

By: Johnson of Harris

H.B. No. 1949

A BILL TO BE ENTITLED

AN ACT

relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.

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

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PILOT PROGRAM IN DESIGNATED HIGH SCHOOLS IN CERTAIN MUNICIPALITIES FOR ALTERNATIVE DISCIPLINARY PLACEMENT:

JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC)

Sec. 37.031. ESTABLISHMENT OF PILOT PROGRAM. (a) A pilot program is established under this subchapter for placement of high school students in Junior Reserve Officers' Training Corps programs as an alternative, in accordance with Section 37.032, to placement in disciplinary alternative education programs or juvenile justice alternative education programs.

(b) The pilot program applies only to a student enrolled in a high school:

(1) located in a municipality that has more than 20 percent of the population 18 to 24 years of age who have not graduated from high school, according to the most recent American Community Survey five-year estimates compiled by the United States

1 Census Bureau; and

2 (2) designated by the agency under Subsection (c).

3 (c) The agency shall designate not more than two high
4 schools that offer Junior Reserve Officers' Training Corps programs
5 to participate in the pilot program. The commissioner by rule shall
6 adopt additional criteria that promote positive student
7 educational outcomes for the agency to use in making designations
8 under this subchapter.

9 (d) The application of this subchapter to a student enrolled
10 in a high school located in a municipality described by Subsection
11 (b)(1) is not affected if, after the high school is designated under
12 Subsection (c), the high school graduation rate in the
13 municipality changes and the municipality no longer meets the
14 requirements of Subsection (b)(1).

15 Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.

16 (a) Notwithstanding any other provision of Subchapter A and except
17 as provided by Subsection (c), a student subject to this subchapter
18 who is otherwise required or permitted under Subchapter A to be
19 placed in a disciplinary alternative education program or juvenile
20 justice alternative education program may, instead of that
21 placement, be required to participate in a Junior Reserve Officers'
22 Training Corps program if the student meets the initial eligibility
23 requirements for the program.

24 (b) A student required to participate in a Junior Reserve
25 Officers' Training Corps program as authorized under this
26 subchapter shall continue to attend the student's regularly
27 assigned classes, except that the student's schedule may be

modified to the extent necessary to provide for required attendance in the program.

(c) This subchapter does not apply if:

(1) the student is removed from class and placed into another appropriate classroom or into in-school suspension under Section 37.002 or is suspended under Section 37.005;

(2) the student engages in conduct described by Section 37.006(a)(2)(B) or Section 37.007(a)(2) or (b)(2)(C);

(3) the continued presence of the student in the regular classroom threatens the safety of other students or teachers; or

(4) the student engages in conduct for which the student is required to be expelled from the student's regular campus under federal law.

Sec. 37.033. STUDENT CODE OF CONDUCT. (a) In addition to the requirements for the student code of conduct under Section 37.001, the student code of conduct for a school district that includes a school designated under Section 37.031(c) must, consistent with this subchapter and as applied to the designated school:

(1) specify conditions that authorize a principal or other appropriate administrator to require a student to participate in a Junior Reserve Officers' Training Corps program;

(2) specify that consideration will be given, as a factor in each decision concerning participation in a Junior Reserve Officers' Training Corps program, to:

(A) self-defense;

1 (B) intent or lack of intent at the time the
2 student engaged in the conduct;

3 (C) a student's disciplinary history; or

4 (D) a disability that substantially impairs the
5 student's capacity to appreciate the wrongfulness of the student's
6 conduct;

7 (3) provide guidelines that promote positive student
8 educational outcomes for determining placement in a Junior Reserve
9 Officers' Training Corps program as an alternative to placement in
10 a disciplinary alternative education program or juvenile justice
11 alternative education program;

12 (4) provide guidelines for setting the length of a
13 term of required participation in a Junior Reserve Officers'
14 Training Corps program; and

15 (5) address the notification of a student's parent or
16 guardian of a violation of the student code of conduct committed by
17 the student that results in required participation in a Junior
18 Reserve Officers' Training Corps program.

