

By: Patrick

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 Notwithstanding any other provision of this subchapter, the board
11 of trustees of a school district, or the board's designee, after an
12 opportunity for a hearing may expel a student and elect to place the
13 [a] student in an alternative setting as provided by Subsection
14 (a-1) [in a disciplinary alternative education program under
15 Section 37.008] if:

16 (1) the student:

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

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

23 (C) is charged with engaging in conduct defined
24 as a felony offense in Title 5, Penal Code; or

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

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

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

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

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

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

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

20 (2) a disciplinary alternative education program.

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

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

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

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

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

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

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

10 (1) the student graduates from high school; or

11 (2) the charges described by Subsection (a)(1) are
12 dismissed or reduced to a misdemeanor offense [~~may order placement~~
13 ~~in accordance with this section for any period considered necessary~~
14 ~~by the board or the board's designee in connection with the~~
15 ~~determination made under Subsection (a)(2)].~~

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

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

22 SECTION 2. (a) This Act applies beginning with the
23 2007-2008 school year.

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

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