

1-1 By: Patrick, et al. (Senate Sponsor - Shapiro) H.B. No. 2532  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on  
1-4 Education; May 18, 2007, reported favorably by the following vote:  
1-5 Yeas 6, Nays 1; May 18, 2007, sent to printer.)

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

1-8 relating to the expulsion and placement in alternative settings of  
1-9 public school students who engage in conduct constituting certain  
1-10 felonies.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 37.0081, Education Code, is amended to  
1-13 read as follows:

1-14 Sec. 37.0081. EXPULSION AND PLACEMENT OF CERTAIN STUDENTS  
1-15 IN ~~[DISCIPLINARY]~~ ALTERNATIVE SETTINGS ~~[EDUCATION PROGRAMS]~~. (a)  
1-16 Subject to Subsection (h), but notwithstanding ~~[Notwithstanding]~~  
1-17 any other provision of this subchapter, the board of trustees of a  
1-18 school district, or the board's designee, after an opportunity for  
1-19 a hearing may expel a student and elect to place the ~~[a]~~ student in  
1-20 an alternative setting as provided by Subsection (a-1) ~~[in a~~  
1-21 ~~disciplinary alternative education program under Section 37.008]~~  
1-22 if:

1-23 (1) the student:

1-24 (A) has received deferred prosecution under  
1-25 Section 53.03, Family Code, for conduct defined as a felony offense  
1-26 in Title 5, Penal Code; ~~[or]~~

1-27 (B) has been found by a court or jury to have  
1-28 engaged in delinquent conduct under Section 54.03, Family Code, for  
1-29 conduct defined as a felony offense in Title 5, Penal Code;

1-30 (C) is charged with engaging in conduct defined  
1-31 as a felony offense in Title 5, Penal Code;

1-32 (D) has been referred to a juvenile court for  
1-33 allegedly engaging in delinquent conduct under Section 54.03,  
1-34 Family Code, for conduct defined as a felony offense in Title 5,  
1-35 Penal Code;

1-36 (E) has received probation or deferred  
1-37 adjudication for a felony offense under Title 5, Penal Code;

1-38 (F) has been convicted of a felony offense under  
1-39 Title 5, Penal Code; or

1-40 (G) has been arrested for or charged with a  
1-41 felony offense under Title 5, Penal Code; and

1-42 (2) the board or the board's designee determines that  
1-43 the student's presence in the regular classroom:

1-44 (A) threatens the safety of other students or  
1-45 teachers;

1-46 (B) will be detrimental to the educational  
1-47 process; or

1-48 (C) is not in the best interests of the  
1-49 district's students.

1-50 (a-1) The student must be placed in:

1-51 (1) a juvenile justice alternative education program,  
1-52 if the school district is located in a county that operates a  
1-53 juvenile justice alternative education program or the school  
1-54 district contracts with the juvenile board of another county for  
1-55 the provision of a juvenile justice alternative education program;  
1-56 or

1-57 (2) a disciplinary alternative education program.

1-58 (b) Any decision of the board of trustees or the board's  
1-59 designee under this section is final and may not be appealed.

1-60 (c) The board of trustees or the board's designee may expel  
1-61 the student and order placement in accordance with this section  
1-62 regardless of:

1-63 (1) the date on which the student's conduct occurred;

1-64 (2) the location at which the conduct occurred;

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

2-3 (4) whether the student has successfully completed any  
2-4 court disposition requirements imposed in connection with the  
2-5 conduct.

2-6 (d) Notwithstanding Section 37.009(c) or (d) or any other  
2-7 provision of this subchapter, a student expelled and ordered placed  
2-8 in an alternative setting by the board of trustees or the board's  
2-9 designee is subject to that placement until:

2-10 (1) the student graduates from high school;

2-11 (2) the charges described by Subsection (a)(1) are  
2-12 dismissed or reduced to a misdemeanor offense; or

2-13 (3) the student completes the term of the placement or  
2-14 is assigned to another program [~~may order placement in accordance~~  
2-15 ~~with this section for any period considered necessary by the board~~  
2-16 ~~or the board's designee in connection with the determination made~~  
2-17 ~~under Subsection (a)(2)].~~

2-18 (e) A student placed in an alternative setting [~~a~~  
2-19 ~~disciplinary alternative education program]~~ in accordance with  
2-20 this section is entitled to the periodic review prescribed by  
2-21 Section 37.009(e).

2-22 (f) Subsection (d) continues to apply to the student if the  
2-23 student transfers to another school district in the state.

2-24 (g) The board of trustees shall reimburse a juvenile justice  
2-25 alternative education program in which a student is placed under  
2-26 this section for the actual cost incurred each day for the student  
2-27 while the student is enrolled in the program. For purposes of this  
2-28 subsection:

2-29 (1) the actual cost incurred each day for the student  
2-30 is determined by the juvenile board of the county operating the  
2-31 program; and

2-32 (2) the juvenile board shall determine the actual cost  
2-33 each day of the program based on the board's annual audit.

2-34 (h) To the extent of a conflict between this section and  
2-35 Section 37.007, Section 37.007 prevails.

2-36 SECTION 2. (a) This Act applies beginning with the  
2-37 2007-2008 school year.

2-38 (b) Section 37.0081, Education Code, as amended by this Act,  
2-39 applies to any student who attends school on or after the effective  
2-40 date of this Act and who engaged in conduct described by that  
2-41 section, regardless of the date on which the conduct occurred.

2-42 SECTION 3. This Act takes effect immediately if it receives  
2-43 a vote of two-thirds of all the members elected to each house, as  
2-44 provided by Section 39, Article III, Texas Constitution. If this  
2-45 Act does not receive the vote necessary for immediate effect, this  
2-46 Act takes effect September 1, 2007.

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