

By: Raymond

H.B. No. 169

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to placement of public school students in Junior Reserve  
3 Officers' Training Corps programs as an alternative in certain  
4 circumstances to placement in disciplinary or juvenile justice  
5 alternative education programs.

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

7 SECTION 1. Sections 37.001(a) and (e), Education Code, are  
8 amended to read as follows:

9 (a) The board of trustees of an independent school district  
10 shall, with the advice of its district-level committee established  
11 under Subchapter F, Chapter 11, adopt a student code of conduct for  
12 the district. The student code of conduct must be posted and  
13 prominently displayed at each school campus or made available for  
14 review at the office of the campus principal. In addition to  
15 establishing standards for student conduct, the student code of  
16 conduct must:

17 (1) specify the circumstances, in accordance with this  
18 subchapter, under which a student may be removed from a classroom,  
19 campus, or disciplinary alternative education program;

20 (2) specify conditions that authorize or require a  
21 principal or other appropriate administrator to require a student  
22 to participate in a Junior Reserve Officers' Training Corps program  
23 or to transfer a student to a disciplinary alternative education  
24 program;

1 (3) outline conditions under which a student may be  
2 suspended as provided by Section 37.005 or expelled as provided by  
3 Section 37.007;

4 (4) specify that consideration will be given, as a  
5 factor in each decision concerning suspension, participation in a  
6 Junior Reserve Officers' Training Corps program, removal to a  
7 disciplinary alternative education program, expulsion, or  
8 placement in a juvenile justice alternative education program,  
9 regardless of whether the decision concerns a mandatory or  
10 discretionary action, to:

11 (A) self-defense;

12 (B) intent or lack of intent at the time the  
13 student engaged in the conduct;

14 (C) a student's disciplinary history; or

15 (D) a disability that substantially impairs the  
16 student's capacity to appreciate the wrongfulness of the student's  
17 conduct;

18 (5) provide guidelines for setting the length of a  
19 term of:

20 (A) a removal under Section 37.006; ~~and~~

21 (B) an expulsion under Section 37.007; and

22 (C) required participation under Section  
23 37.0055;

24 (6) address the notification of a student's parent or  
25 guardian of a violation of the student code of conduct committed by  
26 the student that results in suspension, required participation in a  
27 Junior Reserve Officers' Training Corps program, removal to a

1 disciplinary alternative education program, or expulsion;

2 (7) prohibit bullying, harassment, and making hit  
3 lists and ensure that district employees enforce those  
4 prohibitions; and

5 (8) provide, as appropriate for students at each grade  
6 level, methods, including options, for:

7 (A) managing students in the classroom and on  
8 school grounds;

9 (B) disciplining students; and

10 (C) preventing and intervening in student  
11 discipline problems, including bullying, harassment, and making  
12 hit lists.

13 (e) Except as provided by Section 37.007(e), this  
14 subchapter does not require the student code of conduct to specify a  
15 minimum term of required participation under Section 37.0055, a  
16 removal under Section 37.006, or an expulsion under Section 37.007.

17 SECTION 2. Section 37.002, Education Code, is amended by  
18 adding Subsection (e) to read as follows:

19 (e) This section is subject to Section 37.0055.

20 SECTION 3. Subchapter A, Chapter 37, Education Code, is  
21 amended by adding Section 37.0055 to read as follows:

22 Sec. 37.0055. MANDATORY ALTERNATIVE PLACEMENT IN CERTAIN  
23 CIRCUMSTANCES: JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC).

24 (a) Notwithstanding any other provision of this subchapter and  
25 except as provided by Subsection (c), a student who is otherwise  
26 required or permitted under this subchapter to be placed in a  
27 disciplinary alternative education program or juvenile justice

1 alternative education program must, instead of that placement, be  
2 required to participate in a Junior Reserve Officers' Training  
3 Corps program if:

4 (1) the school the student attends offers the program;  
5 and

6 (2) the student meets the initial eligibility  
7 requirements for the program.

