

By: Talarico, Bernal, Ramos, Meyer, Morales

H.B. No. 3012

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disposition of certain students to alternative
3 education settings and the provision of educational services to
4 students in those settings or subject to in-school or out-of-school
5 suspension.

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

7 SECTION 1. Section 37.005, Education Code, is amended by
8 adding Subsection (e) to read as follows:

9 (e) A school district shall provide to a student during the
10 period of the student's suspension under this section, regardless
11 of whether the student is placed in in-school or out-of-school
12 suspension, an alternative means of receiving all course work
13 provided in the classes in the foundation curriculum under Section
14 28.002(a)(1) that the student misses as a result of the suspension.
15 The district must provide at least one option for receiving the
16 course work that does not require the use of the Internet.

17 SECTION 2. Section 37.011(b), Education Code, is amended to
18 read as follows:

19 (b) If a student admitted into the public schools of a
20 school district under Section 25.001(b) is expelled from school for
21 conduct for which expulsion is required under Section 37.007(a),
22 (d), or (e), or for conduct that contains the elements of the
23 offense of terroristic threat under Section 22.07, Penal Code, the
24 juvenile court, the juvenile board, or the juvenile board's

1 designee, as appropriate, shall:

2 (1) if the student is placed on probation under
3 Section 54.04, Family Code, order the student to attend the
4 juvenile justice alternative education program in the county in
5 which the student resides from the date of disposition as a
6 condition of probation, unless the child is placed in a
7 post-adjudication treatment facility;

8 (2) if the student is placed on deferred prosecution
9 under Section 53.03, Family Code, by the court, prosecutor, or
10 probation department, require the student to immediately attend the
11 juvenile justice alternative education program in the county in
12 which the student resides for a period not to exceed six months as a
13 condition of the deferred prosecution;

14 (3) in determining the conditions of the deferred
15 prosecution or court-ordered probation, consider the length of the
16 school district's expulsion order for the student; and

17 (4) provide timely educational services to the student
18 in the juvenile justice alternative education program in the county
19 in which the student resides, regardless of the student's age or
20 whether the juvenile court has jurisdiction over the student.

21 SECTION 3. This Act applies beginning with the 2019-2020
22 school year.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2019.