By:  Allen, A. Johnson of Harris, H.B. No. 1626

     Thompson of Harris, Wu, Hull, et al.

A BILL TO BE ENTITLED

AN ACT

relating to a public school student's transition from an alternative education program to a regular educational environment, including parental rights related to that transition, 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 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b)  An open-enrollment charter school is subject to:

(1)  a provision of this title establishing a criminal offense;

(2)  the provisions in Chapter 554, Government Code; and

(3)  a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A)  the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B)  criminal history records under Subchapter C, Chapter 22;

(C)  reading instruments and accelerated reading instruction programs under Section 28.006;

(D)  accelerated instruction under Section 28.0211;

(E)  high school graduation requirements under Section 28.025;

(F)  special education programs under Subchapter A, Chapter 29;

(G)  bilingual education under Subchapter B, Chapter 29;

(H)  prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I)  extracurricular activities under Section 33.081;

(J)  discipline management practices or behavior management techniques under Section 37.0021;

(K)  health and safety under Chapter 38;

(L)  the provisions of Subchapter A, Chapter 39;

(M)  public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N)  the requirement under Section 21.006 to report an educator's misconduct;

(O)  intensive programs of instruction under Section 28.0213;

(P)  the right of a school employee to report a crime, as provided by Section 37.148;

(Q)  bullying prevention policies and procedures under Section 37.0832;

(R)  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S)  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T)  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U)  establishment of residency under Section 25.001;

(V)  school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(W)  the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X)  the college, career, and military readiness plans under Section 11.186; [~~and~~]

(Y) [~~(X)~~]  parental options to retain a student under Section 28.02124; and

(Z)  the requirements for a student's transition from an alternative education program under Section 37.023.

SECTION 2.  Section 25.001, Education Code, is amended by adding Subsections (b-3) and (b-4) to read as follows:

(b-3)  Except as provided by Subsection (b-4) and notwithstanding any provision of Chapter 37, the board of trustees of a school district or the board's designee may not refuse to enroll a student based on the student's criminal, juvenile, or disciplinary history or standing. 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). This subsection may not be construed to prohibit the board or the board's designee from:

(1)  revoking admission of a student under Subsection (b-1);

(2)  refusing to admit a person under 18 years of age whom the board is not required to admit under Subsection (d);

(3)  transferring a student in accordance with Section 25.0341 or 25.0342; or

(4)  expelling a student or placing a student in a disciplinary alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 in accordance with Section 37.0051, 37.0052, 37.006, 37.007, 37.0081, or 37.011, as applicable.

(b-4)  Subsection (b-3) does not apply to the inter-district transfer of a student under Subchapter B.

SECTION 3.  The heading to Section 37.023, Education Code, is amended to read as follows:

Sec. 37.023.  TRANSITION FROM ALTERNATIVE EDUCATION PROGRAM TO REGULAR EDUCATIONAL ENVIRONMENT [~~CLASSROOM~~].

SECTION 4.  Section 37.023, Education Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (c-1), (d-1), (g), and (h) 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 hold a meeting to coordinate the student's enrollment and transition to a regular educational environment [~~classroom~~]. The coordination must include assistance and recommendations from the student's parent or a person standing in parental relation to the student and, as applicable:

(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)  for a student who is a student with a disability as defined by Section 21.001, the campus special education administrator or other campus administrator responsible for overseeing the student's educational program, as applicable;

(8)  for a student who is a court-related child, the liaison officer appointed under Section 37.014; and

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

(c-1)  The campus administrator shall, before finalizing a personalized transition plan for a student under Subsection (d), provide to the student's parent or a person standing in parental relation to the student:

(1)  a list of the people who will be assisting in the student's enrollment and transition to a regular educational environment under Subsection (c); and

(2)  an opportunity to meet, either in person or remotely, with the people included on the list described by Subdivision (1) to:

(A)  discuss any proposed assistance or recommendations for the student's transition; and

(B)  provide information regarding the student that may be useful in developing the plan.

(d)  The enrollment and transition 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, performance on any assessment instrument administered under Section 37.0082, and educational record, including:

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

(B)  a description of appropriate courses in which the student should be placed; 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 educational environment under this section, the campus administrator or the administrator's designee shall conduct reviews at the beginning of each semester and the end of each school year of the student's progress toward the student's academic or career goals.

(e)  As soon as practicable after completing a student's personalized transition plan under Subsection (d) [~~If practicable~~], the campus administrator shall provide an electronic or written copy of the personalized transition plan 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 school district shall adopt a policy that, to the greatest extent possible, allows for credits that were successfully completed while the student was enrolled in an alternative education program or at a previous school, including a school within the Windham School District, to fulfill credits required for high school graduation, provided that the completed courses meet the standards adopted under Section 28.002(c). The policy adopted under this subsection may provide for partial credit, if determined appropriate by the district.

(h)  The commissioner may adopt rules as necessary to implement this section.

SECTION 5.  To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.  This Act applies beginning with the 2023-2024 school year.

SECTION 7.  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, 2023.