

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Raymond

H.B. No. 156

A BILL TO BE ENTITLED

1 AN ACT

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.

ADOPTED

MAY 24 2017

FLOOR AMENDMENT NO. 1

*Lotay Spaw*  
Secretary of the Senate

BY:

*Zafferni*

1 Amend H.B. 156 (senate committee printing), in SECTION 1 of  
2 the bill, as follows:

3 (1) In added Section 37.032, Education Code (page 2, lines  
4 1-11), strike Subsection (a) and substitute the following:

5 (a) Notwithstanding any other provision of Subchapter A and  
6 except as provided by Subsection (c), a student subject to this  
7 subchapter who is otherwise required or permitted under  
8 Subchapter A to be placed in a disciplinary alternative  
9 education program or juvenile justice alternative education  
10 program may, instead of that placement, choose to participate in  
11 a Junior Reserve Officers' Training Corps program if the student  
12 meets the initial eligibility requirements for the program.

13 (2) In added Section 37.032(b), Education Code (page 2,  
14 line 12), strike "required" and substitute "who chooses".

15 (3) In added Section 37.032(b), Education Code (page 2,  
16 line 16), strike "required".

17 (4) In added Section 37.033(a), Education Code (page 2,  
18 lines 36-65), strike Subdivisions (1)-(5), and substitute the  
19 following:

20 (1) specify conditions that authorize a principal or  
21 other appropriate administrator to permit a student to choose to  
22 participate in a Junior Reserve Officers' Training Corps program  
23 as an alternative to placement in a disciplinary alternative  
24 education program or juvenile justice alternative education  
25 program;

26 (2) specify that consideration will be given, as a  
27 factor in each decision concerning alternative participation in  
28 a Junior Reserve Officers' Training Corps program, to:

29 (A) self-defense;

1           (B) intent or lack of intent at the time the  
2 student engaged in the conduct;

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

4           (D) a disability that substantially impairs the  
5 student's capacity to appreciate the wrongfulness of the  
6 student's conduct;

7           (3) provide guidelines that promote positive student  
8 educational outcomes for students choosing to participate in a  
9 Junior Reserve Officers' Training Corps program as an  
10 alternative to placement in a disciplinary alternative education  
11 program or juvenile justice alternative education program;

12           (4) provide guidelines for setting the length of a  
13 term of participation in a Junior Reserve Officers' Training  
14 Corps program as an alternative to placement in a disciplinary  
15 alternative education program or juvenile justice alternative  
16 education program; and

17           (5) address the notification of a student's parent or  
18 guardian of a violation of the student code of conduct committed  
19 by the student that results in the student's choice to  
20 participate in a Junior Reserve Officers' Training Corps program  
21 as an alternative to placement in a disciplinary alternative  
22 education program or a juvenile justice alternative education  
23 program.

24           (5) In added Section 37.033(b), Education Code (page 2,  
25 line 67), strike "required".

26           (6) In added Section 37.035(a), Education Code (page 3,  
27 line 3), strike "be required to".

28           (7) In added Section 37.035(a), Education Code (page 3,  
29 lines 6-7), strike "and request and obtain consent for the  
30 student's placement in the program".

31           (8) In added Section 37.036(a), Education Code (page 3,

1 line 17), strike "required".

2 (9) In added Section 37.036(b), Education Code (page 3,  
3 line 25), strike "be required to".

4 (10) In added Section 37.036(b), Education Code (page 3,  
5 line 31), strike "required".

6 (11) In added Section 37.037(a), Education Code (page 3,  
7 line 38), strike "required to participate" and substitute  
8 "participating".

9 (12) In added Section 37.038(a), Education Code (page 3,  
10 line 49), strike "required to participate" and substitute  
11 "participating".

12 (13) In added Section 37.038(a), Education Code (page 3,  
13 lines 51-52), strike "the period of required participation"  
14 substitute "the designated period of participation".

15 (14) In added Section 37.038(a), Education Code (page 3,  
16 line 53), strike "requiring the participation" and substitute  
17 "in which the student was participating in the program".

18 (15) In added Section 37.038(c), Education Code (page 3,  
19 lines 68-69), strike "completing the period of required  
20 participation" and substitute "completing the designated period  
21 of participation".

22 (16) Strike added Section 37.039, Education Code (page 4,  
23 lines 7-18) and substitute the following:

24 Sec. 37.039. PROCEDURE FOR ADDRESSING FAILURE TO COMPLETE  
25 DESIGNATED PERIOD OF PARTICIPATION OR SUBSEQUENT CONDUCT AFTER  
26 PROGRAM PARTICIPATION. A student who chooses to participate in  
27 a Junior Reserve Officers' Training Corps program as authorized  
28 under this subchapter is subject to the provisions of Subchapter  
29 A relating to removal from class and placement in a disciplinary  
30 alternative education program or juvenile justice alternative  
31 education program if the student:

1           (1) except as provided by Section 37.038(c), fails to  
2 complete the designated period of participation under the terms  
3 of an order as authorized by this section; or

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB156** by Raymond (Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill amends the Education Code to create a pilot program for two high schools in certain municipalities. The two high schools participating in the pilot program would have the option to offer a Junior Reserve Officer Training Corps (JROTC) program to certain students if those students have committed a behavior that would normally require or permit a placement/assignment to a Disciplinary Alternative Education Program (DAEP) or a Juvenile Justice Alternative Education Program (JJAEP).

The bill requires the district to report JROTC disciplinary removal data from the two high schools participating in the program to the Texas Education Agency. The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017. The pilot program would be implemented in each high school beginning with the spring semester of school year 2017-18.

The Texas Education Agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. The two participating high schools would need to track and report certain data, but this is expected to result in a minimal cost.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, AW, THo, AM, RSt

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 16, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB156** by Raymond (Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill amends the Education Code to create a pilot program for two high schools in certain municipalities. The two high schools participating in the pilot program would have the option to place students into a Junior Reserve Officer Training Corps (JROTC) program when students have committed a behavior that would normally require or permit a placement/assignment to a Disciplinary Alternative Education Program (DAEP) or a Juvenile Justice Alternative Education Program (JJAEP).

The bill requires the district to report JROTC disciplinary removal data from the two high schools participating in the program to the Texas Education Agency. The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017. The pilot program would be implemented in each high school beginning with the spring semester of school year 2017-18.

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**Local Government Impact**

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**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, AW, THo, AM, RSt

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 22, 2017**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB156** by Raymond (Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers ' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill requires the district to report JROTC disciplinary removal data from the two high schools participating in the program to the Texas Education Agency. The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017. The pilot program would be implemented in each high school beginning with the spring semester of school year 2017-18.

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**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, AW, THo, AM, RSt

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 7, 2017**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB156** by Raymond (Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill amends the Education Code to create a pilot program for two high schools in certain municipalities. The two high schools participating in the pilot program would have the option to place students into a Junior Reserve Officer Training Corps (JROTC) program when students have committed a behavior that would normally require or permit a placement/assignment to a Disciplinary Alternative Education Program (DAEP) or a Juvenile Justice Alternative Education Program (JJAEP).

The bill requires the district to report JROTC disciplinary removal data from the two high schools participating in the program to the Texas Education Agency. The bill would take effect immediately if passed within the necessary voting margins, or September 1, 2017. The pilot program would be implemented in each high school beginning with the spring semester of school year 2017-18.

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**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, THo, AM, RSt, AW