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,
including:

(A) positive behavioral intervention and support;
(B) trauma-informed practices;
(C) social and emotional learning;
(D) a referral for services, as necessary; and
(E) restorative practices.

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

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

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

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
(2) conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
or
(3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

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

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

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