

By: Walle

H.B. No. 195

A BILL TO BE ENTITLED

AN ACT

relating to disciplinary action taken against public school students on the basis of serious and persistent misbehavior.

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

SECTION 1. Section 37.007(c), Education Code, is amended to read as follows:

(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious and ~~or~~ persistent misbehavior that violates the district's student code of conduct.

SECTION 2. Section 37.009(c), Education Code, is amended to read as follows:

(c) Before it may place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious and ~~or~~ persistent misbehavior that violates the district's student code of conduct.

SECTION 3. Sections 37.011(k) and (l), Education Code, are amended to read as follows:

1 (k) Each school district in a county with a population
2 greater than 125,000 and the county juvenile board shall annually
3 enter into a joint memorandum of understanding that:

4 (1) outlines the responsibilities of the juvenile
5 board concerning the establishment and operation of a juvenile
6 justice alternative education program under this section;

7 (2) defines the amount and conditions on payments from
8 the school district to the juvenile board for students of the school
9 district served in the juvenile justice alternative education
10 program whose placement was not made on the basis of an expulsion
11 required under Section 37.007(a), (d), or (e);

12 (3) identifies those categories of conduct that the
13 school district has defined in its student code of conduct as
14 constituting serious and ~~or~~ persistent misbehavior for which a
15 student may be placed in the juvenile justice alternative education
16 program;

17 (4) identifies and requires a timely placement and
18 specifies a term of placement for expelled students for whom the
19 school district has received a notice under Section 52.041(d),
20 Family Code;

21 (5) establishes services for the transitioning of
22 expelled students to the school district prior to the completion of
23 the student's placement in the juvenile justice alternative
24 education program;

25 (6) establishes a plan that provides transportation
26 services for students placed in the juvenile justice alternative
27 education program;

1 (7) establishes the circumstances and conditions
2 under which a juvenile may be allowed to remain in the juvenile
3 justice alternative education program setting once the juvenile is
4 no longer under juvenile court jurisdiction; and

5 (8) establishes a plan to address special education
6 services required by law.

7 (1) The school district shall be responsible for providing
8 an immediate educational program to students who engage in behavior
9 resulting in expulsion under Section 37.007(b), (c), and (f) but
10 who are not eligible for admission into the juvenile justice
11 alternative education program in accordance with the memorandum of
12 understanding required under this section. The school district may
13 provide the program or the school district may contract with a
14 county juvenile board, a private provider, or one or more other
15 school districts to provide the program. The memorandum of
16 understanding shall address the circumstances under which such
17 students who continue to engage in serious and ~~or~~ persistent
18 misbehavior shall be admitted into the juvenile justice alternative
19 education program.

20 SECTION 4. This Act applies beginning with the 2011-2012
21 school year.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.