

By: Allen

H.B. No. 4106

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a public school student's transition from an
3 alternative education program to a regular classroom and the
4 admission of certain students with a criminal or disciplinary
5 history.

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

7 SECTION 1. Section 25.001, Education Code, is amended by
8 adding Subsection (b-3) to read as follows:

9 (b-3) The board of trustees of a school district may not
10 refuse to admit a student based on the student's criminal,
11 juvenile, or disciplinary history including arrests, criminal
12 charges, criminal adjudications, convictions, placements on
13 community supervision, or detentions. A district shall promptly
14 enroll a student released from an alternative education program, as
15 defined by Section 37.023, who is otherwise eligible for enrollment
16 under Subsection (b).

17 SECTION 2. Section 37.023, Education Code, is amended by
18 amending Subsections (c), (d), and (e) and adding Subsections (d-1)
19 and (g) to read as follows:

20 (c) Not later than five instructional days after the date of
21 a student's release from an alternative education program, the
22 campus administrator shall coordinate the student's enrollment and
23 transition to a regular classroom. The coordination must include
24 assistance and recommendations from:

- 1 (1) school counselors;
- 2 (2) school district peace officers;
- 3 (3) school resource officers;
- 4 (4) licensed clinical social workers;
- 5 (5) campus behavior coordinators;
- 6 (6) classroom teachers who are or may be responsible
- 7 for implementing the student's personalized transition plan
- 8 developed under Subsection (d);
- 9 (7) if the student is younger than 18 years of age and
- 10 subject to Subsection (e), the student's parent or a person
- 11 standing in parental relation to the student; and
- 12 (8) [~~(7)~~] any other appropriate school district
- 13 personnel.

14 (d) The assistance required by Subsection (c) must include a

15 personalized transition plan for the student developed by the

16 campus administrator. A personalized transition plan:

17 (1) must include recommendations for the best

18 educational placement of the student, based on a review of the

19 student's previous coursework, course credit earned, and

20 educational record and including:

21 (A) a calculation of the number of course credits

22 the student has earned toward graduation requirements, as

23 determined under Subsection (g);

24 (B) a description of appropriate courses in which

25 the student should be placed; and

26 (C) an explanation of the requirements of the

27 student's individualized education program, behavior intervention

1 plan, or plan created under Section 504, Rehabilitation Act of 1973
2 (29 U.S.C. Section 794), if applicable; and

3 (2) may include:

4 (A) recommendations for counseling, behavioral
5 management, or academic assistance for the student with a
6 concentration on the student's academic or career goals;

7 (B) recommendations for assistance for obtaining
8 access to mental health services provided by the district or
9 school, a local mental health authority, or another private or
10 public entity; and

11 (C) the provision of information to the student's
12 parent or a person standing in parental relation to the student
13 about the process to request a full individual and initial
14 evaluation of the student for purposes of special education
15 services under Section 29.004 ~~[, and~~

16 ~~[(D) a regular review of the student's progress~~
17 ~~toward the student's academic or career goals].~~

18 (d-1) After a student has transitioned to a regular
19 classroom under this section, the campus administrator shall
20 conduct reviews at the beginning of each school year and the end of
21 each grading period of the student's progress toward the student's
22 academic or career goals.

23 (e) If a student's parent or a person standing in parental
24 relation to the student is unavailable to assist under Subsection
25 (c) [practicable], the campus administrator shall provide an
26 electronic or written copy of the personalized transition plan
27 developed under Subsection (d) to [, or the administrator's

1 ~~designee, shall meet with] the [student's] parent or [a] person~~
2 ~~[standing in parental relation to the student to coordinate plans~~
3 ~~for the student's transition].~~

4 (g) A campus administrator shall, to the greatest extent
5 possible, consider credits successfully completed while the
6 student was enrolled in an alternative education program or at a
7 previous school as fulfilling credits required for high school
8 graduation.

9 SECTION 3. This Act applies beginning with the 2021-2022
10 school year.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.