

1-1 By: Pitts (Senate Sponsor - Averitt) H.B. No. 1314
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Education; May 26, 2003, reported favorably by the following vote:
1-5 Yeas 6, Nays 0, 2 present not voting; May 26, 2003, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to placement of certain students in alternative education
1-10 programs.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 37, Education Code, is
1-13 amended by adding Section 37.0081 to read as follows:

1-14 Sec. 37.0081. PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE
1-15 EDUCATION PROGRAMS. (a) Notwithstanding any other provision of
1-16 this subchapter, the board of trustees of a school district, or the
1-17 board's designee, after an opportunity for a hearing may elect to
1-18 place a student in an alternative education program under Section
1-19 37.008 if:

1-20 (1) the student:

1-21 (A) has received deferred prosecution under
1-22 Section 53.03, Family Code, for conduct defined as a felony offense
1-23 in Title 5, Penal Code; or

1-24 (B) has been found by a court or jury to have
1-25 engaged in delinquent conduct under Section 54.03, Family Code, for
1-26 conduct defined as a felony offense in Title 5, Penal Code; and

1-27 (2) the board or the board's designee determines that
1-28 the student's presence in the regular classroom:

1-29 (A) threatens the safety of other students or
1-30 teachers;

1-31 (B) will be detrimental to the educational
1-32 process; or

1-33 (C) is not in the best interests of the
1-34 district's students.

1-35 (b) Any decision of the board of trustees or the board's
1-36 designee under this section is final and may not be appealed.

1-37 (c) The board of trustees or the board's designee may order
1-38 placement in accordance with this section regardless of:

1-39 (1) the date on which the student's conduct occurred;

1-40 (2) the location at which the conduct occurred;

1-41 (3) whether the conduct occurred while the student was
1-42 enrolled in the district; or

1-43 (4) whether the student has successfully completed any
1-44 court disposition requirements imposed in connection with the
1-45 conduct.

1-46 (d) Notwithstanding Section 37.009(c), the board of
1-47 trustees or the board's designee may order placement in accordance
1-48 with this section for any period considered necessary by the board
1-49 or the board's designee in connection with the determination made
1-50 under Subsection (a)(2). A student placed in an alternative
1-51 education program in accordance with this section is entitled to
1-52 the periodic review prescribed by Section 37.009(e).

1-53 SECTION 2. Section 37.0081, Education Code, as added by
1-54 this Act, applies to any student who attends school on or after the
1-55 effective date of this Act and who engaged in conduct described by
1-56 that section, regardless of the date on which the conduct occurred.

1-57 SECTION 3. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2003.

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