

By: Raymond

H.B. No. 522

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, 2017, 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, 2017.

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 2017.

3        SECTION 3. (a) Not later than December 1, 2015, 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, 2016, 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 2015-2016 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, 2015.