

1-1 By: Raymond (Senate Sponsor - Zaffirini) H.B. No. 156  
 1-2 (In the Senate - Received from the House May 5, 2017;  
 1-3 May 12, 2017, read first time and referred to Committee on  
 1-4 Education; May 22, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 1; May 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt		X		
1-10 Campbell	X			
1-11 Hall			X	
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West			X	

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to establishing a pilot program in designated public high  
 1-22 schools in certain municipalities for placement of students in  
 1-23 Junior Reserve Officers' Training Corps programs as an alternative  
 1-24 to placement in disciplinary or juvenile justice alternative  
 1-25 education programs.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 37, Education Code, is amended by adding  
 1-28 Subchapter A-1 to read as follows:

1-29 SUBCHAPTER A-1. PILOT PROGRAM IN DESIGNATED HIGH SCHOOLS IN  
 1-30 CERTAIN MUNICIPALITIES FOR ALTERNATIVE DISCIPLINARY PLACEMENT:

1-31 JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC)

1-32 Sec. 37.031. ESTABLISHMENT OF PILOT PROGRAM. (a) A pilot  
 1-33 program is established under this subchapter for placement of high  
 1-34 school students in Junior Reserve Officers' Training Corps programs  
 1-35 as an alternative, in accordance with Section 37.032, to placement  
 1-36 in disciplinary alternative education programs or juvenile justice  
 1-37 alternative education programs.

1-38 (b) The pilot program applies only to a student enrolled in  
 1-39 a high school:

1-40 (1) located in a municipality that:

1-41 (A) has a population of 200,000 or more;

1-42 (B) is located on an international border; and

1-43 (C) has more than 20 percent of the population 18

1-44 to 24 years of age who have not graduated from high school,

1-45 according to the most recent American Community Survey five-year

1-46 estimates compiled by the United States Census Bureau; and

1-47 (2) designated by the agency under Subsection (c).

1-48 (c) The agency shall designate not more than two high  
 1-49 schools that are located in a municipality described by Subsection  
 1-50 (b)(1) and that offer Junior Reserve Officers' Training Corps  
 1-51 programs to participate in the pilot program. The commissioner by  
 1-52 rule shall adopt additional criteria that promote positive student  
 1-53 educational outcomes for the agency to use in making designations  
 1-54 under this subchapter.

1-55 (d) The application of this subchapter to a student enrolled  
 1-56 in a high school located in a municipality described by Subsection  
 1-57 (b)(1) is not affected if, after the high school is designated under  
 1-58 Subsection (c), the high school graduation rate in the municipality  
 1-59 changes and the municipality no longer meets the requirements of  
 1-60 Subsection (b)(1)(C).

1-61 Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.

2-1 (a) Notwithstanding any other provision of Subchapter A and except  
2-2 as provided by Subsection (c), a student subject to this subchapter  
2-3 who is otherwise required or permitted under Subchapter A to be  
2-4 placed in a disciplinary alternative education program or juvenile  
2-5 justice alternative education program may, instead of that  
2-6 placement, be required to participate in a Junior Reserve Officers'  
2-7 Training Corps program if:

2-8 (1) the student meets the initial eligibility  
2-9 requirements for the program; and

2-10 (2) the student's parent or guardian consents to the  
2-11 student's placement in the program.

2-12 (b) A student required to participate in a Junior Reserve  
2-13 Officers' Training Corps program as authorized under this  
2-14 subchapter shall continue to attend the student's regularly  
2-15 assigned classes, except that the student's schedule may be  
2-16 modified to the extent necessary to provide for required attendance  
2-17 in the program.

2-18 (c) This subchapter does not apply if:

2-19 (1) the student is removed from class and placed into  
2-20 another appropriate classroom or into in-school suspension under  
2-21 Section 37.002 or is suspended under Section 37.005;

2-22 (2) the student engages in conduct described by  
2-23 Section 37.006(a)(2)(B) or Section 37.007(a)(2) or (b)(2)(C);

2-24 (3) the continued presence of the student in the  
2-25 regular classroom threatens the safety of other students or  
2-26 teachers; or

2-27 (4) the student engages in conduct for which the  
2-28 student is required to be expelled from the student's regular  
2-29 campus under federal law.

2-30 Sec. 37.033. STUDENT CODE OF CONDUCT. (a) In addition to  
2-31 the requirements for the student code of conduct under Section  
2-32 37.001, the student code of conduct for a school district that  
2-33 includes a school designated under Section 37.031(c) must,  
2-34 consistent with this subchapter and as applied to the designated  
2-35 school:

2-36 (1) specify conditions that authorize a principal or  
2-37 other appropriate administrator to require a student to participate  
2-38 in a Junior Reserve Officers' Training Corps program, including the  
2-39 condition that the student's parent or guardian must consent to the  
2-40 student's placement in the program;

2-41 (2) specify that consideration will be given, as a  
2-42 factor in each decision concerning participation in a Junior  
2-43 Reserve Officers' Training Corps program, to:

