

By: Wu

H.B. No. 2295

A BILL TO BE ENTITLED

AN ACT

relating to allowing certain counties to cease operation of a juvenile justice alternative education program.

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

SECTION 1. Section 25.086(a), Education Code, is amended to read as follows:

(a) A child is exempt from the requirements of compulsory school attendance if the child:

(1) attends a private or parochial school that includes in its course a study of good citizenship;

(2) is eligible to participate in a school district's special education program under Section 29.003 and cannot be appropriately served by the resident district;

(3) has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible and holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from that remedial treatment;

(4) is expelled in accordance with the requirements of law in a school district that does not participate in a ~~mandatory~~ juvenile justice alternative education program required under Section 37.011(a) [~~37.011~~];

1 (5) is at least 17 years of age and:

2 (A) is attending a course of instruction to
3 prepare for the high school equivalency examination, and:

4 (i) has the permission of the child's parent
5 or guardian to attend the course;

6 (ii) is required by court order to attend
7 the course;

8 (iii) has established a residence separate
9 and apart from the child's parent, guardian, or other person having
10 lawful control of the child; or

11 (iv) is homeless; or

12 (B) has received a high school diploma or high
13 school equivalency certificate;

14 (6) is at least 16 years of age and is attending a
15 course of instruction to prepare for the high school equivalency
16 examination, if:

17 (A) the child is recommended to take the course
18 of instruction by a public agency that has supervision or custody of
19 the child under a court order; or

20 (B) the child is enrolled in a Job Corps training
21 program under the Workforce Investment Act of 1998 (29 U.S.C.
22 Section 2801 et seq.);

23 (7) is at least 16 years of age and is enrolled in a
24 high school diploma program under Chapter 18;

25 (8) is enrolled in the Texas Academy of Mathematics
26 and Science under Subchapter G, Chapter 105;

27 (9) is enrolled in the Texas Academy of Leadership in

1 the Humanities;

2 (10) is enrolled in the Texas Academy of Mathematics
3 and Science at The University of Texas at Brownsville;

4 (11) is enrolled in the Texas Academy of International
5 Studies; or

6 (12) is specifically exempted under another law.

7 SECTION 2. Section 37.011, Education Code, is amended by
8 amending Subsections (a) and (a-4) and adding Subsection (a-6) to
9 read as follows:

10 (a) In [The juvenile board of] a county with a population
11 greater than 125,000 in which an election by the commissioners
12 court under Subsection (a-6) has not been made, the juvenile board
13 shall develop a juvenile justice alternative education program,
14 subject to the approval of the Texas Juvenile Justice Department.
15 The juvenile board of a county with a population of 125,000 or less
16 may develop a juvenile justice alternative education program. For
17 the purposes of this subchapter, only a disciplinary alternative
18 education program operated under the authority of a juvenile board
19 of a county is considered a juvenile justice alternative education
20 program. A juvenile justice alternative education program in a
21 county with a population of 125,000 or less:

22 (1) is not required to be approved by the department;
23 and

24 (2) is not subject to Subsection (c), (d), (f), or (g).

25 (a-4) A school district located in a county considered to be
26 a county with a population of 125,000 or less under Subsection (a-3)
27 or (a-6) shall provide educational services to a student who is

1 expelled from school under this chapter. The district is entitled
2 to count the student in the district's average daily attendance for
3 purposes of receipt of state funds under the Foundation School
4 Program. An educational placement under this section may include:

5 (1) the district's disciplinary alternative education
6 program; or

7 (2) a contracted placement with:

8 (A) another school district;

9 (B) an open-enrollment charter school;

10 (C) an institution of higher education;

11 (D) an adult literacy council; or

12 (E) a community organization that can provide an
13 educational program that allows the student to complete the credits
14 required for high school graduation.

15 (a-6) The commissioners court of a county with a population
16 greater than 3.3 million may, by a majority vote, elect to cease
17 operating a juvenile justice alternative education program in the
18 county because the program is no longer necessary or
19 cost-effective. A commissioners court that has elected to cease
20 operating a juvenile justice alternative education program shall
21 notify the Texas Juvenile Justice Department in writing. For
22 purposes of this section and Section 37.010(a), a county in which an
23 election to cease operating a juvenile justice alternative
24 education program has been made is considered to be a county with a
25 population of 125,000 or less.

26 SECTION 3. Section 53.02(e), Family Code, is amended to
27 read as follows:

1 (e) Unless otherwise agreed in the memorandum of
2 understanding under Section 37.011, Education Code, in a county
3 with a population greater than 125,000 in which an election by the
4 commissioners court under Section 37.011(a-6), Education Code, has
5 not been made, if a child being released under this section is
6 expelled under Section 37.007, Education Code, the release shall be
7 conditioned on the child's attending a juvenile justice alternative
8 education program pending a deferred prosecution or formal court
9 disposition of the child's case.

10 SECTION 4. Section 54.01(f), Family Code, is amended to
11 read as follows:

12 (f) Unless otherwise agreed in the memorandum of
13 understanding under Section 37.011, Education Code, a release may
14 be conditioned on requirements reasonably necessary to insure the
15 child's appearance at later proceedings, but the conditions of the
16 release must be in writing and a copy furnished to the child. In a
17 county with a population greater than 125,000 in which an election
18 by the commissioners court under Section 37.011(a-6), Education
19 Code, has not been made, if a child being released under this
20 section is expelled under Section 37.007, Education Code, the
21 release shall be conditioned on the child's attending a juvenile
22 justice alternative education program pending a deferred
23 prosecution or formal court disposition of the child's case.

24 SECTION 5. This Act applies beginning with the 2021-2022
25 school year.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.