

By: Patrick, Smith of Tarrant, et al.

H.B. No. 2532

Substitute the following for H.B. No. 2532:

By: Olivo

C.S.H.B. No. 2532

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the expulsion and placement in alternative settings of
3 public school students who engage in conduct constituting certain
4 felonies.

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

6 SECTION 1. Section 37.0081, Education Code, is amended to
7 read as follows:

8 Sec. 37.0081. EXPULSION AND PLACEMENT OF CERTAIN STUDENTS
9 IN [DISCIPLINARY] ALTERNATIVE SETTINGS [EDUCATION PROGRAMS]. (a)
10 Subject to Subsection (g), but notwithstanding [Notwithstanding]
11 any other provision of this subchapter, the board of trustees of a
12 school district, or the board's designee, after an opportunity for
13 a hearing may expel a student and elect to place the [a] student in
14 an alternative setting as provided by Subsection (a-1) [in a
15 disciplinary alternative education program under Section 37.008]
16 if:

17 (1) the student:

18 (A) has received deferred prosecution under
19 Section 53.03, Family Code, for conduct defined as a felony offense
20 in Title 5, Penal Code; ~~or~~

21 (B) has been found by a court or jury to have
22 engaged in delinquent conduct under Section 54.03, Family Code, for
23 conduct defined as a felony offense in Title 5, Penal Code;

24 (C) is charged with engaging in conduct defined

1 as a felony offense in Title 5, Penal Code; or

2 (D) has been referred to a juvenile court for
3 allegedly engaging in delinquent conduct under Section 54.03,
4 Family Code, for conduct defined as a felony offense in Title 5,
5 Penal Code; and

6 (2) the board or the board's designee determines that
7 the student's presence in the regular classroom:

8 (A) threatens the safety of other students or
9 teachers;

10 (B) will be detrimental to the educational
11 process; or

12 (C) is not in the best interests of the
13 district's students.

14 (a-1) The student must be placed in:

15 (1) a juvenile justice alternative education program,
16 if the school district is located in a county that operates a
17 juvenile justice alternative education program or the school
18 district contracts with the juvenile board of another county for
19 the provision of a juvenile justice alternative education program;
20 or

21 (2) a disciplinary alternative education program.

22 (b) Any decision of the board of trustees or the board's
23 designee under this section is final and may not be appealed.

24 (c) The board of trustees or the board's designee may expel
25 the student and order placement in accordance with this section
26 regardless of:

27 (1) the date on which the student's conduct occurred;

1 (2) the location at which the conduct occurred;

2 (3) whether the conduct occurred while the student was
3 enrolled in the district; or

4 (4) whether the student has successfully completed any
5 court disposition requirements imposed in connection with the
6 conduct.

7 (d) Notwithstanding Section 37.009(c) or (d) or any other
8 provision of this subchapter, a student expelled and ordered placed
9 in an alternative setting by the board of trustees or the board's
10 designee is subject to that placement until:

11 (1) the student graduates from high school;

12 (2) the charges described by Subsection (a)(1) are
13 dismissed or reduced to a misdemeanor offense; or

14 (3) the student completes the term of the placement or
15 is assigned to another program [~~may order placement in accordance~~
16 ~~with this section for any period considered necessary by the board~~
17 ~~or the board's designee in connection with the determination made~~
18 ~~under Subsection (a)(2)].~~

19 (e) A student placed in an alternative setting [~~a~~
20 ~~disciplinary alternative education program]~~ in accordance with
21 this section is entitled to the periodic review prescribed by
22 Section 37.009(e).

23 (f) Subsection (d) continues to apply to the student if the
24 student transfers to another school district in the state.

25 (g) To the extent of a conflict between this section and
26 Section 37.007, Section 37.007 prevails.

27 SECTION 2. (a) This Act applies beginning with the

1 2007-2008 school year.

2 (b) Section 37.0081, Education Code, as amended by this Act,
3 applies to any student who attends school on or after the effective
4 date of this Act and who engaged in conduct described by that
5 section, regardless of the date on which the conduct occurred.

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