19 (b) This section does not require the student code of
20 conduct to specify a minimum term of required participation in a
21 Junior Reserve Officers' Training Corps program.

22 Sec. 37.034. DETERMINATION REGARDING CERTAIN CONDUCT.
23 Section 37.006(e) applies to this subchapter.

24 Sec. 37.035. NOTICE TO PARENTS. (a) Not later than the
25 third class day after the date a student is required to participate
26 in a Junior Reserve Officers' Training Corps program as authorized
27 under this subchapter, the school district shall notify the

1 student's parent or guardian of the student's placement. The notice
2 must include the reason for the placement.

3 (b) A noncustodial parent may request in writing that a
4 school district or school, for the remainder of the school year in
5 which the request is received, provide that parent with a copy of
6 any written notification relating to the student's placement as
7 authorized under this subchapter that is generally provided by the
8 district or school to a student's parent or guardian.

9 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees
10 of the school district or the board's designee shall set a term for
11 a student's required participation in a Junior Reserve Officers'
12 Training Corps program as authorized under this subchapter. The
13 term must be for a period consistent with the guidelines adopted
14 under the student code of conduct in accordance with Section
15 37.033(a)(4). If the period of placement is inconsistent with the
16 guidelines adopted under the student code of conduct, the notice
17 under Section 37.035(a) must provide an explanation of the
18 inconsistency.

19 (b) Before a student may be required to participate in a
20 Junior Reserve Officers' Training Corps program as authorized under
21 this subchapter for a period that extends beyond the end of a school
22 year, the board of trustees or the board's designee must determine
23 that the student has engaged in serious or persistent misbehavior
24 that violates the district's student code of conduct. The period of
25 required participation may not exceed one year unless, after
26 review, the board or the board's designee determines that extended
27 placement is in the best interest of the student.

1 Sec. 37.037. APPEAL. Notwithstanding Section 7.057(e), the
2 decision to require a student to participate in a Junior Reserve
3 Officers' Training Corps program as authorized under this
4 subchapter may be appealed by the student or the student's parent or
5 guardian as provided by Sections 7.057(b), (c), (d), and (f).

6 Sec. 37.038. NOTICE TO EDUCATORS. (a) The board of
7 trustees of the school district shall inform each educator who has
8 responsibility for, or is under the direction and supervision of an
9 educator who has responsibility for, the instruction of a student
10 who is required to participate in a Junior Reserve Officers'
11 Training Corps program as authorized under this subchapter.

12 (b) Each educator shall keep the information received under
13 this section confidential from any person not entitled to the
14 information under this section, except that the educator may share
15 the information with the student's parent or guardian as provided
16 for by state or federal law.

17 (c) The State Board for Educator Certification may revoke or
18 suspend the certification of an educator who intentionally violates
19 this section or Section 37.039.

20 Sec. 37.039. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)
21 If a student required to participate in a Junior Reserve Officers'
22 Training Corps program as authorized under this subchapter enrolls
23 in another school district before the expiration of the period of
24 required participation, the board of trustees of the school
25 district requiring the participation shall provide to the district
26 in which the student enrolls, at the same time other records of the
27 student are provided, a copy of the placement order. The district

1 in which the student enrolls shall inform each educator who will
2 have responsibility for, or will be under the direction and
3 supervision of an educator who will have responsibility for, the
4 instruction of the student of the contents of the placement order.

5 (b) Each educator shall keep the information received under
6 this section confidential from any person not entitled to the
7 information under this section, except that the educator may share
8 the information with the student's parent or guardian as provided
9 for by state or federal law.

10 (c) Subject to Subsection (d), the school district in which
11 the student enrolls may continue the Junior Reserve Officers'
12 Training Corps program placement under the terms of the order or may
13 allow the student to attend regular classes without completing the
14 period of required participation.

