

AN ACT

relating to the suspension of a student enrolled in a grade level below grade three from public school and to a positive behavior program for public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0013 to read as follows:

Sec. 37.0013. POSITIVE BEHAVIOR PROGRAM. (a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with campus behavior coordinators employed by the district or school and representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) and is not subject to Section 37.005(c). The program must:

- (1) be age-appropriate and research-based;
- (2) provide models for positive behavior;
- (3) promote a positive school environment;
- (4) provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and
- (5) provide behavior management strategies,

1 including:

2 (A) positive behavioral intervention and
3 support;

4 (B) trauma-informed practices;

5 (C) social and emotional learning;

6 (D) a referral for services, as necessary; and

7 (E) restorative practices.

8 (b) Each school district and open-enrollment charter school
9 may annually conduct training for staff employed by the district or
10 school on the program adopted under Subsection (a).

11 SECTION 2. Section 37.005, Education Code, is amended by
12 adding Subsection (c) to read as follows:

13 (c) A student who is enrolled in a grade level below grade
14 three may not be placed in out-of-school suspension unless while on
15 school property or while attending a school-sponsored or
16 school-related activity on or off of school property, the student
17 engages in:

18 (1) conduct that contains the elements of an offense
19 related to weapons under Section 46.02 or 46.05, Penal Code;

20 (2) conduct that contains the elements of a violent
21 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;

22 or

23 (3) selling, giving, or delivering to another person
24 or possessing, using, or being under the influence of any amount of:

25 (A) marihuana or a controlled substance, as
26 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.

27 Section 801 et seq.;

1 (B) a dangerous drug, as defined by Chapter 483,
2 Health and Safety Code; or

3 (C) an alcoholic beverage, as defined by Section
4 1.04, Alcoholic Beverage Code.

5 SECTION 3. This Act applies beginning with the 2017-2018
6 school year.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 674 was passed by the House on May 9, 2017, by the following vote: Yeas 135, Nays 10, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 674 on May 24, 2017, by the following vote: Yeas 104, Nays 40, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 674 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

APPROVED: _____

Date

Governor