

By: West

S.B. No. 1120

A BILL TO BE ENTITLED

AN ACT

relating to the placement of certain students in and funding of a juvenile justice alternative education program.

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

SECTION 1. Subsection (a), Section 37.010, Education Code, is amended to read as follows:

(a) Except as provided by Section 37.0101, not ~~[Not]~~ later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 125,000, every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

SECTION 2. Subchapter A, Chapter 37, Education Code, is amended by adding Sections 37.0101 and 37.0122 to read as follows:

Sec. 37.0101. PROSECUTORIAL REVIEW OF EXPULSION OFFENSE.

1 (a) A school district that expels a student for engaging in
2 conduct for which expulsion is required under Section 37.007(a),
3 (d), or (e) shall notify the prosecuting attorney of the county in
4 which the student resides of the expulsion if the student:

5 (1) is at least 17 years of age at the time the student
6 engaged in the conduct; and

7 (2) is assigned to attend a juvenile justice
8 alternative education program under Section 37.011.

9 (b) The board of trustees of the school district or a person
10 designated by the board shall deliver to the prosecuting attorney a
11 copy of the order expelling the student and any other information
12 relevant to the alleged conduct not later than the second business
13 day after the date of the expulsion hearing under Section 37.009.

14 (c) Not later than the fifth business day after the date
15 that the prosecuting attorney receives an expulsion notice under
16 this section, the prosecuting attorney shall conduct a preliminary
17 investigation and make a determination as to whether probable cause
18 exists to believe the student engaged in conduct for which
19 expulsion is required under Section 37.007(a), (d), or (e). Not
20 later than the second business day after the date that the
21 prosecuting attorney conducts the preliminary investigation, the
22 prosecuting attorney shall notify the school district and the
23 administrator of the juvenile justice alternative education center
24 of the prosecuting attorney's determination of whether probable
25 cause exists to believe the student engaged in conduct for which
26 expulsion is required under Section 37.007(a), (d), or (e).

27 Sec. 37.0122. FUNDING OF JUVENILE JUSTICE ALTERNATIVE

1 EDUCATION PROGRAMS FOR CERTAIN STUDENTS. (a) A school district
2 that receives notice under Section 52.041, Family Code, or Section
3 37.0101 that no probable cause exists to believe that a student
4 engaged in conduct for which expulsion is required under Section
5 37.007(a), (d), or (e) is responsible for paying the costs of the
6 student to attend a juvenile justice alternative education program.
7 The Texas Juvenile Probation Commission may not provide funding to
8 a juvenile justice alternative education program for a student
9 described by this subsection.

10 (b) Notwithstanding Section 37.011(b), the school district
11 may elect to remove the student from the juvenile justice
12 alternative education program if the district is responsible for
13 paying the costs of the student attending the program under
14 Subsection (a) and place the student in a disciplinary alternative
15 education program or related program.

16 (c) If the school district removes the student from the
17 juvenile justice alternative education program under Subsection
18 (b), the district is responsible for paying the costs for each day
19 that the student attended the program before the removal.

20 SECTION 3. This Act applies beginning with the 2005-2006
21 school year.

22 SECTION 4. 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.