

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:

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

(B) is located on an international border; and

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

1 to 24 years of age who have not graduated from high school,  
2 according to the most recent American Community Survey five-year  
3 estimates compiled by the United States Census Bureau; and

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

5 (c) The agency shall designate not more than two high  
6 schools that are located in a municipality described by Subsection  
7 (b)(1) and that offer Junior Reserve Officers' Training Corps  
8 programs to participate in the pilot program. The commissioner by  
9 rule shall adopt additional criteria that promote positive student  
10 educational outcomes for the agency to use in making designations  
11 under this subchapter.

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

18 Sec. 37.032. PARTICIPATION REQUIREMENTS AND EXCEPTIONS.

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

27 (b) A student who chooses to participate in a Junior Reserve

1 Officers' Training Corps program as authorized under this  
2 subchapter shall continue to attend the student's regularly  
3 assigned classes, except that the student's schedule may be  
4 modified to the extent necessary to provide for attendance in the  
5 program.

6 (c) This subchapter does not apply if:

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

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

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

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

18 Sec. 37.033. STUDENT CODE OF CONDUCT. (a) In addition to  
19 the requirements for the student code of conduct under Section  
20 37.001, the student code of conduct for a school district that  
21 includes a school designated under Section 37.031(c) must,  
22 consistent with this subchapter and as applied to the designated  
23 school:

24 (1) specify conditions that authorize a principal or  
25 other appropriate administrator to permit a student to choose to  
26 participate in a Junior Reserve Officers' Training Corps program as  
27 an alternative to placement in a disciplinary alternative education

1 program or juvenile justice alternative education program;

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

5 (A) self-defense;

6 (B) intent or lack of intent at the time the  
7 student engaged in the conduct;

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

9 (D) a disability that substantially impairs the  
10 student's capacity to appreciate the wrongfulness of the student's  
11 conduct;

12 (3) provide guidelines that promote positive student  
13 educational outcomes for students choosing to participate in a  
14 Junior Reserve Officers' Training Corps program as an alternative  
15 to placement in a disciplinary alternative education program or  
16 juvenile justice alternative education program;

17 (4) provide guidelines for setting the length of a  
18 term of participation in a Junior Reserve Officers' Training Corps  
19 program as an alternative to placement in a disciplinary  
20 alternative education program or juvenile justice alternative  
21 education program; and

22 (5) address the notification of a student's parent or  
23 guardian of a violation of the student code of conduct committed by  
24 the student that results in the student's choice to participate in a  
25 Junior Reserve Officers' Training Corps program as an alternative  
26 to placement in a disciplinary alternative education program or a  
27 juvenile justice alternative education program.

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

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

6 Sec. 37.035. NOTICE TO PARENTS. (a) Before a student may  
7 participate in a Junior Reserve Officers' Training Corps program as  
8 authorized under this subchapter, the school district shall notify  
9 the student's parent or guardian of the student's proposed  
10 placement. The notice must include the reason for the proposed  
11 placement.

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

18 Sec. 37.036. TERM OF PLACEMENT. (a) The board of trustees  
19 of the school district or the board's designee shall set a term for  
20 a student's participation in a Junior Reserve Officers' Training  
21 Corps program as authorized under this subchapter. The term must be  
22 for a period consistent with the guidelines adopted under the  
23 student code of conduct in accordance with Section 37.033(a)(4).  
24 If the period of placement is inconsistent with the guidelines  
25 adopted under the student code of conduct, the notice under Section  
26 37.035(a) must provide an explanation of the inconsistency.

27 (b) Before a student may participate in a Junior Reserve

1 Officers' Training Corps program as authorized under this  
2 subchapter for a period that extends beyond the end of a school  
3 year, the board of trustees or the board's designee must determine  
4 that the student has engaged in serious or persistent misbehavior  
5 that violates the district's student code of conduct. The period of  
6 participation may not exceed one year unless, after review, the  
7 board or the board's designee determines that extended placement is  
8 in the best interest of the student.

