

1-1 By: West S.B. No. 1120
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Education; May 4, 2005,
1-4 reported favorably by the following vote: Yeas 8, Nays 0;
1-5 May 4, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the placement of certain students in and funding of a
1-9 juvenile justice alternative education program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 37.010, Education Code,
1-12 is amended to read as follows:

1-13 (a) Except as provided by Section 37.0101, not [Not] later
1-14 than the second business day after the date a hearing is held under
1-15 Section 37.009, the board of trustees of a school district or the
1-16 board's designee shall deliver a copy of the order placing a student
1-17 in a disciplinary alternative education program under Section
1-18 37.006 or expelling a student under Section 37.007 and any
1-19 information required under Section 52.04, Family Code, to the
1-20 authorized officer of the juvenile court in the county in which the
1-21 student resides. In a county that operates a program under Section
1-22 37.011, an expelled student shall to the extent provided by law or
1-23 by the memorandum of understanding immediately attend the
1-24 educational program from the date of expulsion, except that in a
1-25 county with a population greater than 125,000, every expelled
1-26 student who is not detained or receiving treatment under an order of
1-27 the juvenile court must be enrolled in an educational program.

1-28 SECTION 2. Subchapter A, Chapter 37, Education Code, is
1-29 amended by adding Sections 37.0101 and 37.0122 to read as follows:

1-30 Sec. 37.0101. PROSECUTORIAL REVIEW OF EXPULSION OFFENSE.

1-31 (a) A school district that expels a student for engaging in
1-32 conduct for which expulsion is required under Section 37.007(a),
1-33 (d), or (e) shall notify the prosecuting attorney of the county in
1-34 which the student resides of the expulsion if the student:

1-35 (1) is at least 17 years of age at the time the student
1-36 engaged in the conduct; and

1-37 (2) is assigned to attend a juvenile justice
1-38 alternative education program under Section 37.011.

1-39 (b) The board of trustees of the school district or a person
1-40 designated by the board shall deliver to the prosecuting attorney a
1-41 copy of the order expelling the student and any other information
1-42 relevant to the alleged conduct not later than the second business
1-43 day after the date of the expulsion hearing under Section 37.009.

1-44 (c) Not later than the fifth business day after the date
1-45 that the prosecuting attorney receives an expulsion notice under
1-46 this section, the prosecuting attorney shall conduct a preliminary
1-47 investigation and make a determination as to whether probable cause
1-48 exists to believe the student engaged in conduct for which
1-49 expulsion is required under Section 37.007(a), (d), or (e). Not
1-50 later than the second business day after the date that the
1-51 prosecuting attorney conducts the preliminary investigation, the
1-52 prosecuting attorney shall notify the school district and the
1-53 administrator of the juvenile justice alternative education center
1-54 of the prosecuting attorney's determination of whether probable
1-55 cause exists to believe the student engaged in conduct for which
1-56 expulsion is required under Section 37.007(a), (d), or (e).

1-57 Sec. 37.0122. FUNDING OF JUVENILE JUSTICE ALTERNATIVE
1-58 EDUCATION PROGRAMS FOR CERTAIN STUDENTS. (a) A school district
1-59 that receives notice under Section 52.041, Family Code, or Section
1-60 37.0101 that no probable cause exists to believe that a student
1-61 engaged in conduct for which expulsion is required under Section
1-62 37.007(a), (d), or (e) is responsible for paying the costs of the
1-63 student to attend a juvenile justice alternative education program.
1-64 The Texas Juvenile Probation Commission may not provide funding to

2-1 a juvenile justice alternative education program for a student
2-2 described by this subsection.

2-3 (b) Notwithstanding Section 37.011(b), the school district
2-4 may elect to remove the student from the juvenile justice
2-5 alternative education program if the district is responsible for
2-6 paying the costs of the student attending the program under
2-7 Subsection (a) and place the student in a disciplinary alternative
2-8 education program or related program.

2-9 (c) If the school district removes the student from the
2-10 juvenile justice alternative education program under Subsection
2-11 (b), the district is responsible for paying the costs for each day
2-12 that the student attended the program before the removal.

2-13 SECTION 3. This Act applies beginning with the 2005-2006
2-14 school year.

2-15 SECTION 4. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2005.

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