

By: Van de Putte

S.B. No. 1737

A BILL TO BE ENTITLED

AN ACT

relating to placement of students in alternative education programs.

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

SECTION 1. Sections 37.006(h) and (i), Education Code, are amended to read as follows:

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, or any other comparable notice that provides information regarding acquittal of a student or refusal to prosecute the student in connection with conduct for which the student was placed in an alternative education program, the superintendent or the superintendent's designee shall verify the contents of the notice and review the student's placement in the alternative education program. The student may not be returned to the regular classroom pending the verification and review. The superintendent or the superintendent's designee shall complete the verification and ~~[schedule a]~~ review ~~[of the student's placement with the student's parent or guardian]~~ not later than the ~~[third]~~ class day following ~~[after]~~ the day the superintendent or ~~[superintendent's]~~ designee receives notice and shall return the student to the student's regular classroom immediately after completing the verification and review unless the superintendent or designee determines that ~~[from the office or official designated by the court. After reviewing the notice and receiving information~~

1 ~~from the student's parent or guardian, the superintendent or the~~
 2 ~~superintendent's designee may continue the student's placement in~~
 3 ~~the alternative education program if]~~ there is reason to believe
 4 that the presence of the student in the regular classroom threatens
 5 the safety of other students or teachers. In reviewing a student's
 6 placement under this subsection, the superintendent or designee
 7 shall provide the student's parent with an opportunity to provide
 8 any information relevant to the review.

9 (i) The student or the student's parent or guardian may
 10 appeal a [the superintendent's] decision under Subsection (h) to
 11 retain the student in the alternative education program to the
 12 board of trustees. The student may not be returned to the regular
 13 classroom pending the appeal. The board shall, at the next
 14 scheduled meeting, review the notice described by Subsection (h)
 15 ~~[provided under Article 15.27(g), Code of Criminal Procedure],~~
 16 ~~[and]~~ receive information from the student, the student's parent or
 17 guardian, and the superintendent or ~~[superintendent's]~~ designee,
 18 and confirm or reverse the decision under Subsection (h). The board
 19 shall make a record of the proceedings. If the board confirms the
 20 decision of the superintendent or ~~[superintendent's]~~ designee, the
 21 board shall inform the student and the student's parent or guardian
 22 of the right to appeal to the commissioner under Subsection (j).

23 SECTION 2. Sections 37.009(a) and (c), Education Code, are
 24 amended to read as follows:

25 (a) Not later than the third class day after the day on which
 26 a student is removed from class by the teacher under Section
 27 37.002(b) or (d) or by the school principal or other appropriate

1 administrator under Section 37.006, the principal or other
 2 appropriate administrator shall schedule a conference among the
 3 principal or other appropriate administrator, a parent or guardian
 4 of the student, the teacher removing the student from class, if any,
 5 and the student. At the conference, the student is entitled to
 6 written or oral notice of the reasons for the removal, an
 7 explanation of the basis for the removal, and an opportunity to
 8 respond to the reasons for the removal. The student may not be
 9 returned to the regular classroom pending the conference.
 10 Following the conference, and whether or not each requested person
 11 is in attendance after valid attempts to require the person's
 12 attendance, the principal shall order the placement of the student
 13 as provided by Section 37.002 or 37.006, as applicable, for a period
 14 consistent with the student code of conduct. The principal may
 15 order placement for a period that exceeds 10 days only if the
 16 principal makes the determinations described by Subsection (c).

17 (c) Before it may place a student in an alternative
 18 education program for a period that exceeds 10 school days [~~that~~
 19 ~~extends beyond the end of the school year~~], the board or the board's
 20 designee must determine that:

21 (1) the student's presence in the regular classroom
 22 program or at the student's regular campus presents a danger of
 23 physical harm to the student or to another individual; or

24 (2) the student has engaged in serious or persistent
 25 misbehavior that violates the district's student code of conduct.

26 SECTION 3. Section 37.006(k), Education Code, is repealed.

27 SECTION 4. This Act applies beginning with the 2003-2004

1 school year.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.