

AN ACT

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

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

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

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

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

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a), (d), or (e), or for conduct that contains the elements of the offense of terroristic threat as described by Section 22.07(c-1), (d), or (e), Penal Code, the juvenile court, the juvenile board, or

1 the juvenile board's 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.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3012 was passed by the House on May 2, 2019, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3012 on May 24, 2019, by the following vote: Yeas 134, Nays 7, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 3012 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor