

By: Edwards

H.B. No. 1249

A BILL TO BE ENTITLED

AN ACT

relating to the application to open-enrollment charter schools of certain laws governing public school discipline and law and order.

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

SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) satisfactory performance on assessment instruments and to accelerated instruction under Section 28.0211;

(E) high school graduation under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

1 (G) bilingual education under Subchapter B,
2 Chapter 29;

3 (H) prekindergarten programs under Subchapter E,
4 Chapter 29;

5 (I) extracurricular activities under Section
6 33.081;

7 (J) discipline and law and order [~~management~~
8 ~~practices or behavior management techniques~~] under Chapter 37
9 [~~Section 37.0021~~];

10 (K) health and safety under Chapter 38;

11 (L) public school accountability under
12 Subchapters B, C, D, and G, Chapter 39;

13 (M) the requirement under Section 21.006 to
14 report an educator's misconduct; and

15 (N) intensive programs of instruction under
16 Section 28.0213.

17 SECTION 2. Section 37.008(j), Education Code, is amended to
18 read as follows:

19 (j) If a student placed in a disciplinary alternative
20 education program enrolls in another school district before the
21 expiration of the period of placement, the board of trustees of the
22 district requiring the placement shall provide to the district in
23 which the student enrolls, at the same time other records of the
24 student are provided, a copy of the placement order. The district
25 in which the student enrolls shall inform each educator who will
26 have responsibility for, or will be under the direction and
27 supervision of an educator who will have responsibility for, the

1 instruction of the student of the contents of the placement order.
2 Each educator shall keep the information received under this
3 subsection confidential from any person not entitled to the
4 information under this subsection, except that the educator may
5 share the information with the student's parent or guardian as
6 provided for by state or federal law. The district in which the
7 student enrolls may continue the disciplinary alternative
8 education program placement under the terms of the order or may
9 allow the student to attend regular classes without completing the
10 period of placement. A district may take any action permitted by
11 this subsection if [+

12 ~~[(1) the student was placed in a disciplinary~~
13 ~~alternative education program by an open-enrollment charter school~~
14 ~~under Section 12.131 and the charter school provides to the~~
15 ~~district a copy of the placement order; or~~

16 ~~[(2)]~~ the student was placed in a disciplinary
17 alternative education program by a school district in another state
18 and:

19 (1) ~~[(A)]~~ the out-of-state district provides to the
20 district a copy of the placement order; and

21 (2) ~~[(B)]~~ the grounds for the placement by the
22 out-of-state district are grounds for placement in the district in
23 which the student is enrolling.

24 SECTION 3. Section 12.131, Education Code, is repealed.

25 SECTION 4. This Act applies beginning with the 2009-2010
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.