

By: Raymond

H.B. No. 132

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing a pilot program in designated public high  
3 schools in certain municipalities for placement of students in  
4 Junior Reserve Officers' Training Corps programs as an alternative  
5 to placement in disciplinary or juvenile justice alternative  
6 education programs.

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

8 SECTION 1. Chapter 37, Education Code, is amended by adding  
9 Subchapter A-1 to read as follows:

10 SUBCHAPTER A-1. PILOT PROGRAM IN DESIGNATED HIGH SCHOOLS IN  
11 CERTAIN MUNICIPALITIES FOR ALTERNATIVE DISCIPLINARY PLACEMENT:

12 JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC)

13 Sec. 37.031. ESTABLISHMENT OF PILOT PROGRAM. (a) A pilot  
14 program is established under this subchapter for placement of high  
15 school students in Junior Reserve Officers' Training Corps programs  
16 as an alternative, in accordance with Section 37.032, to placement  
17 in disciplinary alternative education programs or juvenile justice  
18 alternative education programs.

19 (b) The pilot program applies only to a student enrolled in  
20 a high school:

21 (1) located in a municipality:

22 (A) with a population of 200,000 or more; and

23 (B) with less than 65 percent of the population  
24 18 to 24 years of age having graduated from high school, according

1 to the most recent American Community Survey five-year estimates  
2 compiled by the United States Census Bureau; and

3 (2) designated by the agency under Subsection (c).

4 (c) The agency shall designate not more than two high  
5 schools that are located in a municipality described by Subsection  
6 (b)(1) and that offer Junior Reserve Officers' Training Corps  
7 programs to participate in the pilot program. The commissioner by  
8 rule shall adopt additional criteria that promote positive student  
9 educational outcomes for the agency to use in making designations  
10 under this subchapter.

11 Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.

12 (a) Notwithstanding any other provision of Subchapter A and except  
13 as provided by Subsection (c), a student subject to this subchapter  
14 who is otherwise required or permitted under Subchapter A to be  
15 placed in a disciplinary alternative education program or juvenile  
16 justice alternative education program shall, instead of that  
17 placement, be required to participate in a Junior Reserve Officers'  
18 Training Corps program if the student meets the initial eligibility  
19 requirements for the program.

20 (b) A student required to participate in a Junior Reserve  
21 Officers' Training Corps program under this subchapter shall  
22 continue to attend the student's regularly assigned classes, except  
23 that the student's schedule may be modified to the extent necessary  
24 to provide for required attendance in the program.

25 (c) This subchapter does not apply if:

26 (1) the student is removed from class and placed into  
27 another appropriate classroom or into in-school suspension under

1 Section 37.002 or is suspended under Section 37.005;

2 (2) the student engages in conduct described by  
3 Section 37.006(a)(2)(B) or Section 37.007(a)(2) or (b)(2)(C);

4 (3) the continued presence of the student in the  
5 regular classroom threatens the safety of other students or  
6 teachers; or

7 (4) the student engages in conduct for which the  
8 student is required to be expelled from the student's regular  
9 campus under federal law.

10 Sec. 37.033. STUDENT CODE OF CONDUCT. (a) In addition to  
11 the requirements for the student code of conduct under Section  
12 37.001, the student code of conduct for a school district that  
13 includes a school designated under Section 37.031(c) must,  
14 consistent with this subchapter and as applied to the designated  
15 school:

16 (1) specify conditions that authorize or require a  
17 principal or other appropriate administrator to require a student  
18 to participate in a Junior Reserve Officers' Training Corps  
19 program;

20 (2) specify that consideration will be given, as a  
21 factor in each decision concerning participation in a Junior  
22 Reserve Officers' Training Corps program, to:

23 (A) self-defense;

24 (B) intent or lack of intent at the time the  
25 student engaged in the conduct;

26 (C) a student's disciplinary history; or

27 (D) a disability that substantially impairs the

1 student's capacity to appreciate the wrongfulness of the student's  
2 conduct;

3 (3) provide guidelines for setting the length of a  
4 term of required participation under this subchapter; and

5 (4) address the notification of a student's parent or  
6 guardian of a violation of the student code of conduct committed by  
7 the student that results in required participation in a Junior  
8 Reserve Officers' Training Corps program.

