

By: Berman

H.B. No. 562

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the development of juvenile justice alternative
3 education programs in counties with a population greater than
4 125,000.

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

6 SECTION 1. Section 25.086(a), Education Code, is amended to
7 read as follows:

8 (a) A child is exempt from the requirements of compulsory
9 school attendance if the child:

10 (1) attends a private or parochial school that
11 includes in its course a study of good citizenship;

12 (2) is eligible to participate in a school district's
13 special education program under Section 29.003 and cannot be
14 appropriately served by the resident district;

15 (3) has a physical or mental condition of a temporary
16 and remediable nature that makes the child's attendance infeasible
17 and holds a certificate from a qualified physician specifying the
18 temporary condition, indicating the treatment prescribed to remedy
19 the temporary condition, and covering the anticipated period of the
20 child's absence from school for the purpose of receiving and
21 recuperating from that remedial treatment;

22 (4) is expelled in accordance with the requirements of
23 law in a school district that does not participate in a [~~mandatory~~]
24 juvenile justice alternative education program under Section

1 37.011;

2 (5) is at least 17 years of age and:

3 (A) is attending a course of instruction to
4 prepare for the high school equivalency examination, and:

5 (i) has the permission of the child's parent
6 or guardian to attend the course;

7 (ii) is required by court order to attend
8 the course;

9 (iii) has established a residence separate
10 and apart from the child's parent, guardian, or other person having
11 lawful control of the child; or

12 (iv) is homeless as defined by 42 U.S.C.
13 Section 11302; or

14 (B) has received a high school diploma or high
15 school equivalency certificate;

16 (6) is at least 16 years of age and is attending a
17 course of instruction to prepare for the high school equivalency
18 examination, if:

19 (A) the child is recommended to take the course
20 of instruction by a public agency that has supervision or custody of
21 the child under a court order; or

22 (B) the child is enrolled in a Job Corps training
23 program under the Workforce Investment Act of 1998 (29 U.S.C.
24 Section 2801 et seq.);

25 (7) is at least 16 years of age and is enrolled in a
26 high school diploma program under Chapter 18;

27 (8) is enrolled in the Texas Academy of Mathematics

1 and Science under Subchapter G, Chapter 105;

2 (9) is enrolled in the Texas Academy of Leadership in
3 the Humanities;

4 (10) is enrolled in the Texas Academy of Mathematics
5 and Science at The University of Texas at Brownsville;

6 (11) is enrolled in the Texas Academy of International
7 Studies; or

8 (12) is specifically exempted under another law.

9 SECTION 2. Section 37.010(a), Education Code, is amended to
10 read as follows:

11 (a) Not later than the second business day after the date a
12 hearing is held under Section 37.009, the board of trustees of a
13 school district or the board's designee shall deliver a copy of the
14 order placing a student in a disciplinary alternative education
15 program under Section 37.006 or expelling a student under Section
16 37.007 and any information required under Section 52.04, Family
17 Code, to the authorized officer of the juvenile court in the county
18 in which the student resides. In a county that operates a program
19 under Section 37.011, an expelled student shall to the extent
20 provided by law or by the memorandum of understanding immediately
21 attend the educational program from the date of expulsion[~~, except~~
22 ~~that in a county with a population greater than 125,000, every~~
23 ~~expelled student who is not detained or receiving treatment under~~
24 ~~an order of the juvenile court must be enrolled in an educational~~
25 ~~program]~~.

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

1 (a) The juvenile board of a county with a population greater
2 than 125,000 may [~~shall~~] develop a juvenile justice alternative
3 education program, subject to the approval of the Texas Juvenile
4 Probation Commission. The juvenile board of a county with a
5 population of 125,000 or less may develop a juvenile justice
6 alternative education program. For the purposes of this
7 subchapter, only a disciplinary alternative education program
8 operated under the authority of a juvenile board of a county is
9 considered a juvenile justice alternative education program. A
10 juvenile justice alternative education program in a county with a
11 population of 125,000 or less:

12 (1) is not required to be approved by the Texas
13 Juvenile Probation Commission; and

14 (2) is not subject to Subsection (c), (d), (f), or (g).

15 (k) If the juvenile board of a county with a population
16 greater than 125,000 develops a juvenile justice alternative
17 education program, each [~~Each~~] school district in the [~~a~~] county
18 [~~with a population greater than 125,000~~] and the county juvenile
19 board shall annually enter into a joint memorandum of understanding
20 that:

21 (1) outlines the responsibilities of the juvenile
22 board concerning the establishment and operation of a juvenile
23 justice alternative education program under this section;

24 (2) defines the amount and conditions on payments from
25 the school district to the juvenile board for students of the school
26 district served in the juvenile justice alternative education
27 program whose placement was not made on the basis of an expulsion

1 required under Section 37.007(a), (d), or (e);

2 (3) identifies those categories of conduct that the
3 school district has defined in its student code of conduct as
4 constituting serious or persistent misbehavior for which a student
5 may be placed in the juvenile justice alternative education
6 program;

7 (4) identifies and requires a timely placement and
8 specifies a term of placement for expelled students for whom the
9 school district has received a notice under Section 52.041(d),
10 Family Code;

11 (5) establishes services for the transitioning of
12 expelled students to the school district prior to the completion of
13 the student's placement in the juvenile justice alternative
14 education program;

15 (6) establishes a plan that provides transportation
16 services for students placed in the juvenile justice alternative
17 education program;

18 (7) establishes the circumstances and conditions
19 under which a juvenile may be allowed to remain in the juvenile
20 justice alternative education program setting once the juvenile is
21 no longer under juvenile court jurisdiction; and

22 (8) establishes a plan to address special education
23 services required by law.

24 SECTION 4. (a) Subject to any memorandum of understanding
25 with a school district that is in effect on the effective date of
26 this Act, the juvenile board of a county with a population greater
27 than 125,000 may discontinue an existing juvenile justice

1 alternative education program on or after the effective date of
2 this Act.

3 (b) If the juvenile board of a county with a population
4 greater than 125,000 has obtained the approval of the Texas
5 Juvenile Probation Commission for a juvenile justice alternative
6 education program before the effective date of this Act, the
7 approval is continued in effect for purposes of Section 37.011(a),
8 Education Code, as amended by this Act.

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