

BILL ANALYSIS

C.S.H.B. 1626
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Youth Health & Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Despite legislation that was enacted in 2019, students returning from alternative education programs continue to face challenges when attempting to re-enroll back into the local school district after the student's successful completion of their discipline program. C.S.H.B. 1626 seeks to increase academic support for students returning to school from an alternative education program by removing barriers upon their return and by requiring school administrators to engage parents in the transition planning process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 1626 amends the Education Code to prohibit the board of trustees of a public school district or the board's designee from refusing to enroll a student based on the student's criminal, juvenile, or disciplinary history or standing. The bill requires a district to promptly enroll a student released from an alternative education program who is otherwise eligible for enrollment. The bill prohibits these provisions from being construed to prohibit the board or the board's designee from:

- revoking admission of a student due to their ineligibility for placement in a disciplinary alternative education program or a juvenile justice alternative education program based on age and certain conduct;
- refusing to admit a person under 18 years of age who the board is not required to admit due to certain conduct, misbehavior, or conviction and release;
- transferring a student involved in sexual assault or bullying; or
- expelling a student or placing a student in such a disciplinary alternative education program or a juvenile justice alternative education program.

C.S.H.B. 1626 specifies that the recommendations for the best educational placement of a student released from such a disciplinary alternative education program, which are a required element of the personalized transition plan, must be based on a review of the student's previous coursework, course credit earned, performance on any test assessing academic growth during the student's placement in the program, and educational record and include the following:

- a calculation of the number of course credits the student has earned toward graduation requirements; and
- a description of appropriate courses in which the student should be placed.

The bill removes a regular review of the student's progress toward their academic or career goals as a discretionary element of the personalized transition plan and requires the campus administrator instead to conduct reviews of such progress, after the student has transitioned to a regular educational environment, at the beginning of each semester and the end of each school year. The bill requires the campus administrator to adopt a policy that, to the greatest extent possible, allows for credits that were successfully completed by the student while enrolled in an alternative education program or at a previous school, including the Windham School District, to fulfill credits required for high school graduation, provided that the completed courses meet the applicable standards. The adopted policy may provide for partial credit, if determined appropriate by the administrator.

C.S.H.B. 1626 specifies that the campus administrator must hold a meeting for purposes of coordinating a student's enrollment and transition to a regular educational environment, rather than a regular classroom, not later than five instructional days after the date of the student's release from an alternative education program. The bill removes the requirement for a campus administrator or their designee, if practicable, to meet with the parent of such a student or a person standing in parental relation to the student to coordinate plans for the student's transition to the regular classroom. The bill requires that the campus administrator's coordination of the student's enrollment and transition instead include assistance and recommendations from the parent or person standing in parental relation. The coordination must also include assistance and recommendations from:

- the campus special education administrator or other campus administrator responsible for overseeing the student's educational program, if the student has a disability; and
- the appointed liaison officer, if the student is a court-related child.

C.S.H.B. 1626 requires the campus administrator to provide the following to a student's parent or person standing in parental relation to the student:

- before finalizing the personalized transition plan:
 - a list of the people who will be assisting in the student's enrollment and transition to a regular educational environment; and
 - an opportunity to meet, either in person or remotely, with the people included on the list to discuss any proposed assistance or recommendations for the student's transition and provide information regarding the student that may be useful in developing the plan; and
- as soon as practicable after completing the personalized transition plan, an electronic or written copy of the personalized transition plan to the student's parent or person standing in parental relation.

C.S.H.B. 1626 authorizes the commissioner of education to adopt rules as necessary to implement provisions relating to a student's transition from an alternative education program to a regular educational environment.

C.S.H.B. 1626 applies beginning with the 2023-2024 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1626 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas both the introduced and the substitute prohibit a district's board of trustees from refusing to enroll a student based on the student's criminal, juvenile, or disciplinary history, the

substitute includes a prohibition against a board's designee from refusing to enroll a student based on those factors and expands the factors on which such a refusal by either the board or the designee may not be based to include the student's criminal, juvenile, or disciplinary standing. The substitute includes provisions absent from the introduced that prohibit the bill's prohibition against refusing such enrollment from being construed to prohibit the board or the board's designee from revoking or refusing admission to or transferring or expelling certain students.

The substitute omits the following provisions from the introduced:

- a provision removing the statutory requirement for a campus administrator or designee to meet with a student's parent or person standing in parental relation to coordinate plans for the student's transition; and
- a requirement for a campus administrator's coordination of a student's enrollment and transition to include assistance and recommendations from the parent or person standing in parental relation if the student is younger than 18 years.

Instead the substitute includes the following:

- a requirement for a campus administrator to hold a meeting for purposes of coordinating the student's enrollment and transition to a regular educational environment, rather than a regular classroom, not later than five instructional days after the date of the student's release from an alternative education program; and
- a requirement for the coordination of the student's enrollment and transition to include assistance and recommendations from the parent or person standing in parental relation.

The substitute includes a requirement absent from the introduced for the coordination to include assistance and recommendations from a campus special education administrator and an appointed liaison officer for an applicable student.

The substitute includes a requirement absent from the introduced for a campus administrator, before finalizing a personalized transition plan for a student, to provide a list of people assisting in the student's enrollment and transition, and an opportunity to meet with those people, to a student's parent or a person standing in parental relation. Whereas the introduced required the campus administrator to conduct reviews of a student that had transitioned to a regular educational environment at the beginning of each school year and at the end of each grading period, the substitute requires a review at the beginning of each semester and at the end of each school year.

Whereas both the introduced and substitute set out requirements for a student's personalized transition plan, the substitute does the following:

- omits a requirement from the introduced for the plan's recommendations to be based on an explanation of the requirements of the student's individualized education program, behavior intervention plan, or a certain plan under the federal Rehabilitation Act of 1973; and
- includes a requirement absent from the introduced for the transition plan's recommendations to be based on a review of the student's performance on a test assessing academic growth during the student's placement in an alternative education program.

Whereas both the introduced and the substitute require a campus administrator to provide an electronic or written copy of a student's transition plan to the student's parent or person standing in parental relation, the substitute omits the requisite condition from the introduced that the parent or person be unavailable to assist the campus administrator. The substitute includes a requirement absent from the introduced for the administrator to provide the copy of the plan as soon as practicable after the plan is completed.

Whereas both the introduced and substitute provide for the use of successfully completed credits by a student for purposes of high school graduation, the substitute includes the following provisions not in the introduced:

- a requirement for an administrator to adopt a policy that provides for the use of those credits;

- a specification that credits completed while enrolled at a school within the Windham School District must be counted;
- a requirement that all completed courses must meet the standards adopted by the State Board of Education; and
- an authorization for partial credit to be counted, if determined appropriate by the administrator.

The substitute includes an authorization absent from the introduced for the commissioner of education to adopt rules as necessary to implement provisions relating to the transfer of a student to a regular educational environment.