

By: Talarico

H.B. No. 62

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 Subsections (a-1) and (c) to
12 read as 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 culturally responsive, age-appropriate and
24 research-based;

- 1 (2) provide models for positive behavior;
- 2 (3) promote a positive school environment;
- 3 (4) 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; and
- 7 (5) provide behavior management strategies,
8 including:
- 9 (A) positive behavioral intervention and
10 support;
- 11 (B) trauma-informed practices;
- 12 (C) social and emotional learning;
- 13 (D) a referral for services, as necessary; and
- 14 (E) restorative justice practices.

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

21 (c) A school district or open-enrollment charter school may
22 contract with a service provider approved by the restorative
23 justice coordinating council established under Subchapter H to:

24 (1) develop and implement a program required under
25 Subsection (a); and

26 (2) assist the district or school in providing an
27 alternative to suspension under that program.

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

3 SUBCHAPTER H. RESTORATIVE JUSTICE COORDINATING COUNCIL

4 Sec. 37.251. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

27 (4) one member who is a victim's advocate with

1 experience in restorative justice practices, appointed by the chair
2 of the Texas Judicial Council;

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

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

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

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

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

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

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

21 Sec. 37.254. RESTORATIVE JUSTICE DATABASE. (a) The
22 council shall develop and maintain a database of restorative
23 justice programs used by school districts in the state, including
24 the identification of best practices.

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

27 Sec. 37.255. REPORT. Not later than December 1 of each

1 even-numbered year, the council shall submit to the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives a report on the council's activities in the
4 preceding biennium and any recommendations for legislative or other
5 action.

6 SECTION 4. Section 37.0013, Education Code, as amended by
7 this Act, applies beginning with the 2021-2022 school year.

8 SECTION 5. (a) Not later than December 1, 2021, the
9 appropriate appointing authorities shall appoint the members of the
10 restorative justice coordinating council established under
11 Subchapter H, Chapter 37, Education Code, as added by this Act.

12 (b) Not later than September 1, 2022, the restorative
13 justice coordinating council shall develop the restorative justice
14 database required by Section 37.254, Education Code, as added by
15 this Act.

16 (c) Not later than December 1, 2022, the restorative justice
17 coordinating council shall submit its initial report required under
18 Section 37.255, Education Code, as added by this Act.

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