2-44 (A) self-defense;

2-45 (B) intent or lack of intent at the time the  
2-46 student engaged in the conduct;

2-47 (C) a student's disciplinary history; or

2-48 (D) a disability that substantially impairs the  
2-49 student's capacity to appreciate the wrongfulness of the student's  
2-50 conduct;

2-51 (3) provide guidelines that promote positive student  
2-52 educational outcomes for determining placement in a Junior Reserve  
2-53 Officers' Training Corps program as an alternative to placement in  
2-54 a disciplinary alternative education program or juvenile justice  
2-55 alternative education program;

2-56 (4) provide guidelines for setting the length of a  
2-57 term of required participation in a Junior Reserve Officers'  
2-58 Training Corps program; and

2-59 (5) address the notification of a student's parent or  
2-60 guardian of a violation of the student code of conduct committed by  
2-61 the student that requires the consent of the student's parent or  
2-62 guardian for the student to be placed in a Junior Reserve Officers'  
2-63 Training Corps program as an alternative to placement in a  
2-64 disciplinary alternative education program or a juvenile justice  
2-65 alternative education program.

2-66 (b) This section does not require the student code of  
2-67 conduct to specify a minimum term of required participation in a  
2-68 Junior Reserve Officers' Training Corps program.

2-69 Sec. 37.034. DETERMINATION REGARDING CERTAIN CONDUCT.

3-1 Section 37.006(e) applies to this subchapter.

3-2 Sec. 37.035. NOTICE TO PARENTS. (a) Before a student may  
3-3 be required to participate in a Junior Reserve Officers' Training  
3-4 Corps program as authorized under this subchapter, the school  
3-5 district shall notify the student's parent or guardian of the  
3-6 student's proposed placement and request and obtain consent for the  
3-7 student's placement in the program. The notice must include the  
3-8 reason for the proposed placement.

3-9 (b) A noncustodial parent may request in writing that a  
3-10 school district or school, for the remainder of the school year in  
3-11 which the request is received, provide that parent with a copy of  
3-12 any written notification relating to the student's placement as  
3-13 authorized under this subchapter that is generally provided by the  
3-14 district or school to a student's parent or guardian.

3-15 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees  
3-16 of the school district or the board's designee shall set a term for  
3-17 a student's required participation in a Junior Reserve Officers'  
3-18 Training Corps program as authorized under this subchapter. The  
3-19 term must be for a period consistent with the guidelines adopted  
3-20 under the student code of conduct in accordance with Section  
3-21 37.033(a)(4). If the period of placement is inconsistent with the  
3-22 guidelines adopted under the student code of conduct, the notice  
3-23 under Section 37.035(a) must provide an explanation of the  
3-24 inconsistency.

3-25 (b) Before a student may be required to participate in a  
3-26 Junior Reserve Officers' Training Corps program as authorized under  
3-27 this subchapter for a period that extends beyond the end of a school  
3-28 year, the board of trustees or the board's designee must determine  
3-29 that the student has engaged in serious or persistent misbehavior  
3-30 that violates the district's student code of conduct. The period of  
3-31 required participation may not exceed one year unless, after  
3-32 review, the board or the board's designee determines that extended  
3-33 placement is in the best interest of the student.

3-34 Sec. 37.037. NOTICE TO EDUCATORS. (a) The board of  
3-35 trustees of the school district shall inform each educator who has  
3-36 responsibility for, or is under the direction and supervision of an  
3-37 educator who has responsibility for, the instruction of a student  
3-38 who is required to participate in a Junior Reserve Officers'  
3-39 Training Corps program as authorized under this subchapter.

3-40 (b) Each educator shall keep the information received under  
3-41 this section confidential from any person not entitled to the  
3-42 information under this section, except that the educator may share  
3-43 the information with the student's parent or guardian as provided  
3-44 for by state or federal law.

3-45 (c) The State Board for Educator Certification may revoke or  
3-46 suspend the certification of an educator who intentionally violates  
3-47 this section or Section 37.038.

3-48 Sec. 37.038. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)  
3-49 If a student required to participate in a Junior Reserve Officers'  
3-50 Training Corps program as authorized under this subchapter enrolls  
3-51 in another school district before the expiration of the period of  
3-52 required participation, the board of trustees of the school  
3-53 district requiring the participation shall provide to the district  
3-54 in which the student enrolls, at the same time other records of the  
3-55 student are provided, a copy of the placement order. The district  
3-56 in which the student enrolls shall inform each educator who will  
3-57 have responsibility for, or will be under the direction and  
3-58 supervision of an educator who will have responsibility for, the  
3-59 instruction of the student of the contents of the placement order.

3-60 (b) Each educator shall keep the information received under  
3-61 this section confidential from any person not entitled to the  
3-62 information under this section, except that the educator may share  
3-63 the information with the student's parent or guardian as provided  
3-64 for by state or federal law.

3-65 (c) Subject to Subsection (d), the school district in which  
3-66 the student enrolls may continue the Junior Reserve Officers'  
3-67 Training Corps program placement under the terms of the order or may  
3-68 allow the student to attend regular classes without completing the  
3-69 period of required participation.

