

By: Dutton

H.B. No. 368

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the placement of a public school student in an
3 alternative education program.

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

5 SECTION 1. Sections 37.009(a) and (b), Education Code, are
6 amended to read as follows:

7 (a) If ~~[Not later than the third class day after the day on~~
8 ~~which]~~ a student is removed from class by the teacher under Section
9 37.002(b) or (d) or by the school principal or other appropriate
10 administrator under Section 37.006, unless the principal does not
11 intend to place the student in an alternative education program or
12 intends to place the student in an alternative education program
13 for fewer than three consecutive school days, as soon as
14 practicable after the student's removal, the principal or the
15 principal's designee shall notify the superintendent of the school
16 district or the superintendent's designee of the student's removal.
17 The superintendent or the superintendent's designee ~~[the principal~~
18 ~~or other appropriate administrator]~~ shall schedule a conference
19 among the board of trustees of the district or the board's designee,
20 as provided by policy of the board, the principal or other
21 appropriate administrator of the student's school, a parent or
22 guardian of the student, the teacher removing the student from
23 class, if any, and the student. The conference must be held not
24 later than the third school day after the date the student was

1 removed from class. At the conference, the student is entitled to
2 written or oral notice of the reasons for the removal, an
3 explanation of the basis for the removal, and an opportunity to
4 respond to the reasons for the removal. The student may not be
5 returned to the regular classroom pending the conference.
6 Following the conference, and whether the student, the student's
7 parent or guardian, or the student's teacher [~~or not each requested~~
8 ~~person~~] is in attendance after valid attempts to require the
9 person's attendance, the board or the board's designee [~~principal~~]
10 shall order the placement of the student as provided by Section
11 37.002 or 37.006, as applicable, for a period consistent with the
12 student code of conduct.

13 (b) [~~If a student's placement in an alternative education~~
14 ~~program is to extend beyond the end of the next grading period, a~~
15 ~~student's parent or guardian is entitled to notice of and an~~
16 ~~opportunity to participate in a proceeding before the board of~~
17 ~~trustees of the school district or the board's designee, as~~
18 ~~provided by policy of the board of trustees of the district.] Any
19 decision of the board or the board's designee under Subsection (a)
20 [~~this subsection~~] is final and may not be appealed.~~

21 SECTION 2. Section 37.010(a), Education Code, is amended to
22 read as follows:

23 (a) Not later than the second business day after the date a
24 conference or hearing is held under Section 37.009, the board of
25 trustees of a school district or the board's designee shall deliver
26 a copy of the order placing a student in an alternative education
27 program under Section 37.006 or expelling a student under Section

1 37.007 and any information required under Section 52.04, Family
2 Code, to the authorized officer of the juvenile court in the county
3 in which the student resides. In a county that operates a program
4 under Section 37.011, an expelled student shall to the extent
5 provided by law or by the memorandum of understanding immediately
6 attend the educational program from the date of expulsion;
7 provided, however, that in a county with a population greater than
8 125,000 every expelled student who is not detained or receiving
9 treatment under an order of the juvenile court must be enrolled in
10 an educational program.

11 SECTION 3. This Act applies beginning with the 2003-2004
12 school year.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.