

By: Olivo

H.B. No. 3037

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a student's right to a review of the student's placement
3 in a disciplinary alternative education program following notice of
4 the student's arrest or referral for certain off-campus conduct.

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

6 SECTION 1. Section 37.006(h), Education Code, is amended to
7 read as follows:

8 (h) On receipt of notice under Article 15.27(g), Code of
9 Criminal Procedure, the superintendent or the superintendent's
10 designee shall review the student's placement in the disciplinary
11 alternative education program. The student may not be returned to
12 the regular classroom pending the review. Unless a parent or
13 guardian requests, orally or in writing, additional time before a
14 review, the [The] superintendent or the superintendent's designee
15 shall schedule a review of the student's placement with the
16 student's parent or guardian not later than the third class day
17 after the superintendent or superintendent's designee receives
18 notice from the office or official designated by the court. If an
19 extension is requested by a parent or guardian under this
20 subsection, a review must be scheduled not later than the 15th class
21 day after the date the notice was received by the superintendent or
22 the superintendent's designee. After reviewing the notice and
23 receiving information from the student's parent or guardian, the
24 superintendent or the superintendent's designee may continue the

1 student's placement in the disciplinary alternative education
2 program if there is reason to believe that the presence of the
3 student in the regular classroom threatens the safety of other
4 students or teachers.

5 SECTION 2. This Act applies beginning with the 2009-2010
6 school year.

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