

By: Berman

H.B. No. 127

A BILL TO BE ENTITLED

AN ACT

relating to counties required to operate a juvenile justice alternative education program.

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

SECTION 1. Sections 37.011(a), (k), and (m), Education Code, are amended to read as follows:

(a) The juvenile board of a county with a population greater than 300,000 [~~125,000~~] shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 300,000 [~~125,000~~] or less may develop a juvenile justice alternative education program. For the purposes of this subchapter, only a disciplinary alternative education program operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 300,000 [~~125,000~~] or less:

(1) is not required to be approved by the Texas Juvenile Probation Commission; and

(2) is not subject to Subsection (c), (d), (f), or (g).

(k) Each school district in a county with a population greater than 300,000 [~~125,000~~] and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile

1 board concerning the establishment and operation of a juvenile  
2 justice alternative education program under this section;

3 (2) defines the amount and conditions on payments from  
4 the school district to the juvenile board for students of the school  
5 district served in the juvenile justice alternative education  
6 program whose placement was not made on the basis of an expulsion  
7 required under Section 37.007(a), (d), or (e);

8 (3) identifies those categories of conduct that the  
9 school district has defined in its student code of conduct as  
10 constituting serious or persistent misbehavior for which a student  
11 may be placed in the juvenile justice alternative education  
12 program;

13 (4) identifies and requires a timely placement and  
14 specifies a term of placement for expelled students for whom the  
15 school district has received a notice under Section 52.041(d),  
16 Family Code;

17 (5) establishes services for the transitioning of  
18 expelled students to the school district prior to the completion of  
19 the student's placement in the juvenile justice alternative  
20 education program;

21 (6) establishes a plan that provides transportation  
22 services for students placed in the juvenile justice alternative  
23 education program;

24 (7) establishes the circumstances and conditions  
25 under which a juvenile may be allowed to remain in the juvenile  
26 justice alternative education program setting once the juvenile is  
27 no longer under juvenile court jurisdiction; and

1           (8) establishes a plan to address special education  
2 services required by law.

3           (m) Each school district in a county with a population  
4 greater than 300,000 [~~125,000~~] and the county juvenile board shall  
5 adopt a joint memorandum of understanding as required by this  
6 section not later than September 1 of each school year.

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

9           (a) Not later than the second business day after the date a  
10 hearing is held under Section 37.009, the board of trustees of a  
11 school district or the board's designee shall deliver a copy of the  
12 order placing a student in a disciplinary alternative education  
13 program under Section 37.006 or expelling a student under Section  
14 37.007 and any information required under Section 52.04, Family  
15 Code, to the authorized officer of the juvenile court in the county  
16 in which the student resides. In a county that operates a program  
17 under Section 37.011, an expelled student shall to the extent  
18 provided by law or by the memorandum of understanding immediately  
19 attend the educational program from the date of expulsion, except  
20 that in a county with a population greater than 300,000 [~~125,000~~],  
21 every expelled student who is not detained or receiving treatment  
22 under an order of the juvenile court must be enrolled in an  
23 educational program.

24           SECTION 3. Section 53.02(e), Family Code, is amended to  
25 read as follows:

26           (e) Unless otherwise agreed in the memorandum of  
27 understanding under Section 37.011, Education Code, in a county

1 with a population greater than 300,000 [~~125,000~~], if a child being  
2 released under this section is expelled under Section 37.007,  
3 Education Code, the release shall be conditioned on the child's  
4 attending a juvenile justice alternative education program pending  
5 a deferred prosecution or formal court disposition of the child's  
6 case.

7 SECTION 4. Section 54.01(f), Family Code, is amended to  
8 read as follows:

9 (f) Unless otherwise agreed in the memorandum of  
10 understanding under Section 37.011, Education Code, a release may  
11 be conditioned on requirements reasonably necessary to insure the  
12 child's appearance at later proceedings, but the conditions of the  
13 release must be in writing and a copy furnished to the child. In a  
14 county with a population greater than 300,000 [~~125,000~~], if a child  
15 being released under this section is expelled under Section 37.007,  
16 Education Code, the release shall be conditioned on the child's  
17 attending a juvenile justice alternative education program pending  
18 a deferred prosecution or formal court disposition of the child's  
19 case.

20 SECTION 5. This Act applies beginning with the 2005-2006  
21 school year.

22 SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2005.