

By: Olivo

H.B. No. 4602

A BILL TO BE ENTITLED

AN ACT

relating to readmission of a student to a regular school setting following notice that charges against the student were dismissed.

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

SECTION 1. Sections 37.006(h) and (i), Education Code, are amended to read as follows:

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review, except that, as determined by the superintendent or the superintendent's designee, the student may be returned to the regular classroom pending the review if the notice results from conduct that occurred off of school property. The superintendent or the superintendent's designee shall schedule a review of the student's placement in the disciplinary alternative education program with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of

1 the student in the regular classroom threatens the safety of other  
2 students or teachers.

3 (i) The student or the student's parent or guardian may  
4 appeal to the board of trustees the superintendent's decision to  
5 retain the student in the disciplinary alternative education  
6 program under Subsection (h) [~~to the board of trustees~~]. The  
7 student may not be returned to the regular classroom pending the  
8 appeal. The board shall, at the next scheduled meeting, review the  
9 notice provided under Article 15.27(g), Code of Criminal Procedure,  
10 and receive information from the student, the student's parent or  
11 guardian, and the superintendent or superintendent's designee and  
12 confirm or reverse the decision under Subsection (h). The board  
13 shall make a record of the proceedings. If the board confirms the  
14 decision of the superintendent or superintendent's designee, the  
15 board shall inform the student and the student's parent or guardian  
16 of the right to appeal to the commissioner under Subsection (j).

17 SECTION 2. This Act applies beginning with the 2009-2010  
18 school year.

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