

By: Raymond

H.B. No. 977

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 that:

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

23 (B) is located on an international border; and

24 (C) has more than 20 percent of the population 18

1 to 24 years of age who have not graduated from high school,
2 according to the most recent American Community Survey five-year
3 estimates compiled by the United States Census Bureau; and

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

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

12 (d) The application of this subchapter to a student enrolled
13 in a high school located in a municipality described by Subsection
14 (b)(1) is not affected if, after the high school is designated under
15 Subsection (c), the high school graduation rate in the municipality
16 changes and the municipality no longer meets the requirements of
17 Subsection (b)(1)(C).

18 Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.

19 (a) Notwithstanding any other provision of Subchapter A and except
20 as provided by Subsection (c), a student subject to this subchapter
21 who is otherwise required or permitted under Subchapter A to be
22 placed in a disciplinary alternative education program or juvenile
23 justice alternative education program may, instead of that
24 placement, be required to participate in a Junior Reserve Officers'
25 Training Corps program if the student meets the initial eligibility
26 requirements for the program.

27 (b) A student required to participate in a Junior Reserve

1 Officers' Training Corps program as authorized under this
2 subchapter shall continue to attend the student's regularly
3 assigned classes, except that the student's schedule may be
4 modified to the extent necessary to provide for required attendance
5 in the program.

6 (c) This subchapter does not apply if:

7 (1) the student is removed from class and placed into
8 another appropriate classroom or into in-school suspension under
9 Section 37.002 or is suspended under Section 37.005;

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

12 (3) the continued presence of the student in the
13 regular classroom threatens the safety of other students or
14 teachers; or

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

18 Sec. 37.033. STUDENT CODE OF CONDUCT. (a) In addition to
19 the requirements for the student code of conduct under Section
20 37.001, the student code of conduct for a school district that
21 includes a school designated under Section 37.031(c) must,
22 consistent with this subchapter and as applied to the designated
23 school:

24 (1) specify conditions that authorize a principal or
25 other appropriate administrator to require a student to participate
26 in a Junior Reserve Officers' Training Corps program;

27 (2) specify that consideration will be given, as a

1 factor in each decision concerning participation in a Junior
2 Reserve Officers' Training Corps program, to:

3 (A) self-defense;

4 (B) intent or lack of intent at the time the
5 student engaged in the conduct;

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

7 (D) a disability that substantially impairs the
8 student's capacity to appreciate the wrongfulness of the student's
9 conduct;

10 (3) provide guidelines that promote positive student
11 educational outcomes for determining placement in a Junior Reserve
12 Officers' Training Corps program as an alternative to placement in
13 a disciplinary alternative education program or juvenile justice
14 alternative education program;

15 (4) provide guidelines for setting the length of a
16 term of required participation in a Junior Reserve Officers'
17 Training Corps program; and

18 (5) address the notification of a student's parent or
19 guardian of a violation of the student code of conduct committed by
20 the student that results in required participation in a Junior
21 Reserve Officers' Training Corps program.

22 (b) This section does not require the student code of
23 conduct to specify a minimum term of required participation in a
24 Junior Reserve Officers' Training Corps program.

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

27 Sec. 37.035. NOTICE TO PARENTS. (a) Not later than the

1 third class day after the date a student is required to participate
2 in a Junior Reserve Officers' Training Corps program as authorized
3 under this subchapter, the school district shall notify the
4 student's parent or guardian of the student's placement. The notice
5 must include the reason for the placement.

6 (b) A noncustodial parent may request in writing that a
7 school district or school, for the remainder of the school year in
8 which the request is received, provide that parent with a copy of
9 any written notification relating to the student's placement as
10 authorized under this subchapter that is generally provided by the
11 district or school to a student's parent or guardian.

12 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees
13 of the school district or the board's designee shall set a term for
14 a student's required participation in a Junior Reserve Officers'
15 Training Corps program as authorized under this subchapter. The
16 term must be for a period consistent with the guidelines adopted
17 under the student code of conduct in accordance with Section
18 37.033(a)(4). If the period of placement is inconsistent with the
19 guidelines adopted under the student code of conduct, the notice
20 under Section 37.035(a) must provide an explanation of the
21 inconsistency.

22 (b) Before a student may be required to participate in a
23 Junior Reserve Officers' Training Corps program as authorized under
24 this subchapter for a period that extends beyond the end of a school
25 year, the board of trustees or the board's designee must determine
26 that the student has engaged in serious or persistent misbehavior
27 that violates the district's student code of conduct. The period of

1 required participation may not exceed one year unless, after
2 review, the board or the board's designee determines that extended
3 placement is in the best interest of the student.

