

By: Talton

H.B. No. 878

A BILL TO BE ENTITLED

AN ACT

relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0071 to read as follows:

Sec. 37.0071. RESTRICTING PLACEMENT OF STUDENTS WHO ENGAGE IN CERTAIN CONDUCT. (a) Except as provided by Subsection (b), notwithstanding any other provision of this subchapter and without regard to whether the following conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property, unless placement of a student in a juvenile justice alternative education program under Section 37.011 is mandatory, a school district shall place the student in the district's disciplinary alternative education program under Section 37.008 if the student:

(1) has been adjudicated under Section 54.03, Family Code, as having engaged in conduct that contains the elements of the offense of:

(A) indecency with a child under Section 21.11, Penal Code;

(B) sexual assault under Section 22.011, Penal Code; or

(C) aggravated sexual assault under Section

1 22.021, Penal Code;

2 (2) has been placed on deferred prosecution under
3 Section 53.03, Family Code, for conduct that contains the elements
4 of an offense specified under Subdivision (1); or

5 (3) has been placed on probation under Section
6 54.04(d)(1), Family Code, for conduct that contains the elements of
7 an offense specified under Subdivision (1).

8 (b) After the student completes any period of deferred
9 prosecution or probation under Subsection (a), the principal of the
10 campus on which the student would be enrolled if the student were
11 not subject to Subsection (a) may admit the student to the campus
12 and may assign the student to attendance in a regular classroom if:

13 (1) the student receives counseling from a licensed
14 professional counselor while the student is enrolled in the school
15 district; and

16 (2) the principal reasonably believes the student will
17 not be a threat to other students on the campus.

18 SECTION 2. Section 37.0071, Education Code, as added by
19 this Act, applies only to conduct violating the penal law of this
20 state that occurs on or after the effective date of this Act.
21 Conduct violating the penal law of this state occurs on or after the
22 effective date of this Act if any element of the violation occurs on
23 or after that date.

24 SECTION 3. This Act takes effect September 1, 2005.