9 Sec. 37.037. NOTICE TO EDUCATORS. (a) The board of  
10 trustees of the school district shall inform each educator who has  
11 responsibility for, or is under the direction and supervision of an  
12 educator who has responsibility for, the instruction of a student  
13 who is participating in a Junior Reserve Officers' Training Corps  
14 program as authorized under this subchapter.

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

20 (c) The State Board for Educator Certification may revoke or  
21 suspend the certification of an educator who intentionally violates  
22 this section or Section 37.038.

23 Sec. 37.038. TRANSFER OF STUDENT UNDER PILOT PROGRAM. (a)  
24 If a student participating in a Junior Reserve Officers' Training  
25 Corps program as authorized under this subchapter enrolls in  
26 another school district before the expiration of the designated  
27 period of participation, the board of trustees of the school

1 district in which the student was participating in the program  
2 shall provide to the district in which the student enrolls, at the  
3 same time other records of the student are provided, a copy of the  
4 placement order. The district in which the student enrolls shall  
5 inform each educator who will have responsibility for, or will be  
6 under the direction and supervision of an educator who will have  
7 responsibility for, the instruction of the student of the contents  
8 of the placement order.

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

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

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

25 Sec. 37.039. PROCEDURE FOR ADDRESSING FAILURE TO COMPLETE  
26 DESIGNATED PERIOD OF PARTICIPATION OR SUBSEQUENT CONDUCT AFTER  
27 PROGRAM PARTICIPATION. A student who chooses to participate in a

1 Junior Reserve Officers' Training Corps program as authorized under  
2 this subchapter is subject to the provisions of Subchapter A  
3 relating to removal from class and placement in a disciplinary  
4 alternative education program or juvenile justice alternative  
5 education program if the student:

6 (1) except as provided by Section 37.038(c), fails to  
7 complete the designated period of participation under the terms of  
8 an order as authorized by this section; or

9 (2) after completion of any participation in a Junior  
10 Reserve Officers' Training Corps program as authorized under this  
11 subchapter, engages in subsequent conduct requiring or permitting  
12 the student to be removed from class and placed in a disciplinary  
13 alternative education program or juvenile justice alternative  
14 education program under Subchapter A.

15 Sec. 37.040. APPLICABILITY TO SUBCHAPTER A. Sections  
16 37.002, 37.006, and 37.007 are subject to this subchapter.

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

25 Sec. 37.042. EXPIRATION. This subchapter expires September  
26 1, 2019.

27 SECTION 2. Section 37.020, Education Code, is amended by

1 adding Subsections (d) and (e) to read as follows:

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

5 (1) information identifying the student, including  
6 the student's race, sex, and date of birth, that will enable the  
7 agency to compare placement data with information collected through  
8 other reports;

9 (2) information indicating whether the placement was  
10 based on:

11 (A) conduct violating the student code of conduct  
12 adopted under Section 37.001;

13 (B) conduct for which placement in a disciplinary  
14 alternative education program or juvenile justice alternative  
15 education program is otherwise required or permitted by this  
16 subchapter; or

17 (C) conduct occurring while a student was  
18 enrolled in another district and for which placement in a Junior  
19 Reserve Officers' Training Corps program is permitted by Section  
20 37.038;

21 (3) the number of full or partial days the student was  
22 assigned to the program and the number of full or partial days the  
23 student attended the program;

24 (4) the number of placements that were inconsistent  
25 with the guidelines included in the student code of conduct under  
26 Section 37.033(a)(4);

27 (5) information regarding the academic performance of

1 the student on assessment instruments required under Section  
2 39.023, as applicable, during the year preceding, during the year  
3 of, and during the year following placement in the program, to the  
4 extent available; and

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

7 (e) Subsection (d) and this subsection expire September 1,  
8 2019.

9 SECTION 3. (a) Not later than December 1, 2017, the  
10 commissioner of education shall adopt rules for the Texas Education  
11 Agency to use to designate public high schools to participate in the  
12 pilot program established under Subchapter A-1, Chapter 37,  
13 Education Code, as added by this Act.

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 156 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 156 on May 26, 2017, by the following vote: Yeas 140, Nays 5, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 156 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor