

1 AN ACT  
2 relating to standards for the operation of school district  
3 disciplinary alternative education programs.

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

5 SECTION 1. Section 37.008, Education Code, is amended by  
6 amending Subsection (a) and adding Subsections (a-1), (a-2), and  
7 (a-3) to read as follows:

8 (a) Each school district shall provide a disciplinary  
9 alternative education program that:

10 (1) is provided in a setting other than a student's  
11 regular classroom;

12 (2) is located on or off of a regular school campus;

13 (3) provides for the students who are assigned to the  
14 disciplinary alternative education program to be separated from  
15 students who are not assigned to the program;

16 (4) focuses on English language arts, mathematics,  
17 science, history, and self-discipline;

18 (5) provides for students' educational and behavioral  
19 needs;

20 (6) provides supervision and counseling;

21 (7) employs only teachers who ~~[requires that to teach~~  
22 ~~in an off-campus disciplinary alternative education program, each~~  
23 ~~teacher]~~ meet all certification requirements established under  
24 Subchapter B, Chapter 21; and

1           (8) provides not less than the minimum amount of  
2 instructional time per day required by Section 25.082(a)  
3 [notwithstanding Subdivision (7), requires that to teach in a  
4 disciplinary alternative education program of any kind, each  
5 teacher employed by a school district during the 2003-2004 school  
6 year or an earlier school year meet, not later than the beginning of  
7 the 2005-2006 school year, all certification requirements  
8 established under Subchapter B, Chapter 21].

9           (a-1) The agency shall adopt minimum standards for the  
10 operation of disciplinary alternative education programs,  
11 including standards relating to:

12                   (1) student/teacher ratios;

13                   (2) student health and safety;

14                   (3) reporting of abuse, neglect, or exploitation of  
15 students;

16                   (4) training for teachers in behavior management and  
17 safety procedures; and

18                   (5) planning for a student's transition from a  
19 disciplinary alternative education program to a regular campus.

20           (a-2) Not later than December 15, 2008, the agency shall  
21 deliver a report to the legislature that provides the estimated  
22 costs to the agency of enforcing the standards adopted under  
23 Subsection (a-1), including the estimated cost of:

24                   (1) on-site monitoring to enforce the standards; and

25                   (2) alternative methods of monitoring compliance with  
26 the standards.

27           (a-3) Subsection (a-2) and this subsection expire January

1 15, 2009.

2 SECTION 2. (a) Section 37.008(a), Education Code, as  
3 amended by this Act, applies beginning with the 2007-2008 school  
4 year.

5 (b) Standards for the operation of school district  
6 disciplinary alternative education programs adopted under Section  
7 37.008(a-1), Education Code, as added by this Act, apply beginning  
8 with the 2007-2008 school year.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 426 was passed by the House on May 9, 2007, by the following vote: Yeas 139, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 426 on May 25, 2007, by the following vote: Yeas 140, Nays 1, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 426 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Arlene Spaw

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Peery

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8 PM O'CLOCK

Roger Williams  
Secretary of State