

1-1 By: Van de Putte S.B. No. 718
1-2 (In the Senate - Filed February 15, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Education;
1-4 April 13, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 13, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 718 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to disciplinary action taken against public school
1-11 students on the basis of serious misbehavior.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 37.007, Education Code,
1-14 is amended to read as follows:

1-15 (c) A student may be expelled if the student, while placed
1-16 in an alternative education program for disciplinary reasons,
1-17 continues to engage in serious ~~[or persistent]~~ misbehavior that
1-18 violates the district's student code of conduct.

1-19 SECTION 2. Subsection (c), Section 37.009, Education Code,
1-20 is amended to read as follows:

1-21 (c) Before it may place a student in a disciplinary
1-22 alternative education program for a period that extends beyond the
1-23 end of the school year, the board or the board's designee must
1-24 determine that:

1-25 (1) the student's presence in the regular classroom
1-26 program or at the student's regular campus presents a danger of
1-27 physical harm to the student or to another individual; or

1-28 (2) the student has engaged in serious ~~[or persistent]~~
1-29 misbehavior that violates the district's student code of conduct.

1-30 SECTION 3. Subsections (k) and (l), Section 37.011,
1-31 Education Code, are amended to read as follows:

1-32 (k) Each school district in a county with a population
1-33 greater than 125,000 and the county juvenile board shall annually
1-34 enter into a joint memorandum of understanding that:

1-35 (1) outlines the responsibilities of the juvenile
1-36 board concerning the establishment and operation of a juvenile
1-37 justice alternative education program under this section;

1-38 (2) defines the amount and conditions on payments from
1-39 the school district to the juvenile board for students of the school
1-40 district served in the juvenile justice alternative education
1-41 program whose placement was not made on the basis of an expulsion
1-42 required under Section 37.007(a), (d), or (e);

1-43 (3) identifies those categories of conduct that the
1-44 school district has defined in its student code of conduct as
1-45 constituting serious ~~[or persistent]~~ misbehavior for which a
1-46 student may be placed in the juvenile justice alternative education
1-47 program;

1-48 (4) identifies and requires a timely placement and
1-49 specifies a term of placement for expelled students for whom the
1-50 school district has received a notice under Section 52.041(d),
1-51 Family Code;

1-52 (5) establishes services for the transitioning of
1-53 expelled students to the school district prior to the completion of
1-54 the student's placement in the juvenile justice alternative
1-55 education program;

1-56 (6) establishes a plan that provides transportation
1-57 services for students placed in the juvenile justice alternative
1-58 education program;

1-59 (7) establishes the circumstances and conditions
1-60 under which a juvenile may be allowed to remain in the juvenile
1-61 justice alternative education program setting once the juvenile is
1-62 no longer under juvenile court jurisdiction; and

1-63 (8) establishes a plan to address special education

2-1 services required by law.

2-2 (1) The school district shall be responsible for providing
2-3 an immediate educational program to students who engage in behavior
2-4 resulting in expulsion under Section 37.007(b), (c), and (f) but
2-5 who are not eligible for admission into the juvenile justice
2-6 alternative education program in accordance with the memorandum of
2-7 understanding required under this section. The school district may
2-8 provide the program or the school district may contract with a
2-9 county juvenile board, a private provider, or one or more other
2-10 school districts to provide the program. The memorandum of
2-11 understanding shall address the circumstances under which such
2-12 students who continue to engage in serious [~~or persistent~~]
2-13 misbehavior shall be admitted into the juvenile justice alternative
2-14 education program.

2-15 SECTION 4. This Act applies beginning with the 2011-2012
2-16 school year.

2-17 SECTION 5. This Act takes effect immediately if it receives
2-18 a vote of two-thirds of all the members elected to each house, as
2-19 provided by Section 39, Article III, Texas Constitution. If this
2-20 Act does not receive the vote necessary for immediate effect, this
2-21 Act takes effect September 1, 2011.

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