86R8832 MP-F

By:  Talarico, Bernal H.B. No. 2991

A BILL TO BE ENTITLED

AN ACT

relating to the use of disciplinary alternatives to suspension by a school district and the creation of the restorative justice coordinating council.

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

SECTION 1.  The heading to Section 37.0013, Education Code, is amended to read as follows:

Sec. 37.0013.  POSITIVE BEHAVIOR AND RESTORATIVE JUSTICE PROGRAM.

SECTION 2.  Section 37.0013, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Each school district and open-enrollment charter school shall [~~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, through which the district or school may provide an [~~that provides a disciplinary~~] alternative to suspension for a student enrolled in any [~~a~~] grade level [~~below grade three~~] who engages in conduct described by Section 37.005(a), including conduct that violates a penal law of this state [~~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 justice practices.

(a-1)  In this section, "restorative justice practices" means practices that emphasize repairing harm caused by a person's conduct to another person or to the community. The term includes a victim-initiated conference, a family group conference, a restorative circle, a community conference, or any other victim-centered practice.

SECTION 3.  Chapter 37, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. RESTORATIVE JUSTICE COORDINATING COUNCIL

Sec. 37.251.  DEFINITIONS. In this subchapter:

(1)  "Council" means the restorative justice coordinating council established under this subchapter.

(2)  "Restorative justice" means an approach to justice that emphasizes repairing harm caused by a person's conduct to another person or to the community.

Sec. 37.252.  ESTABLISHMENT; PURPOSES. The restorative justice coordinating council is established to assist the agency and school districts in developing and delivering restorative justice programs and training, including by:

(1)  serving as a central repository for restorative justice information; and

(2)  providing technical assistance to school districts in providing or developing restorative justice programs.

Sec. 37.253.  COUNCIL MEMBERS; TERMS. (a) The council consists of 15 members as follows:

(1)  one member representing the agency, appointed by the commissioner;

(2)  one member representing a regional education service center, appointed by the commissioner;

(3)  three members representing public school educators, who must include a classroom teacher, a principal, and a superintendent, appointed by the commissioner;

(4)  one member who is a victim's advocate with experience in restorative justice practices, appointed by the chair of the Texas Judicial Council;

(5)  one member representing a statewide nonprofit organization with expertise in restorative justice policy, appointed by the chair of the Texas Judicial Council;

(6)  three members who are restorative justice practitioners, appointed by the chair of the Texas Judicial Council;

(7)  one member representing the Texas Department of Criminal Justice, appointed by the executive director of the department;

(8)  one member representing the Board of Pardons and Paroles, appointed by the presiding officer of the board;

(9)  one member representing the Texas Juvenile Justice Department, appointed by the executive director of the department; and

(10)  two members who are district, county, or municipal court judges or justices of the peace, appointed by the chair of the Texas Judicial Council.

(b)  A council member shall serve a two-year term.

Sec. 37.254.  RESTORATIVE JUSTICE DATABASE. (a) The council shall develop and maintain a database of restorative justice programs used by school districts in the state.

(b)  The council shall review and, if necessary, update the database at least once each year.

Sec. 37.255.  REPORT. Not later than December 1 of each even-numbered year, the council shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report on the council's activities in the preceding biennium and any recommendations for legislative or other action.

SECTION 4.  Section 37.0013, Education Code, as amended by this Act, applies beginning with the 2019-2020 school year.

SECTION 5.  (a) Not later than December 1, 2019, the appropriate appointing authorities shall appoint the members of the restorative justice coordinating council established under Subchapter H, Chapter 37, Education Code, as added by this Act.

(b)  Not later than September 1, 2020, the restorative justice coordinating council shall develop the restorative justice database required by Section 37.254, Education Code, as added by this Act.

(c)  Not later than December 1, 2020, the restorative justice coordinating council shall submit its initial report required under Section 37.255, Education Code, as added by this Act.

SECTION 6.  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, 2019.