

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PILOT PROGRAM IN DESIGNATED HIGH SCHOOLS IN CERTAIN MUNICIPALITIES FOR ALTERNATIVE DISCIPLINARY PLACEMENT: JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC)

Sec. 37.031. ESTABLISHMENT OF PILOT PROGRAM.

(a) A pilot program is established under this subchapter for placement of high school students in Junior Reserve Officers' Training Corps programs as an alternative, in accordance with Section 37.032, to placement in disciplinary alternative education programs or juvenile justice alternative education programs.

(b) The pilot program applies only to a student enrolled in a high school:

(1) located in a municipality that:

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

(B) is located on an international border; and

(C) has more than 20 percent of the population 18 to 24 years of age who have not graduated from high school, according to the most recent American Community Survey five-year estimates compiled by the United States Census Bureau; and

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

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

(d) The application of this subchapter to a student enrolled in

SENATE VERSION (IE)

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. Same as House version.

Sec. 37.031. Same as House version.

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

a high school located in a municipality described by Subsection (b)(1) is not affected if, after the high school is designated under Subsection (c), the high school graduation rate in the municipality changes and the municipality no longer meets the requirements of Subsection (b)(1)(C).

Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS. (a) Notwithstanding any other provision of Subchapter A and except as provided by Subsection (c), a student subject to this subchapter who is otherwise required or permitted under Subchapter A to be placed in a disciplinary alternative education program or juvenile justice alternative education program may, instead of that placement, be required to participate in a Junior Reserve Officers' Training Corps program if:

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

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

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

(c) This subchapter does not apply if:

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

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

(3) the continued presence of the student in the regular

SENATE VERSION (IE)

Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.(a) Notwithstanding any other provision of Subchapter A and except as provided by Subsection (c), a student subject to this subchapter who is otherwise required or permitted under Subchapter A to be placed in a disciplinary alternative education program or juvenile justice alternative education program may, instead of that placement, choose to participate in a Junior Reserve Officers' Training Corps program if  
the student meets the initial eligibility requirements for the program. [FA1(1)]

(b) A student who chooses to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter shall continue to attend the student's regularly assigned classes, except that the student's schedule may be modified to the extent necessary to provide for attendance in the program. [FA1(2)-(3)]

(c) This subchapter does not apply if:

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

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

(3) the continued presence of the student in the regular

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

classroom threatens the safety of other students or teachers; or  
(4) the student engages in conduct for which the student is  
required to be expelled from the student's regular campus  
under federal law.

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

(1) specify conditions that authorize a principal or other  
appropriate administrator to require a student to participate in  
a Junior Reserve Officers' Training Corps program, including  
the condition that the student's parent or guardian must  
consent to the student's placement in the program;

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

(A) self-defense;

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

(C) a student's disciplinary history; or

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

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

SENATE VERSION (IE)

classroom threatens the safety of other students or teachers; or  
(4) the student engages in conduct for which the student is  
required to be expelled from the student's regular campus  
under federal law.

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

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

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

(A) self-defense;

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

(C) a student's disciplinary history; or

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

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

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(5) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that requires the consent of the student's parent or guardian for the student to be placed in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or a juvenile justice alternative education program.

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

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

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

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

SENATE VERSION (IE)

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

(5) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in the student's choice to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or a juvenile justice alternative education program. [FA1(4)]

(b) This section does not require the student code of conduct to specify a minimum term of participation in a Junior Reserve Officers' Training Corps program. [FA1(5)]

Sec. 37.034. Same as House version.

Sec. 37.035. NOTICE TO PARENTS. (a) Before a student may participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter, the school district shall notify the student's parent or guardian of the student's proposed placement. The notice must include the reason for the proposed placement. [FA1(6)-(7)]

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

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees of the school district or the board's designee shall set a term for a student's required participation in a Junior Reserve Officers' Training Corps program as authorized under this subchapter. The term must be for a period consistent with the guidelines adopted under the student code of conduct in accordance with Section 37.033(a)(4). If the period of placement is inconsistent with the guidelines adopted under the student code of conduct, the notice under Section 37.035(a) must provide an explanation of the inconsistency. (b) Before a student may be required to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter for a period that extends beyond the end of a school year, the board of trustees or the board's designee must determine that the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct. The period of required participation may not exceed one year unless, after review, the board or the board's designee determines that extended placement is in the best interest of the student.

