

BILL ANALYSIS

Senate Research Center

H.B. 308
By: Hope (Staples)
Education
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law does not contain a provision which prevents a student convicted of sexual assault from reenrolling in the same school as the victim. Once a person who is convicted of sexual assault has served the sentence, the student can go back to the same school as the victim. School districts are not obligated to notify the victim or the parents of a violator's enrollment.

H.B. 308 ensures that a student convicted of sexual assault is not allowed to enroll in the same school as the offender's victim.

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 Section 7.027(a), Education Code, as added by Section 4, Chapter 201, Acts of the 78th Legislature, Regular Session, to authorize the Texas Education Agency (TEA) to monitor compliance with requirements applicable to a process or program provided by specific chapters, except as provided by Section 37.008.

SECTION 2. Amends Subchapter B, Chapter 25, Education Code, by adding Section 25.0341, as follows:

Sec. 25.0341. TRANSFER OF STUDENTS INVOLVED IN SEXUAL ASSAULT. (a) Provides that this section applies to specific students who have been convicted, adjudicated, prosecuted, or placed on probation, and a student who is the victim of conduct described by Subdivision (1)(A).

(b) Sets forth the requirements of the board of trustees of the school district regarding the transfer of a student, on the request of a parent or other person with authority to act on behalf of a student who is a victim to whom Subsection (a)(2) applies.

(c) Requires a transfer under Subsection (b)(1) to be to a campus or school district, as applicable, agreeable to the parent or other person with authority to act on the student's behalf.

(d) Requires the school district to notify the parent or other person with authority to act on behalf of a student who is a victim to whom Subsection (a)(2) applies of the campus or program to which the student who engages in conduct described by Subsection (a)(1)(A) is assigned.

(e) Provides that this section applies regardless of whether the conduct occurred on or off of school property.

(f) Provides that Section 25.034 (Hearing; Action on Petition; Appeal) does not apply to a transfer under this section.

(g) Provides that a school district is not required to provide transportation to a student who transfers to another campus or school district under this section.

SECTION 3. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0051, as follows:

Sec. 37.0051. PLACEMENT OF STUDENTS COMMITTING SEXUAL ASSAULT AGAINST ANOTHER STUDENT. (a) Requires a student, as provided by Section 25.0341(b)(2), to be removed from class and placed in a disciplinary alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011.

(b) Provides that a limitation imposed by this subchapter on the length of a placement in a disciplinary alternative education program or a juvenile justice alternative education program does not apply to a placement under this section.

SECTION 4. Amends Section 37.008, Education Code, by amending Subsection (m), and adding Subsection (n), as follows:

(m) Requires the evaluation required by this section to be based on indicators defined by the commissioner of education (commissioner), including student performance on assessment instruments required under Sections 39.023(a) and (c). Requires the evaluation to include on-site analysis and interpretation of program data by TEA, if determined necessary by the commissioner or if an electronic evaluation under Subsection (m-1) indicates the need for on-site evaluation. Requires the academic mission of disciplinary alternative education programs to be to enable students to perform at grade level.

(n) Provides that Section 7.027, Education Code, as added by Section 4, Chapter 201, Acts of the 78th Legislature, Regular Session, 2003, does not apply to an evaluation under Subsection (m) or (m-1).

SECTION 5. Provides that Sections 25.0341 and 37.0051, Education Code, as added by this Act, apply beginning with the 2004-2005 school year.

SECTION 6. Effective date: upon passage or September 1, 2005.