

By: Olivo

H.B. No. 4599

A BILL TO BE ENTITLED

AN ACT

relating to an appeal for certain students placed in a disciplinary alternative education program.

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

SECTION 1. Section 37.009, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Except as provided by Subsection (b-1), any [~~Any~~] decision of the board or the board's designee under this subsection is final and may not be appealed.

(b-1) A student's placement in a disciplinary alternative education program may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located if the school district has received notice as required by Article 15.27(g), Code of Criminal Procedure, that, in connection with the conduct that resulted in the student's placement in the program:

(1) the student will not be prosecuted;

1 (2) a court or jury found the student not guilty; or
2 (3) the court made a finding that the child did not
3 engage in delinquent conduct or conduct indicating a need for
4 supervision.

5 SECTION 2. This Act takes effect September 1, 2009.