

By: Raymond

H.B. No. 542

A BILL TO BE ENTITLED

AN ACT

1
2 relating to placement of public school students in Junior Reserve
3 Officers' Training Corps programs as an alternative in certain
4 circumstances to placement in disciplinary or juvenile justice
5 alternative education programs.

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

7 SECTION 1. Sections 37.001(a) and (e), Education Code, are
8 amended to read as follows:

9 (a) The board of trustees of an independent school district
10 shall, with the advice of its district-level committee established
11 under Subchapter F, Chapter 11, adopt a student code of conduct for
12 the district. The student code of conduct must be posted and
13 prominently displayed at each school campus or made available for
14 review at the office of the campus principal. In addition to
15 establishing standards for student conduct, the student code of
16 conduct must:

17 (1) specify the circumstances, in accordance with this
18 subchapter, under which a student may be removed from a classroom,
19 campus, or disciplinary alternative education program;

20 (2) specify conditions that authorize or require a
21 principal or other appropriate administrator to require a student
22 to participate in a Junior Reserve Officers' Training Corps program
23 or to transfer a student to a disciplinary alternative education
24 program;

1 (3) outline conditions under which a student may be
2 suspended as provided by Section 37.005 or expelled as provided by
3 Section 37.007;

4 (4) specify whether consideration is given, as a
5 factor in a decision to order suspension, participation in a Junior
6 Reserve Officers' Training Corps program, removal to a disciplinary
7 alternative education program, or expulsion, to:

8 (A) self-defense;

9 (B) intent or lack of intent at the time the
10 student engaged in the conduct;

11 (C) a student's disciplinary history; or

12 (D) a disability that substantially impairs the
13 student's capacity to appreciate the wrongfulness of the student's
14 conduct;

15 (5) provide guidelines for setting the length of a
16 term of:

17 (A) a removal under Section 37.006; ~~and~~

18 (B) an expulsion under Section 37.007; and

19 (C) required participation under Section
20 37.0055;

21 (6) address the notification of a student's parent or
22 guardian of a violation of the student code of conduct committed by
23 the student that results in suspension, required participation in a
24 Junior Reserve Officers' Training Corps program, removal to a
25 disciplinary alternative education program, or expulsion;

26 (7) prohibit bullying, harassment, and making hit
27 lists and ensure that district employees enforce those

1 prohibitions; and

2 (8) provide, as appropriate for students at each grade
3 level, methods, including options, for:

4 (A) managing students in the classroom and on
5 school grounds;

6 (B) disciplining students; and

7 (C) preventing and intervening in student
8 discipline problems, including bullying, harassment, and making
9 hit lists.

10 (e) Except as provided by Section 37.007(e), this
11 subchapter does not require the student code of conduct to specify a
12 minimum term of required participation under Section 37.0055, a
13 removal under Section 37.006, or an expulsion under Section 37.007.

14 SECTION 2. Section 37.002, Education Code, is amended by
15 adding Subsection (e) to read as follows:

16 (e) This section is subject to Section 37.0055.

17 SECTION 3. Subchapter A, Chapter 37, Education Code, is
18 amended by adding Section 37.0055 to read as follows:

19 Sec. 37.0055. MANDATORY ALTERNATIVE PLACEMENT IN CERTAIN
20 CIRCUMSTANCES: JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC).

21 (a) Notwithstanding any other provision of this subchapter and
22 except as provided by Subsection (c), a student who is otherwise
23 required or permitted under this subchapter to be placed in a
24 disciplinary alternative education program or juvenile justice
25 alternative education program must, instead of that placement, be
26 required to participate in a Junior Reserve Officers' Training
27 Corps program if:

1 (1) the school the student attends offers the program;

2 and

3 (2) the student meets the initial eligibility
4 requirements for the program.

5 (b) A student required to participate in a Junior Reserve
6 Officers' Training Corps program under this section continues to
7 attend the student's regularly assigned classes, except that the
8 student's schedule may be modified to the extent necessary to
9 provide for required attendance in the program.

10 (c) This section does not apply if:

11 (1) the student is removed from class and placed into
12 another appropriate classroom or into in-school suspension under
13 Section 37.002 or is suspended under Section 37.005;

14 (2) the student engages in conduct described by
15 Section 37.006(a)(2)(B) or Section 37.007(a)(2) or (b)(2)(C);

16 (3) the continued presence of the student in the
17 regular classroom threatens the safety of other students or
18 teachers; or

19 (4) the student engages in conduct for which the
20 student is required to be expelled from the student's regular
21 campus under federal law.

22 (d) Section 37.006(e) applies to this section. Not later
23 than the third class day after the date a student is required to
24 participate in a Junior Reserve Officers' Training Corps program
25 under this section, the school district shall notify the student's
26 parent or guardian of the student's placement. The notice must
27 include the reason for the placement.

1 (e) The board of trustees of the school district or the
2 board's designee shall set a term for a student's required
3 participation in a Junior Reserve Officers' Training Corps program
4 under this section. The term must be for a period consistent with
5 the guidelines adopted under the student code of conduct in
6 accordance with Section 37.001(a)(5)(C). If the period of
7 placement is inconsistent with the guidelines adopted under the
8 student code of conduct, the notice under Subsection (d) must
9 provide an explanation of the inconsistency.

10 (f) Notwithstanding Section 7.057(e), the decision to
11 require a student to participate in a Junior Reserve Officers'
12 Training Corps program under this section may be appealed by the
13 student or the student's parent or guardian to the commissioner as
14 provided by Sections 7.057(b), (c), (d), and (f).

15 (g) Before a student may be required to participate in a
16 Junior Reserve Officers' Training Corps program under this section
17 for a period that extends beyond the end of a school year, the board
18 of trustees or the board's designee must determine that the student
19 has engaged in serious or persistent misbehavior that violates the
20 district's student code of conduct. The period of required
21 participation may not exceed one year unless, after review, the
22 board or the board's designee determines that extended placement is
23 in the best interest of the student.

24 (h) The board of trustees shall inform each educator who has
25 responsibility for, or is under the direction and supervision of an
26 educator who has responsibility for, the instruction of a student
27 who is required to participate in a Junior Reserve Officers'

1 Training Corps program under this section. Each educator shall
2 keep the information received under this subsection confidential
3 from any person not entitled to the information under this
4 subsection, except that the educator may share the information with
5 the student's parent or guardian as provided for by state or federal
6 law. The State Board for Educator Certification may revoke or
7 suspend the certification of an educator who intentionally violates
8 this subsection or Subsection (i).

9 (i) If a student required to participate in a Junior Reserve
10 Officers' Training Corps program under this section enrolls in
11 another school district before the expiration of the period of
12 required participation, the board of trustees of the school
13 district requiring the participation shall provide to the district
14 in which the student enrolls, at the same time other records of the
15 student are provided, a copy of the placement order. The district
16 in which the student enrolls shall inform each educator who will
17 have responsibility for, or will be under the direction and
18 supervision of an educator who will have responsibility for, the
19 instruction of the student of the contents of the placement order.
20 Each educator shall keep the information received under this
21 subsection confidential from any person not entitled to the
22 information under this subsection, except that the educator may
23 share the information with the student's parent or guardian as
24 provided for by state or federal law. The district in which the
25 student enrolls may continue the Junior Reserve Officers' Training
26 Corps program placement under the terms of the order or may allow
27 the student to attend regular classes without completing the period

1 of required participation. If the school the student attends in the
2 district in which the student enrolls does not offer a Junior
3 Reserve Officers' Training Corps program, the student may be placed
4 in a disciplinary alternative education program or a juvenile
5 justice alternative education program under the procedures
6 provided by this subchapter for the remainder of the term set under
7 Subsection (e).

8 (j) A student required to participate in a Junior Reserve
9 Officers' Training Corps program under this section is subject to
10 the provisions of this subchapter relating to removal from class
11 and placement in a disciplinary alternative education program or
12 juvenile justice alternative education program if the student,
13 after any required participation in a Junior Reserve Officers'
14 Training Corps program under this section, engages in subsequent
15 conduct requiring or permitting the student to be removed from
16 class and placed in a disciplinary alternative education program or
17 juvenile justice alternative education program under this
18 subchapter.

19 SECTION 4. Section 37.006, Education Code, is amended by
20 adding Subsection (p) to read as follows:

21 (p) This section is subject to Section 37.0055.

22 SECTION 5. Section 37.007, Education Code, is amended by
23 adding Subsection (j) to read as follows:

24 (j) This section is subject to Section 37.0055.

25 SECTION 6. Section 37.0091(a), Education Code, is amended
26 to read as follows:

27 (a) A noncustodial parent may request in writing that a

1 school district or school, for the remainder of the school year in
2 which the request is received, provide that parent with a copy of
3 any written notification relating to alternative placement under
4 Section 37.0055 or student misconduct under Section 37.006 or
5 37.007 that is generally provided by the district or school to a
6 student's parent or guardian.

7 SECTION 7. Section 37.020, Education Code, is amended by
8 adding Subsection (d) to read as follows:

9 (d) For each placement in a Junior Reserve Officers'
10 Training Corps program under Section 37.0055, the district shall
11 report:

12 (1) information identifying the student, including
13 the student's race, sex, and date of birth, that will enable the
14 agency to compare placement data with information collected through
15 other reports;

16 (2) information indicating whether the placement was
17 based on:

18 (A) conduct violating the student code of conduct
19 adopted under Section 37.001;

20 (B) conduct for which placement in a Junior
21 Reserve Officers' Training Corps program is required or permitted
22 by Section 37.0055; or

23 (C) conduct occurring while a student was
24 enrolled in another district and for which placement in a Junior
25 Reserve Officers' Training Corps program is permitted by Section
26 37.0055(i);

27 (3) the number of full or partial days the student was

1 assigned to the program and the number of full or partial days the
2 student attended the program; and

3 (4) the number of placements that were inconsistent
4 with the guidelines included in the student code of conduct under
5 Section 37.001(a)(5)(C).

6 SECTION 8. Section 39.182(a), Education Code, is amended to
7 read as follows:

8 (a) Not later than December 1 of each year, the agency shall
9 prepare and deliver to the governor, the lieutenant governor, the
10 speaker of the house of representatives, each member of the
11 legislature, the Legislative Budget Board, and the clerks of the
12 standing committees of the senate and house of representatives with
13 primary jurisdiction over the public school system a comprehensive
14 report covering the preceding school year and containing:

15 (1) an evaluation of the achievements of the state
16 educational program in relation to the statutory goals for the
17 public education system under Section 4.002;

18 (2) an evaluation of the status of education in the
19 state as reflected by the academic excellence indicators adopted
20 under Section 39.051;

21 (3) a summary compilation of overall student
22 performance on academic skills assessment instruments required by
23 Section 39.023 with the number and percentage of students exempted
24 from the administration of those instruments and the basis of the
25 exemptions, aggregated by grade level, subject area, campus, and
26 district, with appropriate interpretations and analysis, and
27 disaggregated by race, ethnicity, gender, and socioeconomic

1 status;

2 (4) a summary compilation of overall performance of
3 students placed in a disciplinary alternative education program
4 established under Section 37.008 on academic skills assessment
5 instruments required by Section 39.023 with the number of those
6 students exempted from the administration of those instruments and
7 the basis of the exemptions, aggregated by district, grade level,
8 and subject area, with appropriate interpretations and analysis,
9 and disaggregated by race, ethnicity, gender, and socioeconomic
10 status;

11 (5) a summary compilation of overall performance of
12 students at risk of dropping out of school, as defined by Section
13 29.081(d), on academic skills assessment instruments required by
14 Section 39.023 with the number of those students exempted from the
15 administration of those instruments and the basis of the
16 exemptions, aggregated by district, grade level, and subject area,
17 with appropriate interpretations and analysis, and disaggregated
18 by race, ethnicity, gender, and socioeconomic status;

19 (6) an evaluation of the correlation between student
20 grades and student performance on academic skills assessment
21 instruments required by Section 39.023;

22 (7) a statement of the dropout rate of students in
23 grade levels 7 through 12, expressed in the aggregate and by grade
24 level, and a statement of the completion rates of students for grade
25 levels 9 through 12;

26 (8) a statement of:

27 (A) the completion rate of students who enter

1 grade level 9 and graduate not more than four years later;

2 (B) the completion rate of students who enter
3 grade level 9 and graduate, including students who require more
4 than four years to graduate;

