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H.B. No. 1626

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a public school student's transition from an
3 alternative education program to a regular educational
4 environment, including parental rights related to that transition,
5 and the admission of certain students with a criminal or
6 disciplinary history.

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

8 SECTION 1. Section 12.104(b), Education Code, as amended by
9 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.
10 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular
11 Session, 2021, is reenacted and amended to read as follows:

- 12 (b) An open-enrollment charter school is subject to:
- 13 (1) a provision of this title establishing a criminal
14 offense;
 - 15 (2) the provisions in Chapter 554, Government Code;
16 and
 - 17 (3) a prohibition, restriction, or requirement, as
18 applicable, imposed by this title or a rule adopted under this
19 title, relating to:
 - 20 (A) the Public Education Information Management
21 System (PEIMS) to the extent necessary to monitor compliance with
22 this subchapter as determined by the commissioner;
 - 23 (B) criminal history records under Subchapter C,
24 Chapter 22;

- 1 (C) reading instruments and accelerated reading
2 instruction programs under Section 28.006;
- 3 (D) accelerated instruction under Section
4 28.0211;
- 5 (E) high school graduation requirements under
6 Section 28.025;
- 7 (F) special education programs under Subchapter
8 A, Chapter 29;
- 9 (G) bilingual education under Subchapter B,
10 Chapter 29;
- 11 (H) prekindergarten programs under Subchapter E
12 or E-1, Chapter 29, except class size limits for prekindergarten
13 classes imposed under Section 25.112, which do not apply;
- 14 (I) extracurricular activities under Section
15 33.081;
- 16 (J) discipline management practices or behavior
17 management techniques under Section 37.0021;
- 18 (K) health and safety under Chapter 38;
- 19 (L) the provisions of Subchapter A, Chapter 39;
- 20 (M) public school accountability and special
21 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
22 39, and Chapter 39A;
- 23 (N) the requirement under Section 21.006 to
24 report an educator's misconduct;
- 25 (O) intensive programs of instruction under
26 Section 28.0213;
- 27 (P) the right of a school employee to report a

1 crime, as provided by Section 37.148;

2 (Q) bullying prevention policies and procedures
3 under Section 37.0832;

4 (R) the right of a school under Section 37.0052
5 to place a student who has engaged in certain bullying behavior in a
6 disciplinary alternative education program or to expel the student;

7 (S) the right under Section 37.0151 to report to
8 local law enforcement certain conduct constituting assault or
9 harassment;

10 (T) a parent's right to information regarding the
11 provision of assistance for learning difficulties to the parent's
12 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

13 (U) establishment of residency under Section
14 25.001;

15 (V) school safety requirements under Sections
16 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115,
17 37.207, and 37.2071;

18 (W) the early childhood literacy and mathematics
19 proficiency plans under Section 11.185;

20 (X) the college, career, and military readiness
21 plans under Section 11.186; ~~and~~

22 (Y) ~~[(X)]~~ parental options to retain a student
23 under Section 28.02124; and

24 (Z) the requirements for a student's transition
25 from an alternative education program under Section 37.023.

26 SECTION 2. Section 25.001, Education Code, is amended by
27 adding Subsections (b-3) and (b-4) to read as follows:

1 (b-3) Except as provided by Subsection (b-4) and
2 notwithstanding any provision of Chapter 37, the board of trustees
3 of a school district or the board's designee may not refuse to
4 enroll a student based on the student's criminal, juvenile, or
5 disciplinary history or standing. A district shall promptly enroll
6 a student released from an alternative education program, as
7 defined by Section 37.023, who is otherwise eligible for enrollment
8 under Subsection (b). This subsection may not be construed to
9 prohibit the board or the board's designee from:

10 (1) revoking admission of a student under Subsection
11 (b-1);

12 (2) refusing to admit a person under 18 years of age
13 whom the board is not required to admit under Subsection (d);

14 (3) transferring a student in accordance with Section
15 25.0341 or 25.0342; or

16 (4) expelling a student or placing a student in a
17 disciplinary alternative education program under Section 37.008 or
18 a juvenile justice alternative education program under Section
19 37.011 in accordance with Section 37.0051, 37.0052, 37.006, 37.007,
20 37.0081, or 37.011, as applicable.

