

SENATE AMENDMENTS

2nd Printing

By: Johnson of Dallas, Giddings

H.B. No. 674

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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 1.04, Alcoholic Beverage Code.

2 SECTION 2. This Act applies beginning with the 2017-2018
3 school year.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Latoya Saul
Secretary of the Senate

By: *Stephen R. Garcia*

Substitute the following for H.B. No. 674:

By: *Roger W. ...*

H.B. No. 674

C.S. H.B. No. 674

... The ...

A BILL TO BE ENTITLED

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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB674 by Johnson, Eric (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require school districts and open-enrollment charter schools to develop a positive behavior program for certain students and provide annual staff training on the program. The bill would also prohibit 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, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense; or engages in selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

The Texas Education Agency assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017, and would apply beginning with school year 2017-18.

Local Government Impact

It is anticipated that school districts would have administrative, training and implementation costs associated with the provisions of this bill. The costs will vary depending on the size of the district and current discipline programs in place. Costs are estimated to be approximately \$500 per elementary school campus.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, SD, RSt, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB674 by Johnson, Eric (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require school districts and open-enrollment charter schools to develop a positive behavior program for certain students and provide annual staff training on the program. The bill would also prohibit 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, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense; or engages in selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

The Texas Education Agency assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017, and would apply beginning with school year 2017-18.

Local Government Impact

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Source Agencies: 701 Texas Education Agency

LBB Staff: UP, RSt, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB674 by Johnson, Eric (Relating to the suspension of a student enrolled in a grade level below grade three from public school.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to add that a student 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, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense; or engages in selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

The Texas Education Agency assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017, and would apply beginning with school year 2017-18.

Local Government Impact

School districts may incur nominal costs to modify student codes of conduct to comply with statutory changes.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, RSt, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 29, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB674 by Johnson, Eric (Relating to the suspension of a student enrolled in a grade level below grade three from public school.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to add that a student 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, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense; or engages in selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

The Texas Education Agency assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017, and would apply beginning with school year 2017-18.

Local Government Impact

School districts may incur nominal costs to modify student codes of conduct to comply with statutory changes.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, RSt, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 23, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB674 by Johnson, Eric (Relating to the suspension of a student younger than six years of age from public school.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to add that a student who is younger than six years of age may not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school related activity, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense; or engages in selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

The Texas Education Agency assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017, and would apply beginning with school year 2017-18.

Local Government Impact

School districts may incur nominal costs to modify student codes of conduct to comply with statutory changes.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, RSt