

By: Birdwell

S.B. No. 1628

A BILL TO BE ENTITLED

AN ACT

relating to the population of a county required to operate a juvenile justice alternative education program.

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

SECTION 1. Section 37.010(a), Education Code, is amended to read as follows:

(a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 180,000 [~~125,000~~], every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

SECTION 2. Sections 37.011(a), (a-1), (k), and (m), Education Code, are amended to read as follows:

(a) The juvenile board of a county with a population greater

1 than 180,000 [~~125,000~~] shall develop a juvenile justice alternative
2 education program, subject to the approval of the Texas Juvenile
3 Probation Commission. The juvenile board of a county with a
4 population of 180,000 [~~125,000~~] or less may develop a juvenile
5 justice alternative education program. For the purposes of this
6 subchapter, only a disciplinary alternative education program
7 operated under the authority of a juvenile board of a county is
8 considered a juvenile justice alternative education program. A
9 juvenile justice alternative education program in a county with a
10 population of 180,000 [~~125,000~~] or less:

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

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

14 (a-1) For purposes of this section and Section 37.010(a), a
15 county with a population greater than 180,000 [~~125,000~~] is
16 considered to be a county with a population of 180,000 [~~125,000~~] or
17 less if:

18 (1) the county had a population of 180,000 [~~125,000~~]
19 or less according to the 2000 federal census; and

20 (2) the juvenile board of the county enters into, with
21 the approval of the Texas Juvenile Probation Commission, a
22 memorandum of understanding with each school district within the
23 county that:

24 (A) outlines the responsibilities of the board
25 and school districts in minimizing the number of students expelled
26 without receiving alternative educational services; and

27 (B) includes the coordination procedures

1 required by Section 37.013.

2 (k) Each school district in a county with a population
3 greater than 180,000 [~~125,000~~] and the county juvenile board shall
4 annually enter into a joint memorandum of understanding that:

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

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

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

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

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

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

1 education program;

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

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

8 (m) Each school district in a county with a population
9 greater than 180,000 [~~125,000~~] and the county juvenile board shall
10 adopt a joint memorandum of understanding as required by this
11 section not later than September 1 of each school year.

12 SECTION 3. Section 53.02(e), Family Code, is amended to
13 read as follows:

14 (e) Unless otherwise agreed in the memorandum of
15 understanding under Section 37.011, Education Code, in a county
16 with a population greater than 180,000 [~~125,000~~], if a child being
17 released under this section is expelled under Section 37.007,
18 Education Code, the release shall be conditioned on the child's
19 attending a juvenile justice alternative education program pending
20 a deferred prosecution or formal court disposition of the child's
21 case.

22 SECTION 4. Section 54.01(f), Family Code, is amended to
23 read as follows:

24 (f) Unless otherwise agreed in the memorandum of
25 understanding under Section 37.011, Education Code, a release may
26 be conditioned on requirements reasonably necessary to insure the
27 child's appearance at later proceedings, but the conditions of the

1 release must be in writing and a copy furnished to the child. In a
2 county with a population greater than 180,000 [~~125,000~~], if a child
3 being released under this section is expelled under Section 37.007,
4 Education Code, the release shall be conditioned on the child's
5 attending a juvenile justice alternative education program pending
6 a deferred prosecution or formal court disposition of the child's
7 case.

8 SECTION 5. A juvenile court that has placed a child on
9 juvenile probation or deferred prosecution under Title 3, Family
10 Code, and required as a condition of probation or deferred
11 prosecution, as described by Section 37.011(b), Education Code,
12 that the child attend a juvenile justice alternative education
13 program in a county that is not required to operate a juvenile
14 justice alternative education program under Section 37.011,
15 Education Code, as amended by this Act, shall modify the conditions
16 of probation or deferred prosecution if the county discontinues
17 operation of the juvenile justice alternative education program.

18 SECTION 6. This Act applies beginning with the 2011-2012
19 school year.

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