

By: Allison

H.B. No. 655

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the placement by a school district of a student who
3 engages in habitually violent behavior.

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

5 SECTION 1. Subchapter A, Chapter 37, Education Code, is
6 amended by adding Section 37.024 to read as follows:

7 Sec. 37.024. EDUCATIONAL SETTING FOR STUDENTS WHO ENGAGE IN
8 HABITUALLY VIOLENT BEHAVIOR. (a) In this section, "habitually
9 violent behavior" means a pattern of violent behavior, such as
10 assault or behavior that results in the hospitalization of a
11 student or school district staff member, that causes more than one
12 incident within a grading period during a school year.

13 (b) A school district may:

14 (1) for a prescribed period determined by the
15 district, place a student who engages in habitually violent
16 behavior towards other students and district staff in a virtual
17 setting and provide virtual instruction and instructional
18 materials for remote learning to the student;

19 (2) consult with local and state law enforcement
20 agencies to determine whether a student's habitually violent
21 behavior poses a legitimate ongoing threat to students and district
22 staff in the general education setting;

23 (3) establish certain conditions that a student or a
24 student's parent or person standing in parental relation to the

1 student must fulfill to allow a student placed in a virtual setting
2 to return to an alternative, general, or hybrid educational
3 setting, including conditions that require:

4 (A) the student or the student's parent or person
5 standing in parental relation to the student to provide evidence
6 that the student has undergone a medical or mental health
7 evaluation; or

8 (B) other reasonable steps designed to help the
9 district determine whether the student continues to pose a threat
10 to students and district staff; and

11 (4) if a student receives special education services
12 under Subchapter A, Chapter 29, or is receiving accommodations
13 under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
14 794), and has been determined to pose an ongoing threat to the
15 physical safety of students and district staff, require the
16 student's admission, review, and dismissal committee or team
17 established under Section 504, Rehabilitation Act of 1973 (29
18 U.S.C. Section 794), as applicable, to meet to determine an
19 appropriate educational setting for the student, in accordance with
20 Section 37.004 and federal law and regulations, to ensure the
21 student receives a free appropriate public education as required
22 under the Individuals with Disabilities Education Act (20 U.S.C.
23 Section 1400 et seq.).

24 (c) If the admission, review, and dismissal committee of a
25 student who engages in habitually violent behavior determines under
26 Subsection (b)(4) that the least restrictive environment for the
27 student is a remote, therapeutic, or residential placement, the

1 district is entitled to receive from the state reimbursement for
2 past expenses and appropriate funding for future expenses for the
3 provision of services to that student.

4 (d) A student placed in virtual instruction under
5 Subsection (b)(1) shall be counted toward the school district's
6 average daily attendance in the same manner as other district
7 students. The commissioner shall adopt rules providing for a
8 method of taking attendance for students placed in virtual
9 instruction under Subsection (b)(1).

10 SECTION 2. This Act applies beginning with the 2023-2024
11 school year.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.