9 (b) This section does not require the student code of  
10 conduct to specify a minimum term of required participation.

11 Sec. 37.034. DETERMINATION REGARDING CERTAIN CONDUCT.  
12 Section 37.006(e) applies to this subchapter.

13 Sec. 37.035. NOTICE TO PARENTS. (a) Not later than the  
14 third class day after the date a student is required to participate  
15 in a Junior Reserve Officers' Training Corps program under this  
16 subchapter, the school district shall notify the student's parent  
17 or guardian of the student's placement. The notice must include the  
18 reason for the placement.

19 (b) A noncustodial parent may request in writing that a  
20 school district or school, for the remainder of the school year in  
21 which the request is received, provide that parent with a copy of  
22 any written notification relating to the student's placement under  
23 this subchapter that is generally provided by the district or  
24 school to a student's parent or guardian.

25 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees  
26 of the school district or the board's designee shall set a term for  
27 a student's required participation in a Junior Reserve Officers'

1 Training Corps program under this subchapter. The term must be for  
2 a period consistent with the guidelines adopted under the student  
3 code of conduct in accordance with Section 37.033(a)(3). If the  
4 period of placement is inconsistent with the guidelines adopted  
5 under the student code of conduct, the notice under Section  
6 37.035(a) must provide an explanation of the inconsistency.

7 (b) Before a student may be required to participate in a  
8 Junior Reserve Officers' Training Corps program under this  
9 subchapter for a period that extends beyond the end of a school  
10 year, the board of trustees or the board's designee must determine  
11 that the student has engaged in serious or persistent misbehavior  
12 that violates the district's student code of conduct. The period of  
13 required participation may not exceed one year unless, after  
14 review, the board or the board's designee determines that extended  
15 placement is in the best interest of the student.

16 Sec. 37.037. APPEAL. Notwithstanding Section 7.057(e),  
17 the decision to require a student to participate in a Junior Reserve  
18 Officers' Training Corps program under this subchapter may be  
19 appealed by the student or the student's parent or guardian to the  
20 commissioner as provided by Sections 7.057(b), (c), (d), and (f).

21 Sec. 37.038. NOTICE TO EDUCATORS. (a) The board of  
22 trustees of the school district shall inform each educator who has  
23 responsibility for, or is under the direction and supervision of an  
24 educator who has responsibility for, the instruction of a student  
25 who is required to participate in a Junior Reserve Officers'  
26 Training Corps program under this subchapter.

27 (b) Each educator shall keep the information received under

1 this section confidential from any person not entitled to the  
2 information under this section, except that the educator may share  
3 the information with the student's parent or guardian as provided  
4 for by state or federal law.

5 (c) The State Board for Educator Certification may revoke or  
6 suspend the certification of an educator who intentionally violates  
7 this section or Section 37.039.

8 Sec. 37.039. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)  
9 If a student required to participate in a Junior Reserve Officers'  
10 Training Corps program under this subchapter enrolls in another  
11 school district before the expiration of the period of required  
12 participation, the board of trustees of the school district  
13 requiring the participation shall provide to the district in which  
14 the student enrolls, at the same time other records of the student  
15 are provided, a copy of the placement order. The district in which  
16 the student enrolls shall inform each educator who will have  
17 responsibility for, or will be under the direction and supervision  
18 of an educator who will have responsibility for, the instruction of  
19 the student of the contents of the placement order.

20 (b) Each educator shall keep the information received under  
21 this section confidential from any person not entitled to the  
22 information under this section, except that the educator may share  
23 the information with the student's parent or guardian as provided  
24 for by state or federal law.

25 (c) Subject to Subsection (d), the school district in which  
26 the student enrolls may continue the Junior Reserve Officers'  
27 Training Corps program placement under the terms of the order or may

1 allow the student to attend regular classes without completing the  
2 period of required participation.

