

By: Muñoz, Jr.

H.B. No. 3501

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the placement of a student who is a moderate or high
3 risk sex offender in a juvenile justice alternative education
4 program or a disciplinary alternative education program with
5 certain monitoring requirements.

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

7 SECTION 1. Section 37.011(k), Education Code, is amended to
8 read as follows:

9 (k) Each school district in a county with a population
10 greater than 125,000 and the county juvenile board shall annually
11 enter into a joint memorandum of understanding that:

12 (1) outlines the responsibilities of the juvenile
13 board concerning the establishment and operation of a juvenile
14 justice alternative education program under this section;

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

20 (3) establishes that a student may be placed in the
21 juvenile justice alternative education program if the student
22 engages in serious misbehavior, as defined by Section 37.007(c);

23 (4) establishes that a student to whom Subchapter I
24 applies shall be placed in the juvenile justice alternative

1 education program if the student is assigned a numeric risk level of
2 two or three based on an assessment conducted in accordance with
3 Article 62.007, Code of Criminal Procedure;

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

8 (6) [~~(5)~~] establishes services for the transitioning
9 of expelled students to the school district prior to the completion
10 of the student's placement in the juvenile justice alternative
11 education program;

12 (7) [~~(6)~~] establishes a plan that provides
13 transportation services for students placed in the juvenile justice
14 alternative education program;

15 (8) [~~(7)~~] establishes the circumstances and
16 conditions under which a juvenile may be allowed to remain in the
17 juvenile justice alternative education program setting once the
18 juvenile is no longer under juvenile court jurisdiction; and

19 (9) [~~(8)~~] establishes a plan to address special
20 education services required by law.

21 SECTION 2. Section 37.304, Education Code, is amended to
22 read as follows:

23 Sec. 37.304. PLACEMENT OF LOW RISK REGISTERED SEX OFFENDER
24 WHO IS UNDER COURT SUPERVISION. (a) A school district shall place
25 a student to whom this subchapter applies who is assigned a numeric
26 risk level of one based on an assessment conducted in accordance
27 with Article 62.007, Code of Criminal Procedure, and who is under

1 any form of court supervision, including probation, community
2 supervision, or parole, in the appropriate alternative education
3 program as provided by Section 37.309 for at least one semester.

4 (b) If a student described by Subsection (a) transfers to
5 another school district during the student's mandatory placement in
6 an alternative education program under Subsection (a), the district
7 to which the student transfers may:

8 (1) require the student to complete an additional
9 semester in the appropriate alternative education program without
10 conducting a review of the student's placement for that semester
11 under Section 37.306; or

12 (2) count any time spent by the student in an
13 alternative education program in the district from which the
14 student transfers toward the mandatory placement requirement under
15 Subsection (a).

16 SECTION 3. Section 37.305, Education Code, is amended to
17 read as follows:

18 Sec. 37.305. PLACEMENT OF LOW RISK REGISTERED SEX OFFENDER
19 WHO IS NOT UNDER COURT SUPERVISION. A school district may place a
20 student to whom this subchapter applies who is assigned a numeric
21 risk level of one based on an assessment conducted in accordance
22 with Article 62.007, Code of Criminal Procedure, and who is not
23 under any form of court supervision in the appropriate alternative
24 education program as provided by Section 37.309 for one semester or
25 in the regular classroom. The district may not place the student
26 in the regular classroom if the district board of trustees
27 determines that the student's presence in the regular classroom:

1 (1) threatens the safety of other students or
2 teachers;

3 (2) will be detrimental to the educational process; or

4 (3) is not in the best interests of the district's
5 students.

