

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 Subsection (a) and adding Subsection (a-6) to read as
9 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-6) The commissioners court of a county with a population
26 greater than 125,000 may, by a majority vote, elect to cease
27 operating a juvenile justice alternative education program in the

1 county because the program is no longer necessary or
2 cost-effective. A commissioners court that has elected to cease
3 operating a juvenile justice alternative education program shall
4 notify the Texas Juvenile Justice Department in writing. For
5 purposes of this section and Section 37.010(a), a county in which an
6 election to cease operating a juvenile justice alternative
7 education program has been made is considered to be a county with a
8 population of 125,000 or less.

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

11 (e) Unless otherwise agreed in the memorandum of
12 understanding under Section 37.011, Education Code, in a county
13 with a population greater than 125,000 in which an election by the
14 commissioners court under Section 37.011(a-6), Education Code, has
15 not been made, if a child being released under this section is
16 expelled under Section 37.007, Education Code, the release shall be
17 conditioned on the child's attending a juvenile justice alternative
18 education program pending a deferred prosecution or formal court
19 disposition of the child's case.

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

22 (f) Unless otherwise agreed in the memorandum of
23 understanding under Section 37.011, Education Code, a release may
24 be conditioned on requirements reasonably necessary to insure the
25 child's appearance at later proceedings, but the conditions of the
26 release must be in writing and a copy furnished to the child. In a
27 county with a population greater than 125,000 in which an election

1 by the commissioners court under Section 37.011(a-6), Education
2 Code, has not been made, if a child being released under this
3 section is expelled under Section 37.007, Education Code, the
4 release shall be conditioned on the child's attending a juvenile
5 justice alternative education program pending a deferred
6 prosecution or formal court disposition of the child's case.

7 SECTION 5. This Act applies beginning with the 2021-2022
8 school year.

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