8 (b) A student required to participate in a Junior Reserve  
9 Officers' Training Corps program under this section continues to  
10 attend the student's regularly assigned classes, except that the  
11 student's schedule may be modified to the extent necessary to  
12 provide for required attendance in the program.

13 (c) This section does not apply if:

14 (1) the student is removed from class and placed into  
15 another appropriate classroom or into in-school suspension under  
16 Section 37.002 or is suspended under Section 37.005;

17 (2) the student engages in conduct described by  
18 Section 37.006(a)(2)(B) or Section 37.007(a)(2) or (b)(2)(C);

19 (3) the continued presence of the student in the  
20 regular classroom threatens the safety of other students or  
21 teachers; or

22 (4) the student engages in conduct for which the  
23 student is required to be expelled from the student's regular  
24 campus under federal law.

25 (d) Section 37.006(e) applies to this section. Not later  
26 than the third class day after the date a student is required to  
27 participate in a Junior Reserve Officers' Training Corps program

1 under this section, the school district shall notify the student's  
2 parent or guardian of the student's placement. The notice must  
3 include the reason for the placement.

4 (e) The board of trustees of the school district or the  
5 board's designee shall set a term for a student's required  
6 participation in a Junior Reserve Officers' Training Corps program  
7 under this section. The term must be for a period consistent with  
8 the guidelines adopted under the student code of conduct in  
9 accordance with Section 37.001(a)(5)(C). If the period of  
10 placement is inconsistent with the guidelines adopted under the  
11 student code of conduct, the notice under Subsection (d) must  
12 provide an explanation of the inconsistency.

13 (f) Notwithstanding Section 7.057(e), the decision to  
14 require a student to participate in a Junior Reserve Officers'  
15 Training Corps program under this section may be appealed by the  
16 student or the student's parent or guardian to the commissioner as  
17 provided by Sections 7.057(b), (c), (d), and (f).

18 (g) Before a student may be required to participate in a  
19 Junior Reserve Officers' Training Corps program under this section  
20 for a period that extends beyond the end of a school year, the board  
21 of trustees or the board's designee must determine that the student  
22 has engaged in serious or persistent misbehavior that violates the  
23 district's student code of conduct. The period of required  
24 participation may not exceed one year unless, after review, the  
25 board or the board's designee determines that extended placement is  
26 in the best interest of the student.

27 (h) The board of trustees shall inform each educator who has

1 responsibility for, or is under the direction and supervision of an  
2 educator who has responsibility for, the instruction of a student  
3 who is required to participate in a Junior Reserve Officers'  
4 Training Corps program under this section. Each educator shall  
5 keep the information received under this subsection confidential  
6 from any person not entitled to the information under this  
7 subsection, except that the educator may share the information with  
8 the student's parent or guardian as provided for by state or federal  
9 law. The State Board for Educator Certification may revoke or  
10 suspend the certification of an educator who intentionally violates  
11 this subsection or Subsection (i).

12 (i) If a student required to participate in a Junior Reserve  
13 Officers' Training Corps program under this section enrolls in  
14 another school district before the expiration of the period of  
15 required participation, the board of trustees of the school  
16 district requiring the participation shall provide to the district  
17 in which the student enrolls, at the same time other records of the  
18 student are provided, a copy of the placement order. The district  
19 in which the student enrolls shall inform each educator who will  
20 have responsibility for, or will be under the direction and  
21 supervision of an educator who will have responsibility for, the  
22 instruction of the student of the contents of the placement order.  
23 Each educator shall keep the information received under this  
24 subsection confidential from any person not entitled to the  
25 information under this subsection, except that the educator may  
26 share the information with the student's parent or guardian as  
27 provided for by state or federal law. The district in which the

1 student enrolls may continue the Junior Reserve Officers' Training  
2 Corps program placement under the terms of the order or may allow  
3 the student to attend regular classes without completing the period  
4 of required participation. If the school the student attends in the  
5 district in which the student enrolls does not offer a Junior  
6 Reserve Officers' Training Corps program, the student may be placed  
7 in a disciplinary alternative education program or a juvenile  
8 justice alternative education program under the procedures  
9 provided by this subchapter for the remainder of the term set under  
10 Subsection (e).

