

BILL ANALYSIS

H.B. 1314
By: Pitts
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a juvenile convicted of a Title 5 felony 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 sex offender to attend school on the regular campus is in violation of the Texas Education Agency policy and subject to sanctions by the agency. House Bill 1314 places the authority with the board of trustees of a school district to decide whether or not a student convicted of a felony offense as defined by Title 5 of the Penal Code should attend school on a regular campus or an alternative education program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1314 amends the Education Code by authorizing the board of trustees (board) of a school district, after an opportunity for a hearing, to elect to place a student in an alternative education program if:

- 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
- the board 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.

The bill provides that any decision of the board of trustees under this section is final and may not be appealed. The bill authorizes the board 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. The bill authorizes the board to order placement in accordance with this section for any period considered necessary by the board in connection with the determination made under Subsection (a)(2). The bill provides that a student placed in an alternative education program in accordance with this section is entitled to the periodic review prescribed by Section 37.009(e).

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

