

1-1 By: Wu (Senate Sponsor - Alvarado) H.B. No. 2295
1-2 (In the Senate - Received from the House May 12, 2021;
1-3 May 14, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2021, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to allowing certain counties to cease operation of a
1-16 juvenile justice alternative education program.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 25.086(a), Education Code, is amended to
1-19 read as follows:

1-20 (a) A child is exempt from the requirements of compulsory
1-21 school attendance if the child:

1-22 (1) attends a private or parochial school that
1-23 includes in its course a study of good citizenship;

1-24 (2) is eligible to participate in a school district's
1-25 special education program under Section 29.003 and cannot be
1-26 appropriately served by the resident district;

1-27 (3) has a physical or mental condition of a temporary
1-28 and remediable nature that makes the child's attendance infeasible
1-29 and holds a certificate from a qualified physician specifying the
1-30 temporary condition, indicating the treatment prescribed to remedy
1-31 the temporary condition, and covering the anticipated period of the
1-32 child's absence from school for the purpose of receiving and
1-33 recuperating from that remedial treatment;

1-34 (4) is expelled in accordance with the requirements of
1-35 law in a school district that does not participate in a ~~mandatory~~
1-36 juvenile justice alternative education program required under
1-37 Section 37.011(a) [~~37.011~~];

1-38 (5) is at least 17 years of age and:

1-39 (A) is attending a course of instruction to
1-40 prepare for the high school equivalency examination, and:

1-41 (i) has the permission of the child's parent
1-42 or guardian to attend the course;

1-43 (ii) is required by court order to attend
1-44 the course;

1-45 (iii) has established a residence separate
1-46 and apart from the child's parent, guardian, or other person having
1-47 lawful control of the child; or

1-48 (iv) is homeless; or

1-49 (B) has received a high school diploma or high
1-50 school equivalency certificate;

1-51 (6) is at least 16 years of age and is attending a
1-52 course of instruction to prepare for the high school equivalency
1-53 examination, if:

1-54 (A) the child is recommended to take the course
1-55 of instruction by a public agency that has supervision or custody of
1-56 the child under a court order; or

1-57 (B) the child is enrolled in a Job Corps training
1-58 program under the Workforce Investment Act of 1998 (29 U.S.C.
1-59 Section 2801 et seq.);

1-60 (7) is at least 16 years of age and is enrolled in a
1-61 high school diploma program under Chapter 18;

- 2-1 (8) is enrolled in the Texas Academy of Mathematics
- 2-2 and Science under Subchapter G, Chapter 105;
- 2-3 (9) is enrolled in the Texas Academy of Leadership in
- 2-4 the Humanities;
- 2-5 (10) is enrolled in the Texas Academy of Mathematics
- 2-6 and Science at The University of Texas at Brownsville;
- 2-7 (11) is enrolled in the Texas Academy of International
- 2-8 Studies; or
- 2-9 (12) is specifically exempted under another law.

2-10 SECTION 2. Section 37.011, Education Code, is amended by
 2-11 amending Subsections (a) and (a-4) and adding Subsection (a-6) to
 2-12 read as follows:

2-13 (a) In [The juvenile board of] a county with a population
 2-14 greater than 125,000 in which an election by the commissioners
 2-15 court under Subsection (a-6) has not been made, the juvenile board
 2-16 shall develop a juvenile justice alternative education program,
 2-17 subject to the approval of the Texas Juvenile Justice Department.
 2-18 The juvenile board of a county with a population of 125,000 or less
 2-19 may develop a juvenile justice alternative education program. For
 2-20 the purposes of this subchapter, only a disciplinary alternative
 2-21 education program operated under the authority of a juvenile board
 2-22 of a county is considered a juvenile justice alternative education
 2-23 program. A juvenile justice alternative education program in a
 2-24 county with a population of 125,000 or less:

- 2-25 (1) is not required to be approved by the department;
- 2-26 and
- 2-27 (2) is not subject to Subsection (c), (d), (f), or (g).
- 2-28 (a-4) A school district located in a county considered to be
- 2-29 a county with a population of 125,000 or less under Subsection (a-3)
- 2-30 or (a-6) shall provide educational services to a student who is
 2-31 expelled from school under this chapter. The district is entitled
 2-32 to count the student in the district's average daily attendance for
 2-33 purposes of receipt of state funds under the Foundation School
 2-34 Program. An educational placement under this section may include:

- 2-35 (1) the district's disciplinary alternative education
- 2-36 program; or
- 2-37 (2) a contracted placement with:
 - 2-38 (A) another school district;
 - 2-39 (B) an open-enrollment charter school;
 - 2-40 (C) an institution of higher education;
 - 2-41 (D) an adult literacy council; or
 - 2-42 (E) a community organization that can provide an

2-43 educational program that allows the student to complete the credits
 2-44 required for high school graduation.

2-45 (a-6) The commissioners court of a county with a population
 2-46 greater than 3.3 million may, by a majority vote, elect to cease
 2-47 operating a juvenile justice alternative education program in the
 2-48 county because the program is no longer necessary or
 2-49 cost-effective. A commissioners court that has elected to cease
 2-50 operating a juvenile justice alternative education program shall
 2-51 notify the Texas Juvenile Justice Department in writing. For
 2-52 purposes of this section and Section 37.010(a), a county in which an
 2-53 election to cease operating a juvenile justice alternative
 2-54 education program has been made is considered to be a county with a
 2-55 population of 125,000 or less.

2-56 SECTION 3. Section 53.02(e), Family Code, is amended to
 2-57 read as follows:

2-58 (e) Unless otherwise agreed in the memorandum of
 2-59 understanding under Section 37.011, Education Code, in a county
 2-60 with a population greater than 125,000 in which an election by the
 2-61 commissioners court under Section 37.011(a-6), Education Code, has
 2-62 not been made, if a child being released under this section is
 2-63 expelled under Section 37.007, Education Code, the release shall be
 2-64 conditioned on the child's attending a juvenile justice alternative
 2-65 education program pending a deferred prosecution or formal court
 2-66 disposition of the child's case.

2-67 SECTION 4. Section 54.01(f), Family Code, is amended to
 2-68 read as follows:

2-69 (f) Unless otherwise agreed in the memorandum of

3-1 understanding under Section 37.011, Education Code, a release may
3-2 be conditioned on requirements reasonably necessary to insure the
3-3 child's appearance at later proceedings, but the conditions of the
3-4 release must be in writing and a copy furnished to the child. In a
3-5 county with a population greater than 125,000 in which an election
3-6 by the commissioners court under Section 37.011(a-6), Education
3-7 Code, has not been made, if a child being released under this
3-8 section is expelled under Section 37.007, Education Code, the
3-9 release shall be conditioned on the child's attending a juvenile
3-10 justice alternative education program pending a deferred
3-11 prosecution or formal court disposition of the child's case.

3-12 SECTION 5. This Act applies beginning with the 2021-2022
3-13 school year.

3-14 SECTION 6. This Act takes effect immediately if it receives
3-15 a vote of two-thirds of all the members elected to each house, as
3-16 provided by Section 39, Article III, Texas Constitution. If this
3-17 Act does not receive the vote necessary for immediate effect, this
3-18 Act takes effect September 1, 2021.

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