

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subsection (c), Section 37.007, 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 [~~or persistent~~] misbehavior that violates the district's student code of conduct.

SECTION 2. Subsection (c), Section 37.009, 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 [~~or persistent~~] misbehavior that violates the district's student code of conduct.

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

(k) Each school district in a county with a population

1 greater than 125,000 and the county juvenile board shall annually  
2 enter into a joint memorandum of understanding that:

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

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

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

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

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

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

27 (7) establishes the circumstances and conditions

1 under which a juvenile may be allowed to remain in the juvenile  
2 justice alternative education program setting once the juvenile is  
3 no longer under juvenile court jurisdiction; and

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

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

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

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