4-1 (d) If the school the student attends in the school district  
 4-2 in which the student enrolls does not offer a Junior Reserve  
 4-3 Officers' Training Corps program, the student may be placed in a  
 4-4 disciplinary alternative education program or a juvenile justice  
 4-5 alternative education program under the procedures provided by this  
 4-6 subchapter for the remainder of the term set under Section 37.036.

4-7 Sec. 37.039. PROCEDURE FOR ADDRESSING SUBSEQUENT CONDUCT  
 4-8 AFTER PROGRAM PARTICIPATION. A student required to participate in  
 4-9 a Junior Reserve Officers' Training Corps program as authorized  
 4-10 under this subchapter is subject to the provisions of Subchapter A  
 4-11 relating to removal from class and placement in a disciplinary  
 4-12 alternative education program or juvenile justice alternative  
 4-13 education program if the student, after completion of any required  
 4-14 participation in a Junior Reserve Officers' Training Corps program  
 4-15 as authorized under this subchapter, engages in subsequent conduct  
 4-16 requiring or permitting the student to be removed from class and  
 4-17 placed in a disciplinary alternative education program or juvenile  
 4-18 justice alternative education program under Subchapter A.

4-19 Sec. 37.040. APPLICABILITY TO SUBCHAPTER A. Sections  
 4-20 37.002, 37.006, and 37.007 are subject to this subchapter.

4-21 Sec. 37.041. REVIEW OF PROGRAM; REPORT. Not later than  
 4-22 January 1, 2019, the commissioner shall review the pilot program  
 4-23 established under this subchapter and submit to the governor, the  
 4-24 lieutenant governor, the speaker of the house of representatives,  
 4-25 and the presiding officer of each legislative standing committee  
 4-26 with primary jurisdiction over primary and secondary education a  
 4-27 written report regarding the progress made by the pilot program in  
 4-28 improving student educational outcomes.

4-29 Sec. 37.042. EXPIRATION. This subchapter expires September  
 4-30 1, 2019.

4-31 SECTION 2. Section 37.020, Education Code, is amended by  
 4-32 adding Subsections (d) and (e) to read as follows:

4-33 (d) For each placement in a Junior Reserve Officers'  
 4-34 Training Corps program under Subchapter A-1, the district shall  
 4-35 report:

4-36 (1) information identifying the student, including  
 4-37 the student's race, sex, and date of birth, that will enable the  
 4-38 agency to compare placement data with information collected through  
 4-39 other reports;

4-40 (2) information indicating whether the placement was  
 4-41 based on:

4-42 (A) conduct violating the student code of conduct  
 4-43 adopted under Section 37.001;

4-44 (B) conduct for which placement in a disciplinary  
 4-45 alternative education program or juvenile justice alternative  
 4-46 education program is otherwise required or permitted by this  
 4-47 subchapter; or

4-48 (C) conduct occurring while a student was  
 4-49 enrolled in another district and for which placement in a Junior  
 4-50 Reserve Officers' Training Corps program is permitted by Section  
 4-51 37.038;

4-52 (3) the number of full or partial days the student was  
 4-53 assigned to the program and the number of full or partial days the  
 4-54 student attended the program;

4-55 (4) the number of placements that were inconsistent  
 4-56 with the guidelines included in the student code of conduct under  
 4-57 Section 37.033(a)(4);

4-58 (5) information regarding the academic performance of  
 4-59 the student on assessment instruments required under Section  
 4-60 39.023, as applicable, during the year preceding, during the year  
 4-61 of, and during the year following placement in the program, to the  
 4-62 extent available; and

4-63 (6) information indicating whether the student  
 4-64 dropped out of school, to the extent available.

4-65 (e) Subsection (d) and this subsection expire September 1,  
 4-66 2019.

4-67 SECTION 3. (a) Not later than December 1, 2017, the  
 4-68 commissioner of education shall adopt rules for the Texas Education  
 4-69 Agency to use to designate public high schools to participate in the

5-1 pilot program established under Subchapter A-1, Chapter 37,  
5-2 Education Code, as added by this Act.

5-3 (b) Not later than January 1, 2018, the Texas Education  
5-4 Agency shall designate not more than two public high schools to  
5-5 participate in the pilot program established under Subchapter A-1,  
5-6 Chapter 37, Education Code, as added by this Act.

5-7 (c) The pilot program established under Subchapter A-1,  
5-8 Chapter 37, Education Code, as added by this Act, shall be  
5-9 implemented in each high school designated under that subchapter  
5-10 beginning with the spring semester of the 2017-2018 school year.

5-11 SECTION 4. This Act takes effect immediately if it receives  
5-12 a vote of two-thirds of all the members elected to each house, as  
5-13 provided by Section 39, Article III, Texas Constitution. If this  
5-14 Act does not receive the vote necessary for immediate effect, this  
5-15 Act takes effect September 1, 2017.

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