

## **BILL ANALYSIS**

Senate Research Center

S.B. 1737  
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Education  
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### **DIGEST AND PURPOSE**

Current law gives the each school board discretion to develop its own rules about the length of a Disciplinary Alternative Education Program (DAEP) placement. Section 37.009 (a) provides that, after a conference among the principal (or other appropriate administrator), a parent or guardian of the student, the teacher removing the student from class, and the student, the principal shall order the placement of the student for "a period consistent with the student code of conduct." According to Section 37.009 (c), this may include a period that extends beyond the end of the school year if the school board determines that the student's presence in class/campus presents a danger of physical harm to the student or other individual or has engaged in serious or persistent misbehavior that violates the student code of conduct.

S.B. 1737 amends Sections 37.009(a) and (c) Texas Education Code to establish a ten day limit on the length of time that a student may be assigned to a disciplinary alternative education program, unless the high school principal and/or the board of trustees of a school district determine that the student to be removed has presents a danger of physical harm to the student or to another individual; or that the has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

Section 37.006 of the Education Code provides that students who have been acquitted of offenses, or students with charges that have been dismissed for lack of prosecutorial merit, may still be held in DAEPs if school officials feels the student may threaten the safety of other students or teachers. School officials must make this decision within three class days of receiving the notice.

S.B. 1737 amends Section 37.006 (h) concerning the review of notice of the student's acquittal/dismissal. This bill requires that the student be returned to his/her regular classroom immediately after the school official reviews and verifies the notice of the student's acquittal or dismissal from prosecution, unless, after receiving relevant information from the student's parent, it is determined by the superintendent that the student still threatens the safety of other students or teachers. S.B. 1737 also clarifies language concerning mandatory parent involvement in the officials' review of the notice of the student's acquittal/dismissal.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 37.006(h) and (i), Education Code, as follows:

(h) Requires the superintendent or the superintendent's designee, on receipt of notice under Article 15.27(g) (Notification to Schools Required), Code of Criminal Procedure, or any other comparable notice that provides information regarding acquittal of a student or refusal to prosecute the student in connection with conduct for which the student was placed in an alternative education program, to verify the contents of the notice and review the student's placement in the alternative education program. Prohibits the students from

being returned to the regular classroom pending the verification and review. Requires the superintendent or the superintendent's designee to complete the verification and review, rather than schedule a review of the student's placement with the student's parent or guardian, not later than the class day following the day, rather than the third day after, the superintendent or designee receives notice and to return the student to the student's regular classroom immediately after completing the verification and review unless the superintendent or designee determines that there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. Deletes existing text regarding the verification and review and continued alternative education placement. Requires the superintendent or designee, in reviewing a student's placement under this subsection, to provide the student's parent with an opportunity to provide any information relevant to the review.

(i) Authorizes the student or the student's parent or guardian to appeal a decision under Subsection (h) to retain the student in the alternative education program to the board of trustees (board). Prohibits the student from returning to the regular classroom pending the appeal. Requires the board, at the next scheduled meeting, to review the notice described by Subsection (h), rather than provided under Article 15.27(g), Code of Criminal Procedure, receive information from the student, the student's parent or guardian, and the superintendent or designee, and confirm or reverse the decision under Subsection (h). Makes conforming changes.

SECTION 2. Amends Sections 37.009(a) and (c), Education Code, as follows:

(a) Authorizes the principal to order placement for a period that exceeds 10 days only if the principal makes the determinations described by Subsection (c).

(c) Requires the board or the board's designee, before it may place a student in an alternative education program for a period that exceeds 10 school days, to make certain determinations.

SECTION 3. Repealer: Section 37.006(k), Education Code regarding (removal of certain conducts).

SECTION 4. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 5. Effective date: upon passage or September 1, 2003.