Committee on Education K-16, March 25, 2025

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D. I am the Chief Legal Analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

IDRA respectfully opposes Senate Bill 1874 because the bill would remove the ability of parents and caregivers to hold school employees that harm children in the administration of school discipline accountable for violations of the law.

IDRA's specific concern arises in relation to the language proposed as Texas Education Code section 22.05121(b)(2), which would shield individual school employees from district-level "disciplinary proceedings" or an action initiated by or in the State Board of Educator Certification if the school employee engages in "an action taken in compliance with Chapter 37."

While we do not oppose strengthening protections for school employees who report in good faith potential violations of Chapter 37 (as proposed in subsection (b)(1) of the same provision), we are concerned that the language in proposed subsection 22.05121(b)(2) is overly broad and will prevent parents and school leaders from taking appropriate action to address concerns that a school employee harmed or violated the legal rights of a student in the administration of discipline under Chapter 37.

For example, we are concerned that if a school employee harms a student in the administration of corporal punishment under Texas Education Code 37.0011 or restraint, confinement, or seclusion under Texas Education Code 37.0021, schools will be unnecessarily restrained in addressing the inappropriate and harmful behavior, leaving students vulnerable and families without recourse to seek justice and accountability.

For these reasons, we respectfully request that the committee strike proposed section 22.05121(b)(2) of the bill.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Paige Duggins-Clay, J.D., at paige.duggins-clay@idra.org.

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.