Sec. 37.037. NOTICE TO EDUCATORS. (a) The board of trustees of the school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who is required to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter. (b) Each educator shall keep the information received under this section confidential from any person not entitled to the information under this section, except that the educator may

SENATE VERSION (IE)

Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees of the school district or the board's designee shall set a term for a student's participation in a Junior Reserve Officers' Training Corps program as authorized under this subchapter. The term must be for a period consistent with the guidelines adopted under the student code of conduct in accordance with Section 37.033(a)(4). If the period of placement is inconsistent with the guidelines adopted under the student code of conduct, the notice under Section 37.035(a) must provide an explanation of the inconsistency. [FA1(8)] (b) Before a student may participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter for a period that extends beyond the end of a school year, the board of trustees or the board's designee must determine that the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct. The period of participation may not exceed one year unless, after review, the board or the board's designee determines that extended placement is in the best interest of the student. [FA1(9)-(10)]

Sec. 37.037. NOTICE TO EDUCATORS. (a) The board of trustees of the school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who is participating in a Junior Reserve Officers' Training Corps program as authorized under this subchapter. [FA1(11)] (b) Each educator shall keep the information received under this section confidential from any person not entitled to the information under this section, except that the educator may

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

share the information with the student's parent or guardian as provided for by state or federal law.

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

Sec. 37.038. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a) If a student required to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter enrolls in another school district before the expiration of the period of required participation, the board of trustees of the school district requiring the participation shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order.

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

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

(d) If the school the student attends in the school district in which the student enrolls does not offer a Junior Reserve

SENATE VERSION (IE)

share the information with the student's parent or guardian as provided for by state or federal law.

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

Sec. 37.038. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a) If a student participating in a Junior Reserve Officers' Training Corps program as authorized under this subchapter enrolls in another school district before the expiration of the designated period of participation, the board of trustees of the school district in which the student was participating in the program shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. [FA1(12)-(14)]

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

(c) Subject to Subsection (d), the school district in which the student enrolls may continue the Junior Reserve Officers' Training Corps program placement under the terms of the order or may allow the student to attend regular classes without completing the designated period of participation. [FA1(15)]

(d) If the school the student attends in the school district in which the student enrolls does not offer a Junior Reserve

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Officers' Training Corps program, the student may be placed in a disciplinary alternative education program or a juvenile justice alternative education program under the procedures provided by this subchapter for the remainder of the term set under Section 37.036.

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

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

Sec. 37.041. REVIEW OF PROGRAM; REPORT. Not later than January 1, 2019, the commissioner shall review the pilot program established under this subchapter and submit to the

SENATE VERSION (IE)

Officers' Training Corps program, the student may be placed in a disciplinary alternative education program or a juvenile justice alternative education program under the procedures provided by this subchapter for the remainder of the term set under Section 37.036.

Sec. 37.039. PROCEDURE FOR ADDRESSING FAILURE TO COMPLETE DESIGNATED PERIOD OF PARTICIPATION OR SUBSEQUENT CONDUCT AFTER PROGRAM PARTICIPATION. A student who chooses to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter is subject to the provisions of Subchapter A relating to removal from class and placement in a disciplinary alternative education program or juvenile justice alternative education program if the student:  
(1) except as provided by Section 37.038(c), fails to complete the designated period of participation under the terms of an order as authorized by this section; or  
(2) after completion of any participation in a Junior Reserve Officers' Training Corps program as authorized under this subchapter, engages in subsequent conduct requiring or permitting the student to be removed from class and placed in a disciplinary alternative education program or juvenile justice alternative education program under Subchapter A. [FA1(16)]

Sec. 37.040. Same as House version.

Sec. 37.041. Same as House version.

CONFERENCE

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a written report regarding the progress made by the pilot program in improving student educational outcomes.

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

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

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

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

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

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

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

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

(3) the number of full or partial days the student was assigned to the program and the number of full or partial days the

Sec. 37.042. Same as House version.

SECTION 2. Same as House version.

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

student attended the program;  
(4) the number of placements that were inconsistent with the  
guidelines included in the student code of conduct under  
Section 37.033(a)(4);  
(5) information regarding the academic performance of the  
student on assessment instruments required under Section  
39.023, as applicable, during the year preceding, during the  
year of, and during the year following placement in the  
program, to the extent available; and  
(6) information indicating whether the student dropped out of  
school, to the extent available.  
(e) Subsection (d) and this subsection expire September 1,  
2019.

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

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

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

SECTION 3. Same as House version.

**House Bill 156**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SENATE VERSION (IE)

SECTION 4. Same as House version.

CONFERENCE