3 (d) If the school the student attends in the school district  
4 in which the student enrolls does not offer a Junior Reserve  
5 Officers' Training Corps program, the student may be placed in a  
6 disciplinary alternative education program or a juvenile justice  
7 alternative education program under the procedures provided by this  
8 subchapter for the remainder of the term set under Section 37.036.

9 Sec. 37.040. PROCEDURE FOR ADDRESSING SUBSEQUENT CONDUCT  
10 AFTER PROGRAM PARTICIPATION. A student required to participate in  
11 a Junior Reserve Officers' Training Corps program under this  
12 subchapter is subject to the provisions of Subchapter A relating to  
13 removal from class and placement in a disciplinary alternative  
14 education program or juvenile justice alternative education  
15 program if the student, after completion of any required  
16 participation in a Junior Reserve Officers' Training Corps program  
17 under this subchapter, engages in subsequent conduct requiring or  
18 permitting the student to be removed from class and placed in a  
19 disciplinary alternative education program or juvenile justice  
20 alternative education program under Subchapter A.

21 Sec. 37.041. APPLICABILITY TO SUBCHAPTER A. Sections  
22 37.002, 37.006, and 37.007 are subject to this subchapter.

23 Sec. 37.042. REVIEW OF PROGRAM; REPORT. Not later than  
24 January 1, 2015, the commissioner shall review the pilot program  
25 established under this subchapter and submit to the governor, the  
26 lieutenant governor, the speaker of the house of representatives,  
27 and the presiding officer of each legislative standing committee

1 with primary jurisdiction over primary and secondary education a  
2 written report regarding the progress made by the pilot program in  
3 improving student educational outcomes.

4 Sec. 37.043. EXPIRATION. This subchapter expires September  
5 1, 2015.

6 SECTION 2. Section 37.020, Education Code, is amended by  
7 adding Subsections (d) and (e) to read as follows:

8 (d) For each placement in a Junior Reserve Officers'  
9 Training Corps program under Subchapter A-1, the district shall  
10 report:

11 (1) information identifying the student, including  
12 the student's race, sex, and date of birth, that will enable the  
13 agency to compare placement data with information collected through  
14 other reports;

15 (2) information indicating whether the placement was  
16 based on:

17 (A) conduct violating the student code of conduct  
18 adopted under Section 37.001;

19 (B) conduct for which placement in a Junior  
20 Reserve Officers' Training Corps program is required or permitted  
21 by Subchapter A-1; or

22 (C) conduct occurring while a student was  
23 enrolled in another district and for which placement in a Junior  
24 Reserve Officers' Training Corps program is permitted by Section  
25 37.039;

26 (3) the number of full or partial days the student was  
27 assigned to the program and the number of full or partial days the



1 student attended the program;

2 (4) the number of placements that were inconsistent  
3 with the guidelines included in the student code of conduct under  
4 Section 37.033(a)(3);

5 (5) information regarding the academic performance of  
6 the student on assessment instruments required under Section  
7 39.023(a) during the year preceding, during the year of, and during  
8 the year following placement in the program, to the extent  
9 available; and

10 (6) information indicating whether the student  
11 dropped out of school, to the extent available.

12 (e) Subsection (d) and this subsection expire September 1,  
13 2015.

14 SECTION 3. (a) Not later than December 1, 2013, the  
15 commissioner of education shall adopt rules for the Texas Education  
16 Agency to use to designate public high schools to participate in the  
17 pilot program established under Subchapter A-1, Chapter 37,  
18 Education Code, as added by this Act.

19 (b) Not later than January 1, 2014, the Texas Education  
20 Agency shall designate not more than two public high schools to  
21 participate in the pilot program established under Subchapter A-1,  
22 Chapter 37, Education Code, as added by this Act.

23 (c) The pilot program established under Subchapter A-1,  
24 Chapter 37, Education Code, as added by this Act, shall be  
25 implemented in each high school designated under that subchapter  
26 beginning with the spring semester of the 2013-2014 school year.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2013.