

By: Wu

H.B. No. 1201

A BILL TO BE ENTITLED

AN ACT

relating to alternative settings for behavior management in public schools, including the development of restorative discipline practices as part of a school district's discipline and placement of a student in a disciplinary alternative education program.

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

SECTION 1. Section 37.0012(d), Education Code, is amended to read as follows:

(d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

(1) promptly contacting the parent or guardian by telephone or in person; and

(2) making a good faith effort to provide written notice ~~[of the disciplinary action]~~ to the student, on the day disciplinary ~~[the]~~ action is taken, for delivery to the student's parent or guardian, of:

(A) the action taken; and

(B) any restorative discipline practices used

1 under Section 37.0017 before action has been taken under
2 Subparagraph (A).

3 SECTION 2. Subchapter A, Chapter 37, Education Code, is
4 amended by adding Section 37.0017 to read as follows:

5 Sec. 37.0017. USE OF RESTORATIVE DISCIPLINE PRACTICES. (a)
6 In this section, "restorative discipline practices" includes
7 practices that address student behavior by building relationships
8 and encouraging belonging over exclusion, social engagement over
9 control, and meaningful accountability over punishment.

10 (b) Each school district and open-enrollment charter school
11 shall develop and implement restorative discipline practices as
12 alternatives to disciplinary measures.

13 (c) If disciplinary action is discretionary under this
14 subchapter, the campus behavior coordinator or another appropriate
15 administrator shall attempt restorative discipline practices
16 developed and implemented under Subsection (b) as an alternative
17 method for managing a student's behavior before:

18 (1) placing the student into in-school or
19 out-of-school suspension;

20 (2) placing the student in a disciplinary alternative
21 education program;

22 (3) expelling the student; or

23 (4) placing the student in a juvenile justice
24 alternative education program.

25 (d) A school district or open-enrollment charter school
26 shall document each use of a restorative discipline practice
27 implemented under Subsection (b) and any outcome on student

1 behavior.

2 SECTION 3. Sections 37.006(c), (d), and (f), Education
3 Code, are amended to read as follows:

4 (c) In addition to Subsections (a) and (b), a student shall
5 be removed from class and placed in a disciplinary alternative
6 education program under Section 37.008 based on conduct occurring
7 off campus and while the student is not in attendance at a
8 school-sponsored or school-related activity if:

9 (1) the student receives deferred prosecution under
10 Section 53.03, Family Code, for conduct defined as[+]

11 [~~(A)~~] a felony offense in Title 5, Penal Code[+]

12 ~~or~~

13 [~~(B) the felony offense of aggravated robbery~~
14 ~~under Section 29.03, Penal Code];~~

15 (2) a court or jury finds that the student has engaged
16 in delinquent conduct under Section 54.03, Family Code, for conduct
17 defined as[+]

18 [~~(A)~~] a felony offense in Title 5, Penal Code; or

19 [~~(B) the felony offense of aggravated robbery~~
20 ~~under Section 29.03, Penal Code, or]~~

21 (3) the superintendent or the superintendent's
22 designee has a reasonable belief that the student has engaged in a
23 conduct defined as[+]

24 [~~(A)~~] a felony offense in Title 5, Penal Code[+]

25 ~~or~~

26 [~~(B) the felony offense of aggravated robbery~~
27 ~~under Section 29.03, Penal Code].~~

1 (d) In addition to Subsections (a), (b), and (c), a student
2 may be removed from class and placed in a disciplinary alternative
3 education program under Section 37.008 based on conduct occurring
4 off campus and while the student is not in attendance at a
5 school-sponsored or school-related activity if:

6 (1) the superintendent or the superintendent's
7 designee has a reasonable belief that the student has engaged in
8 conduct defined as a felony offense other than an offense
9 [~~aggravated robbery under Section 29.03, Penal Code, or those~~
10 ~~offenses~~] defined in Title 5, Penal Code; and

11 (2) the continued presence of the student in the
12 regular classroom threatens the safety of other students or
13 teachers or will be detrimental to the educational process.

14 (f) Subject to Section 37.007(e), a student who is younger
15 than 12 [~~10~~] years of age shall be removed from class and placed in a
16 disciplinary alternative education program under Section 37.008 if
17 the student engages in conduct described by Section 37.007. An
18 elementary school student may not be placed in a disciplinary
19 alternative education program with any other student who is not an
20 elementary school student.

21 SECTION 4. Sections 37.007(e) and (h), Education Code, are
22 amended to read as follows:

23 (e) In accordance with 20 U.S.C. Section 7961 [~~7151~~], a
24 local educational agency, including a school district, home-rule
25 school district, or open-enrollment charter school, shall expel a
26 student who brings a firearm, as defined by 18 U.S.C. Section 921,
27 to school. The student must be expelled from the student's regular

1 campus for a period of at least one year, except that:

2 (1) the superintendent or other chief administrative
3 officer of the school district or of the other local educational
4 agency, as defined by 20 U.S.C. Section 7801, may modify the length
5 of the expulsion in the case of an individual student;

6 (2) the district or other local educational agency
7 shall provide educational services to an expelled student in a
8 disciplinary alternative education program as provided by Section
9 37.008 if the student is younger than 12 [~~10~~] years of age on the
10 date of expulsion; and

11 (3) the district or other local educational agency may
12 provide educational services to an expelled student who is 12 [~~10~~]
13 years of age or older in a disciplinary alternative education
14 program as provided in Section 37.008.

15 (h) Subject to Subsection (e), notwithstanding any other
16 provision of this section, a student who is younger than 12 [~~10~~]
17 years of age may not be expelled for engaging in conduct described
18 by this section.

19 SECTION 5. Section 37.009, Education Code, is amended by
20 adding Subsection (d-1) to read as follows:

21 (d-1) The period of the placement in a disciplinary
22 alternative education program determined under Subsection (a) or
23 (d) begins on the first school day after the date the conference is
24 held under Subsection (a) and includes days the student is:

25 (1) placed into in-school or out-of-school
26 suspension;

27 (2) awaiting placement or enrollment in a disciplinary

1 alternative education program or juvenile justice alternative
2 education program; or

3 (3) otherwise removed from class.

4 SECTION 6. This Act applies beginning with the 2021-2022
5 school year.

6 SECTION 7. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.