

BILL ANALYSIS

Senate Research Center
85R25465 MM-D

C.S.H.B. 674
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Education
5/18/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to the suspension of a student enrolled in a grade level below grade three from public school.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0013, as follows:

Sec. 37.0013. POSITIVE BEHAVIOR PROGRAM. (a) Requires each school district and open-enrolment charter school to 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) (relating to authorizing a principal or other appropriate administrator to suspend a student who engages in certain conduct) and is not subject to Section 37.005(c). Requires that the program:

- (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 certain behavior management strategies.

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

SECTION 2. Amends Section 37.005, Education Code, by adding Subsection (c), as follows:

(c) Prohibits a student enrolled in a grade level below grade three from being placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 (Unlawful Carrying Weapons) or 46.05 (Prohibited Weapons), Penal Code;

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

(3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marihuana or a controlled substance, as defined by Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; a dangerous drug as defined by Chapter 483 (Dangerous Drugs), Health and Safety Code; or an alcoholic beverage, as defined by Section 1.04 (Definitions), Alcoholic Beverage Code.

SECTION 3. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 4. Effective date: upon passage or September 1, 2017.