

By: Olivo

H.B. No. 3038

A BILL TO BE ENTITLED

AN ACT

relating to transportation to and from a disciplinary alternative education program or juvenile justice alternative education program and the length of a school day at a disciplinary alternative education program.

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

SECTION 1. Section 37.008, Education Code, is amended by amending Subsection (c) and adding Subsection (n) to read as follows:

(c) An off-campus disciplinary alternative education program is not subject to a requirement imposed by this title, other than:

(1) a limitation on liability;

(2) [7] a reporting requirement; [7] or

(3) a requirement imposed by:

(A) Section 25.082(a);

(B) this chapter; or

(C) [by] Chapter 39.

(n) A school district shall provide transportation to and from the district's disciplinary alternative education program for a student placed in the program.

SECTION 2. Section 37.011, Education Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:

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

4 (1) outlines the responsibilities of the juvenile
5 board concerning the establishment and operation of a juvenile
6 justice alternative education program under this section;

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

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

17 (4) identifies and requires a timely placement and
18 specifies a term of placement for expelled students for whom the
19 school district has received a notice under Section 52.041(d),
20 Family Code;

21 (5) establishes services for the transitioning of
22 expelled students to the school district prior to the completion of
23 the student's placement in the juvenile justice alternative
24 education program;

25 (6) requires the school district or juvenile board to
26 provide [~~establishes a plan that provides~~] transportation services
27 to and from the juvenile justice alternative education program for

1 a student [~~students~~] placed in the [~~juvenile justice alternative~~
2 ~~education~~] program;

3 (7) establishes the circumstances and conditions
4 under which a juvenile may be allowed to remain in the juvenile
5 justice alternative education program setting once the juvenile is
6 no longer under juvenile court jurisdiction; and

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

9 (k-1) If the juvenile board of a county with a population of
10 125,000 or less develops a juvenile justice alternative education
11 program, each school district in the county and the county juvenile
12 board shall annually enter into a joint memorandum of understanding
13 that requires the school district or juvenile board to provide
14 transportation services to and from the juvenile justice
15 alternative education program for a student placed in the program.

16 SECTION 3. This Act applies beginning with the 2005-2006
17 school year.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.