

By: Olivo

H.B. No. 3036

A BILL TO BE ENTITLED

AN ACT

relating to certain rights under a school district code of conduct of a student with disabilities and the student's parent.

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

SECTION 1. Section 37.001, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) The methods adopted under Subsection (a)(8) must provide that a student who, under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), is considered to have a disability may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct and the student's parent has been provided written notice concerning the meeting. The date originally scheduled for the committee meeting may not be earlier than the third day after the date on which the parent is provided the notice. The notice must include the date and location of the committee meeting, the parent's right to attend the meeting, and the parent's right and the school district's obligation to attempt to reschedule a meeting scheduled for a date or time that conflicts with the parent's employment or that does not provide the time needed for the parent to prepare for the meeting. In addition, the notice must request that the parent contact, not later than a reasonable date specified by the notice, the district employee whose name and contact information are specified in the

1 notice to confirm that the parent has received the notice and to
2 inform the district employee whether the parent intends to attend
3 the committee meeting or would like the district to reschedule the
4 meeting. If a parent does not respond to the notice by the day
5 before the date on which the committee meeting is scheduled to be
6 held, the district must make a reasonable effort to contact the
7 parent by oral communication. If the parent then provides good
8 cause, as determined by the district, for failing to respond to the
9 original notice, the district shall reschedule the committee
10 meeting for another reasonable date.

11 SECTION 2. This Act applies beginning with the 2009-2010
12 school year.

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