11 (j) A student required to participate in a Junior Reserve  
12 Officers' Training Corps program under this section is subject to  
13 the provisions of this subchapter relating to removal from class  
14 and placement in a disciplinary alternative education program or  
15 juvenile justice alternative education program if the student,  
16 after any required participation in a Junior Reserve Officers'  
17 Training Corps program under this section, engages in subsequent  
18 conduct requiring or permitting the student to be removed from  
19 class and placed in a disciplinary alternative education program or  
20 juvenile justice alternative education program under this  
21 subchapter.

22 SECTION 4. Section 37.006, Education Code, is amended by  
23 adding Subsection (p) to read as follows:

24 (p) This section is subject to Section 37.0055.

25 SECTION 5. Section 37.007, Education Code, is amended by  
26 adding Subsection (j) to read as follows:

27 (j) This section is subject to Section 37.0055.

1 SECTION 6. Section 37.0091(a), Education Code, is amended  
2 to read as follows:

3 (a) A noncustodial parent may request in writing that a  
4 school district or school, for the remainder of the school year in  
5 which the request is received, provide that parent with a copy of  
6 any written notification relating to alternative placement under  
7 Section 37.0055 or student misconduct under Section 37.006 or  
8 37.007 that is generally provided by the district or school to a  
9 student's parent or guardian.

10 SECTION 7. Section 37.020, Education Code, is amended by  
11 adding Subsection (d) to read as follows:

12 (d) For each placement in a Junior Reserve Officers'  
13 Training Corps program under Section 37.0055, the district shall  
14 report:

15 (1) information identifying the student, including  
16 the student's race, sex, and date of birth, that will enable the  
17 agency to compare placement data with information collected through  
18 other reports;

19 (2) information indicating whether the placement was  
20 based on:

21 (A) conduct violating the student code of conduct  
22 adopted under Section 37.001;

23 (B) conduct for which placement in a Junior  
24 Reserve Officers' Training Corps program is required or permitted  
25 by Section 37.0055; or

26 (C) conduct occurring while a student was  
27 enrolled in another district and for which placement in a Junior



1 Reserve Officers' Training Corps program is permitted by Section  
2 37.0055(i);

3 (3) the number of full or partial days the student was  
4 assigned to the program and the number of full or partial days the  
5 student attended the program; and

6 (4) the number of placements that were inconsistent  
7 with the guidelines included in the student code of conduct under  
8 Section 37.001(a)(5)(C).

9 SECTION 8. Section 39.332(b)(12), Education Code, is  
10 amended to read as follows:

11 (12) The report must contain information, aggregated  
12 by district type and disaggregated by race, ethnicity, gender,  
13 [~~and~~ socioeconomic status, and program type, on:

14 (A) the number of students placed in a  
15 disciplinary alternative education program established under  
16 Section 37.008 or a Junior Reserve Officers' Training Corps program  
17 under Section 37.0055;

18 (B) the average length of a student's placement  
19 in a disciplinary alternative education program established under  
20 Section 37.008 or a Junior Reserve Officers' Training Corps program  
21 under Section 37.0055;

22 (C) the academic performance of students on  
23 assessment instruments required under Section 39.023(a) during the  
24 year preceding and during the year following placement in a  
25 disciplinary alternative education program or a Junior Reserve  
26 Officers' Training Corps program under Section 37.0055; and

27 (D) the dropout rates of students who have been

1 placed in a disciplinary alternative education program established  
2 under Section 37.008 or a Junior Reserve Officers' Training Corps  
3 program under Section 37.0055.

4 SECTION 9. This Act applies beginning with the 2011-2012  
5 school year.

6 SECTION 10. This Act takes effect immediately if it  
7 receives a vote of two-thirds of all the members elected to each  
8 house, as provided by Section 39, Article III, Texas Constitution.  
9 If this Act does not receive the vote necessary for immediate  
10 effect, this Act takes effect September 1, 2011.