

By: Bucy

H.B. No. 3760

A BILL TO BE ENTITLED

AN ACT

relating to the discipline of students enrolled in certain grade levels or receiving special education services in a public school.

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

SECTION 1. Section 37.0013(a), Education Code, is amended to read as follows:

(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 six or a student with a disability receiving special education services under Subchapter A, Chapter 29, [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, including:

- 1 (A) positive behavioral intervention and
- 2 support;
- 3 (B) trauma-informed practices;
- 4 (C) social and emotional learning;
- 5 (D) a referral for services, as necessary; and
- 6 (E) restorative practices.

7 SECTION 2. Section 37.005(c), Education Code, is amended to
8 read as follows:

9 (c) A student who is enrolled in a grade level below grade
10 six [~~three~~] may not be placed in out-of-school suspension unless
11 while on school property or while attending a school-sponsored or
12 school-related activity on or off of school property, the student
13 engages in:

14 (1) conduct that contains the elements of an offense
15 related to weapons under Section 46.02 or 46.05, Penal Code;

16 (2) conduct that contains the elements of a violent
17 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
18 or

19 (3) selling, giving, or delivering to another person
20 or possessing, using, or being under the influence of any amount of:

21 (A) marihuana or a controlled substance, as
22 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
23 Section 801 et seq.;

24 (B) a dangerous drug, as defined by Chapter 483,
25 Health and Safety Code; or

26 (C) an alcoholic beverage, as defined by Section
27 1.04, Alcoholic Beverage Code.

1 SECTION 3. This Act applies beginning with the 2023-2024
2 school year.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.