21 (b-4) Subsection (b-3) does not apply to the inter-district
22 transfer of a student under Subchapter B.

23 SECTION 3. The heading to Section 37.023, Education Code,
24 is amended to read as follows:

25 Sec. 37.023. TRANSITION FROM ALTERNATIVE EDUCATION PROGRAM
26 TO REGULAR EDUCATIONAL ENVIRONMENT [~~CLASSROOM~~].

27 SECTION 4. Section 37.023, Education Code, is amended by

1 amending Subsections (c), (d), and (e) and adding Subsections
2 (c-1), (d-1), (g), and (h) to read as follows:

3 (c) Not later than five instructional days after the date of
4 a student's release from an alternative education program, the
5 campus administrator shall hold a meeting to coordinate the
6 student's enrollment and transition to a regular educational
7 environment [~~classroom~~]. The coordination must include assistance
8 and recommendations from the student's parent or a person standing
9 in parental relation to the student and, as applicable:

- 10 (1) school counselors;
- 11 (2) school district peace officers;
- 12 (3) school resource officers;
- 13 (4) licensed clinical social workers;
- 14 (5) campus behavior coordinators;
- 15 (6) classroom teachers who are or may be responsible
16 for implementing the student's personalized transition plan
17 developed under Subsection (d);

18 (7) for a student who is a student with a disability as
19 defined by Section 21.001, the campus special education
20 administrator or other campus administrator responsible for
21 overseeing the student's educational program, as applicable;

22 (8) for a student who is a court-related child, the
23 liaison officer appointed under Section 37.014; and

24 (9) [~~(7)~~] any other appropriate school district
25 personnel.

26 (c-1) The campus administrator shall, before finalizing a
27 personalized transition plan for a student under Subsection (d),

1 provide to the student's parent or a person standing in parental
2 relation to the student:

3 (1) a list of the people who will be assisting in the
4 student's enrollment and transition to a regular educational
5 environment under Subsection (c); and

6 (2) an opportunity to meet, either in person or
7 remotely, with the people included on the list described by
8 Subdivision (1) to:

9 (A) discuss any proposed assistance or
10 recommendations for the student's transition; and

11 (B) provide information regarding the student
12 that may be useful in developing the plan.

13 (d) The enrollment and transition assistance required by
14 Subsection (c) must include a personalized transition plan for the
15 student developed by the campus administrator. A personalized
16 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, performance
20 on any assessment instrument administered under Section 37.0082,
21 and educational record, including:

22 (A) a calculation of the number of course credits
23 the student has earned toward graduation requirements, as
24 determined under Subsection (g); and

25 (B) a description of appropriate courses in which
26 the student should be placed; and

27 (2) may include:

1 (A) recommendations for counseling, behavioral
2 management, or academic assistance for the student with a
3 concentration on the student's academic or career goals;

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

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

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

15 (d-1) After a student has transitioned to a regular
16 educational environment under this section, the campus
17 administrator or the administrator's designee shall conduct
18 reviews at the beginning of each semester and the end of each school
19 year of the student's progress toward the student's academic or
20 career goals.

21 (e) As soon as practicable after completing a student's
22 personalized transition plan under Subsection (d) [~~if~~
23 practicable], the campus administrator shall provide an electronic
24 or written copy of the personalized transition plan to [~~or the~~
25 administrator's designee, shall meet with] the student's parent or
26 a person standing in parental relation to the student [~~to~~
27 ~~coordinate plans for the student's transition].~~

1 (g) A school district shall adopt a policy that, to the
2 greatest extent possible, allows for credits that were successfully
3 completed while the student was enrolled in an alternative
4 education program or at a previous school, including a school
5 within the Windham School District, to fulfill credits required for
6 high school graduation, provided that the completed courses meet
7 the standards adopted under Section 28.002(c). The policy adopted
8 under this subsection may provide for partial credit, if determined
9 appropriate by the district.

10 (h) The commissioner may adopt rules as necessary to
11 implement this section.

12 SECTION 5. To the extent of any conflict, this Act prevails
13 over another Act of the 88th Legislature, Regular Session, 2023,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 6. This Act applies beginning with the 2023-2024
17 school year.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.