

By: Raymond

H.B. No. 156

Substitute the following for H.B. No. 156:

By: King of Hemphill

C.S.H.B. No. 156

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:

26 (1) the student meets the initial eligibility
27 requirements for the program; and

1 (2) the student's parent or guardian consents to the
2 student's placement in the program.

3 (b) A student required to participate in a Junior Reserve
4 Officers' Training Corps program as authorized under this
5 subchapter shall continue to attend the student's regularly
6 assigned classes, except that the student's schedule may be
7 modified to the extent necessary to provide for required attendance
8 in the program.

9 (c) This subchapter does not apply if:

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

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

15 (3) the continued presence of the student in the
16 regular classroom threatens the safety of other students or
17 teachers; or

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

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

27 (1) specify conditions that authorize a principal or

1 other appropriate administrator to require a student to participate
2 in a Junior Reserve Officers' Training Corps program, including the
3 condition that the student's parent or guardian must consent to the
4 student's placement in the program;

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

8 (A) self-defense;

9 (B) intent or lack of intent at the time the
10 student engaged in the conduct;

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

12 (D) a disability that substantially impairs the
13 student's capacity to appreciate the wrongfulness of the student's
14 conduct;

15 (3) provide guidelines that promote positive student
16 educational outcomes for determining placement in a Junior Reserve
17 Officers' Training Corps program as an alternative to placement in
18 a disciplinary alternative education program or juvenile justice
19 alternative education program;

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

23 (5) address the notification of a student's parent or
24 guardian of a violation of the student code of conduct committed by
25 the student that requires the consent of the student's parent or
26 guardian for the student to be placed in a Junior Reserve Officers'
27 Training Corps program as an alternative to placement in a

1 disciplinary alternative education program or a juvenile justice
2 alternative education program.

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

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

8 Sec. 37.035. NOTICE TO PARENTS. (a) Before a student may
9 be required to participate in a Junior Reserve Officers' Training
10 Corps program as authorized under this subchapter, the school
11 district shall notify the student's parent or guardian of the
12 student's proposed placement and request and obtain consent for the
13 student's placement in the program. The notice must include the
14 reason for the proposed placement.

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

21 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees
22 of the school district or the board's designee shall set a term for
23 a student's required participation in a Junior Reserve Officers'
24 Training Corps program as authorized under this subchapter. The
25 term must be for a period consistent with the guidelines adopted
26 under the student code of conduct in accordance with Section
27 37.033(a)(4). If the period of placement is inconsistent with the

1 guidelines adopted under the student code of conduct, the notice
2 under Section 37.035(a) must provide an explanation of the
3 inconsistency.

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

13 Sec. 37.037. NOTICE TO EDUCATORS. (a) The board of
14 trustees of the school district shall inform each educator who has
15 responsibility for, or is under the direction and supervision of an
16 educator who has responsibility for, the instruction of a student
17 who is required to participate in a Junior Reserve Officers'
18 Training Corps program as authorized under this subchapter.

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

24 (c) The State Board for Educator Certification may revoke or
25 suspend the certification of an educator who intentionally violates
26 this section or Section 37.038.

27 Sec. 37.038. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)

1 If a student required to participate in a Junior Reserve Officers'
2 Training Corps program as authorized under this subchapter enrolls
3 in another school district before the expiration of the period of
4 required participation, the board of trustees of the school
5 district requiring the participation shall provide to the district
6 in which the student enrolls, at the same time other records of the
7 student are provided, a copy of the placement order. The district
8 in which the student enrolls shall inform each educator who will
9 have responsibility for, or will be under the direction and
10 supervision of an educator who will have responsibility for, the
11 instruction of the student of the contents of the placement order.

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

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

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

1 Sec. 37.039. PROCEDURE FOR ADDRESSING SUBSEQUENT CONDUCT
2 AFTER PROGRAM PARTICIPATION. A student required to participate in
3 a Junior Reserve Officers' Training Corps program as authorized
4 under this subchapter is subject to the provisions of Subchapter A
5 relating to removal from class and placement in a disciplinary
6 alternative education program or juvenile justice alternative
7 education program if the student, after completion of any required
8 participation in a Junior Reserve Officers' Training Corps program
9 as authorized under this subchapter, engages in subsequent conduct
10 requiring or permitting the student to be removed from class and
11 placed in a disciplinary alternative education program or juvenile
12 justice alternative education program under Subchapter A.

13 Sec. 37.040. APPLICABILITY TO SUBCHAPTER A. Sections
14 37.002, 37.006, and 37.007 are subject to this subchapter.

15 Sec. 37.041. REVIEW OF PROGRAM; REPORT. Not later than
16 January 1, 2019, the commissioner shall review the pilot program
17 established under this subchapter and submit to the governor, the
18 lieutenant governor, the speaker of the house of representatives,
19 and the presiding officer of each legislative standing committee
20 with primary jurisdiction over primary and secondary education a
21 written report regarding the progress made by the pilot program in
22 improving student educational outcomes.

23 Sec. 37.042. EXPIRATION. This subchapter expires September
24 1, 2019.

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

27 (d) For each placement in a Junior Reserve Officers'

1 Training Corps program under Subchapter A-1, the district shall
2 report:

3 (1) information identifying the student, including
4 the student's race, sex, and date of birth, that will enable the
5 agency to compare placement data with information collected through
6 other reports;

7 (2) information indicating whether the placement was
8 based on:

9 (A) conduct violating the student code of conduct
10 adopted under Section 37.001;

11 (B) conduct for which placement in a disciplinary
12 alternative education program or juvenile justice alternative
13 education program is otherwise required or permitted by this
14 subchapter; or

15 (C) conduct occurring while a student was
16 enrolled in another district and for which placement in a Junior
17 Reserve Officers' Training Corps program is permitted by Section
18 37.038;

19 (3) the number of full or partial days the student was
20 assigned to the program and the number of full or partial days the
21 student attended the program;

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

25 (5) information regarding the academic performance of
26 the student on assessment instruments required under Section
27 39.023, as applicable, during the year preceding, during the year

1 of, and during the year following placement in the program, to the
2 extent available; and

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

5 (e) Subsection (d) and this subsection expire September 1,
6 2019.

7 SECTION 3. (a) Not later than December 1, 2017, the
8 commissioner of education shall adopt rules for the Texas Education
9 Agency to use to designate public high schools to participate in the
10 pilot program established under Subchapter A-1, Chapter 37,
11 Education Code, as added by this Act.

12 (b) Not later than January 1, 2018, the Texas Education
13 Agency shall designate not more than two public high schools to
14 participate in the pilot program established under Subchapter A-1,
15 Chapter 37, Education Code, as added by this Act.

16 (c) The pilot program established under Subchapter A-1,
17 Chapter 37, Education Code, as added by this Act, shall be
18 implemented in each high school designated under that subchapter
19 beginning with the spring semester of the 2017-2018 school year.

20 SECTION 4. 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, 2017.