4 Sec. 37.037. APPEAL. Notwithstanding Section 7.057(e),
5 the decision to require a student to participate in a Junior Reserve
6 Officers' Training Corps program as authorized under this
7 subchapter may be appealed by the student or the student's parent or
8 guardian as provided by Sections 7.057(b), (c), (d), and (f).

9 Sec. 37.038. NOTICE TO EDUCATORS. (a) The board of
10 trustees of the school district shall inform each educator who has
11 responsibility for, or is under the direction and supervision of an
12 educator who has responsibility for, the instruction of a student
13 who is required to participate in a Junior Reserve Officers'
14 Training Corps program as authorized under this subchapter.

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

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

23 Sec. 37.039. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)
24 If a student required to participate in a Junior Reserve Officers'
25 Training Corps program as authorized under this subchapter enrolls
26 in another school district before the expiration of the period of
27 required participation, the board of trustees of the school

1 district requiring the participation shall provide to the district
2 in which the student enrolls, at the same time other records of the
3 student are provided, a copy of the placement order. The district
4 in which the student enrolls shall inform each educator who will
5 have responsibility for, or will be under the direction and
6 supervision of an educator who will have responsibility for, the
7 instruction of the student of the contents of the placement order.

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

13 (c) Subject to Subsection (d), the school district in which
14 the student enrolls may continue the Junior Reserve Officers'
15 Training Corps program placement under the terms of the order or may
16 allow the student to attend regular classes without completing the
17 period of required participation.

18 (d) If the school the student attends in the school district
19 in which the student enrolls does not offer a Junior Reserve
20 Officers' Training Corps program, the student may be placed in a
21 disciplinary alternative education program or a juvenile justice
22 alternative education program under the procedures provided by this
23 subchapter for the remainder of the term set under Section 37.036.

24 Sec. 37.040. PROCEDURE FOR ADDRESSING SUBSEQUENT CONDUCT
25 AFTER PROGRAM PARTICIPATION. A student required to participate in
26 a Junior Reserve Officers' Training Corps program as authorized
27 under this subchapter is subject to the provisions of Subchapter A

1 relating to removal from class and placement in a disciplinary
2 alternative education program or juvenile justice alternative
3 education program if the student, after completion of any required
4 participation in a Junior Reserve Officers' Training Corps program
5 as authorized under this subchapter, engages in subsequent conduct
6 requiring or permitting the student to be removed from class and
7 placed in a disciplinary alternative education program or juvenile
8 justice alternative education program under Subchapter A.

9 Sec. 37.041. APPLICABILITY TO SUBCHAPTER A. Sections
10 37.002, 37.006, and 37.007 are subject to this subchapter.

11 Sec. 37.042. REVIEW OF PROGRAM; REPORT. Not later than
12 January 1, 2015, the commissioner shall review the pilot program
13 established under this subchapter and submit to the governor, the
14 lieutenant governor, the speaker of the house of representatives,
15 and the presiding officer of each legislative standing committee
16 with primary jurisdiction over primary and secondary education a
17 written report regarding the progress made by the pilot program in
18 improving student educational outcomes.

19 Sec. 37.043. EXPIRATION. This subchapter expires September
20 1, 2015.

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

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

26 (1) information identifying the student, including
27 the student's race, sex, and date of birth, that will enable the

1 agency to compare placement data with information collected through
2 other reports;

3 (2) information indicating whether the placement was
4 based on:

5 (A) conduct violating the student code of conduct
6 adopted under Section 37.001;

7 (B) conduct for which placement in a disciplinary
8 alternative education program or juvenile justice alternative
9 education program is otherwise required or permitted by this
10 subchapter; or

11 (C) conduct occurring while a student was
12 enrolled in another district and for which placement in a Junior
13 Reserve Officers' Training Corps program is permitted by Section
14 37.039;

15 (3) the number of full or partial days the student was
16 assigned to the program and the number of full or partial days the
17 student attended the program;

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

21 (5) information regarding the academic performance of
22 the student on assessment instruments required under Section
23 39.023(a), as applicable, during the year preceding, during the
24 year of, and during the year following placement in the program, to
25 the extent available; and

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

1 (e) Subsection (d) and this subsection expire September 1,
2 2015.

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

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

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

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.