6 SECTION 4. The heading to Section 37.306, Education Code,
7 is amended to read as follows:

8 Sec. 37.306. REVIEW OF PLACEMENT OF LOW RISK REGISTERED SEX
9 OFFENDER IN ALTERNATIVE EDUCATION PROGRAM.

10 SECTION 5. Section 37.306(a), Education Code, is amended to
11 read as follows:

12 (a) At the end of the first semester of the [~~a student's~~]
13 placement in an alternative education program under Section 37.304
14 or 37.305 of a student who is assigned a numeric risk level of one
15 based on an assessment conducted in accordance with Article 62.007,
16 Code of Criminal Procedure, the school district board of trustees
17 shall convene a committee to review the student's placement in the
18 alternative education program. The committee must be composed of:

19 (1) a classroom teacher from the campus to which the
20 student would be assigned were the student not placed in an
21 alternative education program;

22 (2) the student's parole or probation officer or, in
23 the case of a student who does not have a parole or probation
24 officer, a representative of the local juvenile probation
25 department;

26 (3) an instructor from the alternative education
27 program to which the student is assigned;

1 (4) a school district designee selected by the board
2 of trustees; and

3 (5) a school counselor employed by the school
4 district.

5 SECTION 6. Section 37.308, Education Code, is amended to
6 read as follows:

7 Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. (a)
8 Except as provided by Section 37.304(b), a school district shall
9 determine whether to place a student to whom this subchapter
10 applies who is assigned a numeric risk level of one based on an
11 assessment conducted in accordance with Article 62.007, Code of
12 Criminal Procedure, and who transfers to the district in the
13 appropriate alternative education program as provided by Section
14 37.309 or in a regular classroom. The school district shall follow
15 the procedures specified under Section 37.306 in making the
16 determination.

17 (b) The school district shall make a placement
18 determination solely as provided by Section 37.309 with respect to
19 a student to whom this subchapter applies who transfers to the
20 district and who is assigned a numeric risk level of two or three
21 based on an assessment conducted in accordance with Article 62.007,
22 Code of Criminal Procedure.

23 SECTION 7. Section 37.309, Education Code, is amended by
24 amending Subsection (b) and adding Subsection (c) to read as
25 follows:

26 (b) A school district shall place a student who is required
27 by the board of trustees to attend an alternative education program

1 under this subchapter in a juvenile justice alternative education
2 program if:

3 (1) the memorandum of understanding entered into
4 between the school district and juvenile board under Section
5 37.011(k) provides for or requires the placement of students to
6 whom this subchapter applies in the juvenile justice alternative
7 education program; or

8 (2) a court orders the placement of the student in a
9 juvenile justice alternative education program.

10 (c) If a student to whom this subchapter applies who is
11 assigned a numeric risk level of two or three based on an assessment
12 conducted in accordance with Article 62.007, Code of Criminal
13 Procedure, is not placed in a juvenile justice alternative
14 education program in accordance with Subsection (b), the school
15 district shall ensure the student is not left unsupervised in the
16 presence of other students and is supervised by an educator or
17 school administrator of the district at all times while present on
18 campus.

19 SECTION 8. (a) The change in law made by this Act applies to
20 a student who, based on an assessment conducted in accordance with
21 Article 62.007, Code of Criminal Procedure:

22 (1) is assigned a numeric risk level of two or three on
23 or after the effective date of this Act, regardless of whether:

24 (A) the student began receiving educational
25 services from a school district before, on, or after that date; or

26 (B) the offense or conduct for which the student
27 became subject to registration as a sex offender under Chapter 62,

1 Code of Criminal Procedure, occurred before, on, or after that
2 date; or

3 (2) has been assigned a numeric risk level of two or
4 three and begins receiving educational services at or transfers to
5 a school district on or after the effective date of this Act,
6 regardless of whether the numeric risk level was assigned before,
7 on, or after that date.

8 (b) For a student who, on the effective date of this Act, has
9 been assigned a risk level of two or three based on an assessment
10 conducted in accordance with Article 62.007, Code of Criminal
11 Procedure, before the effective date of this Act, the school
12 district shall, as provided by Section 37.309, Education Code, as
13 amended by this Act, transfer the student to a juvenile justice
14 alternative education program or institute supervision by an
15 educator or school administrator, as appropriate, not later than
16 January 1, 2016.

17 SECTION 9. This Act takes effect September 1, 2015.