

By: Talarico

H.B. No. 2991

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of disciplinary alternatives to suspension by a  
3 school district and the creation of the restorative justice  
4 coordinating council.

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

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

8 Sec. 37.0013. POSITIVE BEHAVIOR AND RESTORATIVE JUSTICE  
9 PROGRAM.

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

13 (a) Each school district and open-enrollment charter school  
14 shall ~~may~~ develop and implement a program, in consultation with  
15 campus behavior coordinators employed by the district or school and  
16 representatives of a regional education service center, through  
17 which the district or school may provide an ~~[that provides a~~  
18 ~~disciplinary]~~ alternative to suspension for a student enrolled in  
19 any ~~[a]~~ grade level ~~[below grade three]~~ who engages in conduct  
20 described by Section 37.005(a), including conduct that violates a  
21 penal law of this state ~~[and is not subject to Section 37.005(c)]~~.

22 The program must:

23 (1) be age-appropriate and research-based;

24 (2) provide models for positive behavior;

1 (3) promote a positive school environment;

2 (4) provide alternative disciplinary courses of  
3 action that do not rely on the use of in-school suspension,  
4 out-of-school suspension, or placement in a disciplinary  
5 alternative education program to manage student behavior; and

6 (5) provide behavior management strategies,  
7 including:

8 (A) positive behavioral intervention and  
9 support;

10 (B) trauma-informed practices;

11 (C) social and emotional learning;

12 (D) a referral for services, as necessary; and

13 (E) restorative justice practices.

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

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

22 SUBCHAPTER H. RESTORATIVE JUSTICE COORDINATING COUNCIL

23 Sec. 37.251. DEFINITIONS. In this subchapter:

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

26 (2) "Restorative justice" means an approach to justice  
27 that emphasizes repairing harm caused by a person's conduct to

1 another person or to the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           SECTION 5. (a) Not later than December 1, 2019, the  
27 appropriate appointing authorities shall appoint the members of the

1 restorative justice coordinating council established under  
2 Subchapter H, Chapter 37, Education Code, as added by this Act.

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

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

10 SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2019.