

By: Allison

H.B. No. 655

A BILL TO BE ENTITLED

AN ACT

relating to the placement by a school district of a student who engages in habitually violent behavior.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.024 to read as follows:

Sec. 37.024. EDUCATIONAL SETTING FOR STUDENTS WHO ENGAGE IN HABITUALLY VIOLENT BEHAVIOR. (a) In this section, "habitually violent behavior" means a pattern of violent behavior, such as assault or behavior that results in the hospitalization of a student or school district staff member, that causes more than one incident within a grading period during a school year.

(b) A school district may:

(1) for a prescribed period determined by the district, place a student who engages in habitually violent behavior towards other students and district staff in a virtual setting and provide virtual instruction and instructional materials for remote learning to the student;

(2) consult with local and state law enforcement agencies to determine whether a student's habitually violent behavior poses a legitimate ongoing threat to students and district staff in the general education setting;

(3) establish certain conditions that a student or a student's parent or person standing in parental relation to the

student must fulfill to allow a student placed in a virtual setting to return to an alternative, general, or hybrid educational setting, including conditions that require:

(A) the student or the student's parent or person standing in parental relation to the student to provide evidence that the student has undergone a medical or mental health evaluation; or

(B) other reasonable steps designed to help the district determine whether the student continues to pose a threat to students and district staff; and

(4) if a student receives special education services under Subchapter A, Chapter 29, or is receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and has been determined to pose an ongoing threat to the physical safety of students and district staff, require the student's admission, review, and dismissal committee or team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), as applicable, to meet to determine an appropriate educational setting for the student, in accordance with Section 37.004 and federal law and regulations, to ensure the student receives a free appropriate public education as required under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(c) If the admission, review, and dismissal committee of a student who engages in habitually violent behavior determines under Subsection (b)(4) that the least restrictive environment for the student is a remote, therapeutic, or residential placement, the

1 district is entitled to receive from the state reimbursement for  
2 past expenses and appropriate funding for future expenses for the  
3 provision of services to that student.

4 (d) A student placed in virtual instruction under  
5 Subsection (b)(1) shall be counted toward the school district's  
6 average daily attendance in the same manner as other district  
7 students. The commissioner shall adopt rules providing for a  
8 method of taking attendance for students placed in virtual  
9 instruction under Subsection (b)(1).

10 SECTION 2. This Act applies beginning with the 2023-2024  
11 school year.

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