

By: Strama

H.B. No. 349

A BILL TO BE ENTITLED

AN ACT

relating to placement of public school students with certain disabilities in juvenile justice alternative education programs.

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

SECTION 1. Section 37.004, Education Code, is amended by adding Subsections (e) and (f) to read as follows:

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

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

(2) Section 37.007(d) as a result of conduct that

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

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

19 SECTION 2. This Act applies beginning with the 2009-2010  
20 school year.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.