

By: Madden, Strama

H.B. No. 1324

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the discipline of public school students, the operation  
3 of certain behavioral programs or disciplinary alternative  
4 education programs, and the placement of students with certain  
5 disabilities in disciplinary alternative education programs and  
6 juvenile justice alternative education programs.

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

8 SECTION 1. Section 37.001(a), Education Code, is amended to  
9 read as follows:

10 (a) The board of trustees of an independent school district  
11 shall, with the advice of its district-level committee established  
12 under Subchapter F, Chapter 11, adopt a student code of conduct for  
13 the district. The student code of conduct must be posted and  
14 prominently displayed at each school campus or made available for  
15 review at the office of the campus principal. In addition to  
16 establishing standards for student conduct, the student code of  
17 conduct must:

18 (1) specify the circumstances, in accordance with this  
19 subchapter, under which a student may be removed from a classroom,  
20 campus, or disciplinary alternative education program;

21 (2) specify conditions that authorize or require a  
22 principal or other appropriate administrator to transfer a student  
23 to a disciplinary alternative education program;

24 (3) outline conditions under which a student may be

1 suspended as provided by Section 37.005 or expelled as provided by  
2 Section 37.007;

3 (4) specify that [~~whether~~] consideration will be [~~is~~]  
4 given, as a factor in a decision regarding [~~to order~~] suspension,  
5 removal to a disciplinary alternative education program, or  
6 expulsion, to:

7 (A) self-defense;

8 (B) intent or lack of intent at the time the  
9 student engaged in the conduct;

10 (C) a student's disciplinary history; or

11 (D) a disability that substantially impairs the  
12 student's capacity to appreciate the wrongfulness of the student's  
13 conduct;

14 (5) provide guidelines for setting the length of a  
15 term of:

16 (A) a removal under Section 37.006; and

17 (B) an expulsion under Section 37.007;

18 (6) address the notification of a student's parent or  
19 guardian of a violation of the student code of conduct committed by  
20 the student that results in suspension, removal to a disciplinary  
21 alternative education program, or expulsion;

22 (7) prohibit bullying, harassment, and making hit  
23 lists and ensure that district employees enforce those  
24 prohibitions; and

25 (8) provide, as appropriate for students at each grade  
26 level, methods, including options, for:

27 (A) managing students in the classroom and on

1 school grounds;

2 (B) disciplining students; and

3 (C) preventing and intervening in student  
4 discipline problems, including bullying, harassment, and making  
5 hit lists.

6 SECTION 2. Section 37.004, Education Code, is amended by  
7 adding Subsections (e) and (f) to read as follows:

8 (e) Notwithstanding any other provision of this subchapter,  
9 in a county with a juvenile justice alternative education program  
10 established under Section 37.011, the expulsion under a provision  
11 of Section 37.007 described by this subsection of a student with a  
12 disability who receives special education services must occur in  
13 accordance with this subsection and Subsection (f). The school  
14 district that proposes to expel the student shall, in accordance  
15 with applicable federal law, provide the administrator of the  
16 juvenile justice alternative education program or the  
17 administrator's designee with reasonable notice of the meeting of  
18 the student's admission, review, and dismissal committee to discuss  
19 the student's proposed expulsion. A representative of the juvenile  
20 justice alternative education program may participate in the  
21 meeting to the extent that the meeting relates to the student's  
22 placement in the program. This subsection applies only to an  
23 expulsion under:

24 (1) Section 37.007(b), (c), (f), or (i); or

25 (2) Section 37.007(d) as a result of conduct that  
26 contains the elements of any offense listed in Section  
27 37.007(b)(2)(C) against any employee or volunteer in retaliation

1 for or as a result of the person's employment or association with a  
2 school district.

3 (f) If, after placement of a student in a juvenile justice  
4 alternative education program under Subsection (e), the  
5 administrator of the program or the administrator's designee has  
6 concerns that the student's educational or behavioral needs cannot  
7 be met in the program, the administrator or designee shall  
8 immediately provide written notice of those concerns to the school  
9 district from which the student was expelled. The student's  
10 admission, review, and dismissal committee shall meet to reconsider  
11 the placement of the student in the program. The district shall, in  
12 accordance with applicable federal law, provide the administrator  
13 or designee with reasonable notice of the meeting, and a  
14 representative of the program shall participate in the meeting to  
15 the extent that the meeting relates to the student's continued  
16 placement in the program.

17 SECTION 3. Section 37.008, Education Code, is amended by  
18 amending Subsection (a) and adding Subsection (n) to read as  
19 follows:

20 (a) Each school district shall provide a disciplinary  
21 alternative education program that:

22 (1) is provided in a setting other than a student's  
23 regular classroom;

24 (2) is located on or off of a regular school campus;

25 (3) provides for the students who are assigned to the  
26 disciplinary alternative education program to be separated from  
27 students who are not assigned to the program;

1 (4) focuses on English language arts, mathematics,  
2 science, history, and self-discipline;

3 (5) provides for students' educational and behavioral  
4 needs, including, if applicable, implementation of a student's  
5 individualized education program developed under Section 29.005;

6 (6) provides supervision and counseling;

7 (7) employs only teachers who [~~requires that to teach~~  
8 ~~in an off-campus disciplinary alternative education program, each~~  
9 ~~teacher~~] meet all certification requirements established under  
10 Subchapter B, Chapter 21; and

11 (8) provides at least the number of days of  
12 instruction required by Section 25.081(a) and the number of hours  
13 each school day required by Section 25.082(a), except that the  
14 program may follow the same calendar adopted by the district for all  
15 district campuses [~~notwithstanding Subdivision (7), requires that~~  
16 ~~to teach in a disciplinary alternative education program of any~~  
17 ~~kind, each teacher employed by a school district during the~~  
18 ~~2003-2004 school year or an earlier school year meet, not later than~~  
19 ~~the beginning of the 2005-2006 school year, all certification~~  
20 ~~requirements established under Subchapter B, Chapter 21]~~.

21 (n) A school district shall ensure that each student who has  
22 been determined to be eligible under Subchapter A, Chapter 29, for  
23 special education services and who is placed in a disciplinary  
24 alternative education program has an individualized education  
25 program developed under Section 29.005 and that a copy of that  
26 individualized education program has been provided to the  
27 disciplinary alternative education program.

1           SECTION 4. (a) The Department of State Health Services  
2 shall establish a cross-system coordinated behavioral health  
3 intervention pilot project for children in Bexar County who may  
4 have a mental disability or participate in disciplinary alternative  
5 education programs.

6           (b) In implementing the pilot project, the department shall  
7 require a local mental health authority serving Bexar County to:

8                 (1) enter into a memorandum of understanding or other  
9 agreement with state and local agencies that work directly with  
10 children, including the Department of State Health Services, the  
11 Department of Family and Protective Services, the Texas Youth  
12 Commission, and the Texas Education Agency, to:

13                         (A) permit cross-system collaboration in the  
14 provision of uniform early intervention behavioral health  
15 assessments to children; and

16                         (B) to the extent allowed by other law, identify  
17 children in the educational, juvenile justice, and child protective  
18 services systems who have or are at risk of developing mental health  
19 or substance abuse problems, divert the children to integrated  
20 systems of care services, and reduce cross-system gaps or  
21 inefficiencies in the provision of care;

22                 (2) develop, in collaboration with the state and local  
23 agencies, a best practices plan regarding:

24                         (A) cross-system informed consent and  
25 confidentiality practices;

26                         (B) uniform behavioral health screening for  
27 children;

1 (C) uniform referral processes between systems  
2 and agencies related to behavioral health services;

3 (D) the delivery of early intervention and  
4 treatment services; and

5 (E) an information exchange process between  
6 agencies to facilitate faster identification and assessment of  
7 behavioral health problems and integrate service delivery;

8 (3) identify outcome measures that may be used to  
9 measure the efficiency of cross-system coordination; and

10 (4) ensure that an extensive listing of providers is  
11 available for children and their families, including information  
12 regarding the services offered and the behavioral health issues  
13 addressed by the provider.

14 (c) The department may use funds for crisis prevention  
15 programs in collaboration with funds from local authorities,  
16 including school districts and criminal justice agencies, to  
17 implement the pilot project.

18 (d) Not later than December 1, 2008, the local mental health  
19 authority involved in the pilot project shall submit a report to the  
20 department regarding the cross-system coordinated behavioral  
21 health intervention pilot project, including:

22 (1) a comprehensive analysis of the efficacy of the  
23 project; and

24 (2) the local authority's findings and  
25 recommendations.

26 (e) This section expires September 1, 2009.

27 SECTION 5. This Act applies beginning with the 2007-2008

1 school year.

2 SECTION 6. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.