

By: Pitts

H.B. No. 1314

A BILL TO BE ENTITLED

AN ACT

relating to placement of certain students in alternative education programs.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0081 to read as follows:

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

(1) the student:

(A) has received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; or

(B) 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:

(A) threatens the safety of other students or teachers;

(B) will be detrimental to the educational

1 process; or

2 (C) is not in the best interests of the
3 district's students.

4 (b) Any decision of the board of trustees or the board's
5 designee under this section is final and may not be appealed.

6 (c) The board of trustees or the board's designee may order
7 placement in accordance with this section regardless of:

8 (1) the date on which the student's conduct occurred;

9 (2) the location at which the conduct occurred;

10 (3) whether the conduct occurred while the student was
11 enrolled in the district; or

12 (4) whether the student has successfully completed any
13 court disposition requirements imposed in connection with the
14 conduct.

15 (d) Notwithstanding Section 37.009(c), the board of
16 trustees or the board's designee may order placement in accordance
17 with this section for any period considered necessary by the board
18 or the board's designee in connection with the determination made
19 under Subsection (a)(2). A student placed in an alternative
20 education program in accordance with this section is entitled to
21 the periodic review prescribed by Section 37.009(e).

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

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.