5 (C) the completion rate of students who enter
6 grade level 9 and not more than four years later receive a high
7 school equivalency certificate;

8 (D) the completion rate of students who enter
9 grade level 9 and receive a high school equivalency certificate,
10 including students who require more than four years to receive a
11 certificate; and

12 (E) the number and percentage of all students who
13 have not been accounted for under Paragraph (A), (B), (C), or (D);

14 (9) a statement of the projected cross-sectional and
15 longitudinal dropout rates for grade levels 9 through 12 for the
16 next five years, assuming no state action is taken to reduce the
17 dropout rate;

18 (10) a description of a systematic, measurable plan
19 for reducing the projected cross-sectional and longitudinal
20 dropout rates to five percent or less for the 1997-1998 school year;

21 (11) a summary of the information required by Section
22 29.083 regarding grade level retention of students and information
23 concerning:

24 (A) the number and percentage of students
25 retained; and

26 (B) the performance of retained students on
27 assessment instruments required under Section 39.023(a);

1 (12) information, aggregated by district type and
2 disaggregated by race, ethnicity, gender, [~~and~~] socioeconomic
3 status, and program type, on:

4 (A) the number of students placed in a
5 disciplinary alternative education program established under
6 Section 37.008 or a Junior Reserve Officers' Training Corps program
7 under Section 37.0055;

8 (B) the average length of a student's placement
9 in a disciplinary alternative education program established under
10 Section 37.008 or a Junior Reserve Officers' Training Corps program
11 under Section 37.0055;

12 (C) the academic performance of students on
13 assessment instruments required under Section 39.023(a) during the
14 year preceding and during the year following placement in a
15 disciplinary alternative education program or a Junior Reserve
16 Officers' Training Corps program under Section 37.0055; and

17 (D) the dropout rates of students who have been
18 placed in a disciplinary alternative education program established
19 under Section 37.008 or a Junior Reserve Officers' Training Corps
20 program under Section 37.0055;

21 (13) a list of each school district or campus that does
22 not satisfy performance standards, with an explanation of the
23 actions taken by the commissioner to improve student performance in
24 the district or campus and an evaluation of the results of those
25 actions;

26 (14) an evaluation of the status of the curriculum
27 taught in public schools, with recommendations for legislative

1 changes necessary to improve or modify the curriculum required by
2 Section 28.002;

3 (15) a description of all funds received by and each
4 activity and expenditure of the agency;

5 (16) a summary and analysis of the instructional
6 expenditures ratios and instructional employees ratios of school
7 districts computed under Section 44.0071;

8 (17) a summary of the effect of deregulation,
9 including exemptions and waivers granted under Section 7.056 or
10 39.112;

11 (18) a statement of the total number and length of
12 reports that school districts and school district employees must
13 submit to the agency, identifying which reports are required by
14 federal statute or rule, state statute, or agency rule, and a
15 summary of the agency's efforts to reduce overall reporting
16 requirements;

17 (19) a list of each school district that is not in
18 compliance with state special education requirements, including:

19 (A) the period for which the district has not
20 been in compliance;

21 (B) the manner in which the agency considered the
22 district's failure to comply in determining the district's
23 accreditation status; and

24 (C) an explanation of the actions taken by the
25 commissioner to ensure compliance and an evaluation of the results
26 of those actions;

27 (20) a comparison of the performance of

1 open-enrollment charter schools and school districts on the
2 academic excellence indicators specified in Section 39.051(b) and
3 accountability measures adopted under Section 39.051(g), with a
4 separately aggregated comparison of the performance of
5 open-enrollment charter schools predominantly serving students at
6 risk of dropping out of school, as defined by Section 29.081(d),
7 with the performance of school districts;

8 (21) a summary of the information required by Section
9 38.0141 regarding student health and physical activity from each
10 school district;

11 (22) a summary compilation of overall student
12 performance under the assessment system developed to evaluate the
13 longitudinal academic progress as required by Section 39.027(e),
14 disaggregated by bilingual education or special language program
15 instructional model, if any; and

16 (23) any additional information considered important
17 by the commissioner or the State Board of Education.

18 SECTION 9. This Act applies beginning with the 2009-2010
19 school year.

20 SECTION 10. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2009.