

BILL ANALYSIS

Senate Research Center
78R4715 KKA-D

H.B. 1314
By: Pitts (Averitt)
Education
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Engrossed

DIGEST AND PURPOSE

Currently, a juvenile convicted of a Title 5 felony (offenses against the person) can attend school with children of the same age and sex of the victim who was assaulted. According to the Safe and Drug Free Schools Division of the Texas Education Agency, a school district that does not allow a convicted offender to attend school on the regular campus is in violation of Texas Education Agency policy and subject to sanctions by the agency. H.B. 1314 authorizes the board of trustees of a school district to decide whether a student convicted of a felony offense as defined by Title 5 of the Penal Code can attend school on a regular campus or an alternative education program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0081, as follows:

Sec. 37.0081. PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE EDUCATION PROGRAMS. (a) Authorizes the board of trustees of a school district, or the board's designee, after an opportunity for a hearing, notwithstanding any other provision of this subchapter, to elect to place a student in an alternative education program under Section 37.008 if:

(1) the student has received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code, or has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; and

(2) the board or the board's designee determines that the student's presence in the regular classroom threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the district's students.

(b) Provides that any decision of the board of trustees or the board's designee under this section is final and may not be appealed.

(c) Authorizes the board of trustees or the board's designee to order placement in accordance with this section regardless of the date on which the student's conduct occurred, the location at which the conduct occurred, whether the conduct occurred while the student was enrolled in the district, or whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

(d) Authorizes the board of trustees or the board's designee, notwithstanding Section 37.009(c), to order placement in accordance with this section for any period considered necessary by the board or the board's designee in connection with the determination made under Subsection (a)(2). Entitles a student placed in an alternative education program in accordance with this section to the periodic review prescribed by Section 37.009(e).

SECTION 2. Makes Section 37.0081, Education Code, as added by this Act, applicable to any student who attends school on or after the effective date of this Act and who engaged in conduct described by that section, regardless of the date on which the conduct occurred.

SECTION 3. Effective date: upon passage or September 1, 2003.