87R11983 TSS-F

By:  Allen H.B. No. 4106

A BILL TO BE ENTITLED

AN ACT

relating to a public school student's transition from an alternative education program to a regular classroom and the admission of certain students with a criminal or disciplinary history.

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

SECTION 1.  Section 25.001, Education Code, is amended by adding Subsection (b-3) to read as follows:

(b-3)  The board of trustees of a school district may not refuse to admit a student based on the student's criminal, juvenile, or disciplinary history including arrests, criminal charges, criminal adjudications, convictions, placements on community supervision, or detentions. A district shall promptly enroll a student released from an alternative education program, as defined by Section 37.023, who is otherwise eligible for enrollment under Subsection (b).

SECTION 2.  Section 37.023, Education Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (d-1) and (g) to read as follows:

(c)  Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's enrollment and transition to a regular classroom. The coordination must include assistance and recommendations from:

(1)  school counselors;

(2)  school district peace officers;

(3)  school resource officers;

(4)  licensed clinical social workers;

(5)  campus behavior coordinators;

(6)  classroom teachers who are or may be responsible for implementing the student's personalized transition plan developed under Subsection (d);

(7)  if the student is younger than 18 years of age and subject to Subsection (e), the student's parent or a person standing in parental relation to the student; and

(8) [~~(7)~~]  any other appropriate school district personnel.

(d)  The assistance required by Subsection (c) must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

(1)  must include recommendations for the best educational placement of the student, based on a review of the student's previous coursework, course credit earned, and educational record and including:

(A)  a calculation of the number of course credits the student has earned toward graduation requirements, as determined under Subsection (g);

(B)  a description of appropriate courses in which the student should be placed; and

(C)  an explanation of the requirements of the student's individualized education program, behavior intervention plan, or plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable; and

(2)  may include:

(A)  recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;

(B)  recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; and

(C)  the provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004[~~; and~~

[~~(D) a regular review of the student's progress toward the student's academic or career goals~~].

(d-1)  After a student has transitioned to a regular classroom under this section, the campus administrator shall conduct reviews at the beginning of each school year and the end of each grading period of the student's progress toward the student's academic or career goals.

(e)  If a student's parent or a person standing in parental relation to the student is unavailable to assist under Subsection (c) [~~practicable~~], the campus administrator shall provide an electronic or written copy of the personalized transition plan developed under Subsection (d) to [~~, or the administrator's designee, shall meet with~~] the [~~student's~~] parent or [~~a~~] person [~~standing in parental relation to the student to coordinate plans for the student's transition~~].

(g)  A campus administrator shall, to the greatest extent possible, consider credits successfully completed while the student was enrolled in an alternative education program or at a previous school as fulfilling credits required for high school graduation.

SECTION 3.  This Act applies beginning with the 2021-2022 school year.

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, 2021.