

By: Madden

H.B. No. 1324

Substitute the following for H.B. No. 1324:

By: Patrick

C.S.H.B. No. 1324

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to placement of public school students with certain  
3 disabilities in disciplinary alternative education programs and  
4 juvenile justice alternative education programs.

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

6 SECTION 1. 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

1           (2) Section 37.007(d) as a result of conduct that  
2 contains the elements of any offense listed in Section  
3 37.007(b)(2)(C) against any employee or volunteer in retaliation  
4 for or as a result of the person's employment or association with a  
5 school district.

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

20           SECTION 2. Section 37.008, Education Code, is amended by  
21 amending Subsection (a) and adding Subsection (n) to read as  
22 follows:

23           (a) Each school district shall provide a disciplinary  
24 alternative education program that:

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

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

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

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

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

9 (6) provides supervision and counseling; and

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

14 [~~(8) notwithstanding Subdivision (7), requires that~~  
15 ~~to teach in a disciplinary alternative education program of any~~  
16 ~~kind, each teacher employed by a school district during the~~  
17 ~~2003-2004 school year or an earlier school year meet, not later than~~  
18 ~~the beginning of the 2005-2006 school year, all certification~~  
19 ~~requirements established under Subchapter B, Chapter 21].~~

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

25 SECTION 3. This Act applies beginning with the 2007-2008  
26 school year.

27 SECTION 4. This Act takes effect immediately if it receives

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