

By: Lucio

S.B. No. 1561

A BILL TO BE ENTITLED

AN ACT

1
2 relating to positive behavior plans of school districts,
3 development of positive behavior best practices by the Texas
4 Education Agency, and reporting of disproportionate discretionary
5 disciplinary action by school districts.

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

7 SECTION 1. Subchapter F, Chapter 11, Education Code, is
8 amended by adding Section 11.2521 to read as follows:

9 Sec. 11.2521. DISTRICT POSITIVE BEHAVIOR PLAN. (a) A
10 school district may adopt a district positive behavior plan to
11 promote learning, improve school safety, and identify strategies to
12 support students in developing and exhibiting positive behavior. A
13 positive behavior plan must:

14 (1) include measurable district performance
15 objectives to determine if the district is successfully meeting
16 goals established under the plan;

17 (2) use an age-appropriate and research-based
18 approach to identify and support the behavioral needs of students;

19 (3) be developed with input from stakeholders,
20 including school district employees, parents, students, and
21 community members;

22 (4) complement the individualized education plans of
23 any district students receiving special education services under
24 Subchapter A, Chapter 29;

1 (5) provide evidence-based models for positive
2 behavior;

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

7 (7) detail the use of exclusionary disciplinary
8 actions, including in-school suspension, out-of-school suspension,
9 or placement in a disciplinary alternative education program;

10 (8) provide positive behavior management strategies,
11 including:

12 (A) positive behavioral intervention and
13 support;

14 (B) trauma-informed practices;

15 (C) social and emotional learning;

16 (D) referral for services, if necessary; and

17 (E) restorative practices; and

18 (9) include a list of resources necessary to implement
19 the plan.

20 (b) On the request of a school district, the agency shall
21 provide a resource included on the positive behavior best practices
22 list under Section 37.0017 to the district if the resource is
23 included in the district's positive behavior plan. The agency may
24 not charge a district for any resource provided under this section.

25 (c) A plan adopted under this section satisfies a district's
26 requirement to develop strategies to improve discipline management
27 in the district improvement plan under Section [11.252](#).

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

3 Sec. 37.0017. POSITIVE BEHAVIOR BEST PRACTICES LIST. (a)
4 The agency, in coordination with the Health and Human Services
5 Commission, shall provide and annually update a list of recommended
6 best practices relating to school discipline and models of positive
7 behavior, including methods to:

8 (1) ensure schools do not take discretionary
9 disciplinary action against a disproportionate number of students:

10 (A) of a particular race;

11 (B) who are enrolled in a special education
12 program under Subchapter A, Chapter 29; or

13 (C) who receive accommodations or services under
14 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

15 (2) identify underlying causes of disruptive
16 behaviors;

17 (3) promote person-centered approaches to behavior
18 management;

19 (4) minimize the use of exclusionary disciplinary
20 actions;

21 (5) promote a positive school climate;

22 (6) develop, implement, and revise evidence-based
23 behavior intervention plans; and

24 (7) improve the general health and safety of students.

25 (b) The list developed under Subsection (a) must also
26 include training materials and other resources on:

27 (1) positive behavioral intervention and support;

- (2) trauma-informed practices;
- (3) social and emotional learning;
- (4) promoting a positive school climate; and
- (5) restorative practices.

(c) In developing the list, the agency may collaborate with:

- (1) educators;
- (2) community member organizations;
- (3) institutions of higher education;
- (4) the Texas School Safety Center;
- (5) education service centers; and
- (6) the Center for Elimination of Disproportionality and Disparities.

(d) The list developed under Subsection (a) must be posted on the agency's Internet website and on the Internet website of each regional education service center.

(e) In updating the list developed under Subsection (a), the agency shall incorporate data collected from school districts that have adopted positive behavior plans under Section 11.2521.

SECTION 3. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0201 to read as follows:

Sec. 37.0201. POSITIVE BEHAVIOR PLAN: DISPROPORTIONATE DISCRETIONARY DISCIPLINARY ACTION. (a) In this section, "discretionary disciplinary action" means any disciplinary action taken by a school district that is allowed but not required under this chapter or the district's student code of conduct.

(b) The agency shall evaluate information reported through the Public Education Information Management System (PEIMS) to

1 determine whether a school district appears to be taking
2 discretionary disciplinary action, including suspension,
3 expulsion, placement in a disciplinary alternative education
4 program or juvenile justice alternative education program, or any
5 other disciplinary action reported through PEIMS, against a
6 disproportionate number of students:

7 (1) of a particular race;

8 (2) who are enrolled in a special education program
9 under Subchapter A, Chapter 29; or

10 (3) who receive accommodations or services under
11 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

12 (c) On determining that a school district is taking
13 discretionary disciplinary action disproportionately, the agency
14 shall:

15 (1) notify the district of the determination; and

16 (2) in the notification include information on the
17 resources available to school districts through the positive
18 behavior best practices list provided under Section 37.0017.

19 (d) A school district determined by the agency to be taking
20 discretionary disciplinary action disproportionately for three
21 consecutive years shall develop, adopt, and implement a positive
22 behavior plan under Section 11.2521. The district's plan must
23 include strategies to reduce disproportionality in the application
24 of discretionary disciplinary action.

25 SECTION 4. This Act applies beginning with the 2019-2020
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.