15 (d) If the school the student attends in the school district
16 in which the student enrolls does not offer a Junior Reserve
17 Officers' Training Corps program, the student may be placed in a
18 disciplinary alternative education program or a juvenile justice
19 alternative education program under the procedures provided by this
20 subchapter for the remainder of the term set under Section 37.036.

21 Sec. 37.040. PROCEDURE FOR ADDRESSING SUBSEQUENT CONDUCT
22 AFTER PROGRAM PARTICIPATION. A student required to participate in
23 a Junior Reserve Officers' Training Corps program as authorized
24 under this subchapter is subject to the provisions of Subchapter A
25 relating to removal from class and placement in a disciplinary
26 alternative education program or juvenile justice alternative
27 education program if the student, after completion of any required

1 participation in a Junior Reserve Officers' Training Corps program
2 as authorized under this subchapter, engages in subsequent conduct
3 requiring or permitting the student to be removed from class and
4 placed in a disciplinary alternative education program or juvenile
5 justice alternative education program under Subchapter A.

6 Sec. 37.041. APPLICABILITY TO SUBCHAPTER A. Sections
7 37.002, 37.006, and 37.007 are subject to this subchapter.

8 Sec. 37.042. REVIEW OF PROGRAM; REPORT. Not later than
9 January 1, 2019, the commissioner shall review the pilot program
10 established under this subchapter and submit to the governor, the
11 lieutenant governor, the speaker of the house of representatives,
12 and the presiding officer of each legislative standing committee
13 with primary jurisdiction over primary and secondary education a
14 written report regarding the progress made by the pilot program in
15 improving student educational outcomes.

16 Sec. 37.043. EXPIRATION. This subchapter expires September
17 1, 2019.

18 SECTION 2. Section 37.020, Education Code, is amended by
19 adding Subsections (d) and (e) to read as follows:

20 (d) For each placement in a Junior Reserve Officers'
21 Training Corps program under Subchapter A-1, the district shall
22 report:

23 (1) information identifying the student, including
24 the student's race, sex, and date of birth, that will enable the
25 agency to compare placement data with information collected through
26 other reports;

27 (2) information indicating whether the placement was

1 based on:

2 (A) conduct violating the student code of conduct
3 adopted under Section 37.001;

4 (B) conduct for which placement in a disciplinary
5 alternative education program or juvenile justice alternative
6 education program is otherwise required or permitted by this
7 subchapter; or

8 (C) conduct occurring while a student was
9 enrolled in another district and for which placement in a Junior
10 Reserve Officers' Training Corps program is permitted by Section
11 37.039;

12 (3) the number of full or partial days the student was
13 assigned to the program and the number of full or partial days the
14 student attended the program;

15 (4) the number of placements that were inconsistent
16 with the guidelines included in the student code of conduct under
17 Section 37.033(a)(4);

18 (5) information regarding the academic performance of
19 the student on assessment instruments required under Section
20 39.023, as applicable, during the year preceding, during the year
21 of, and during the year following placement in the program, to the
22 extent available; and

23 (6) information indicating whether the student
24 dropped out of school, to the extent available.

25 (e) Subsection (d) and this subsection expire September 1,
26 2019.

27 SECTION 3. (a) Not later than December 1, 2017, the

1 commissioner of education shall adopt rules for the Texas Education
2 Agency to use to designate public high schools to participate in the
3 pilot program established under Subchapter A-1, Chapter 37,
4 Education Code, as added by this Act.

5 (b) Not later than January 1, 2018, the Texas Education
6 Agency shall designate not more than two public high schools to
7 participate in the pilot program established under Subchapter A-1,
8 Chapter 37, Education Code, as added by this Act.

9 (c) The pilot program established under Subchapter A-1,
10 Chapter 37, Education Code, as added by this Act, shall be
11 implemented in each high school designated under that subchapter
12 beginning with the spring semester of the 2017-2018 school year.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.