

1 AN ACT  
2 relating to discipline in public schools and the assignment of  
3 certain public school students involved in a sexual assault.

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

5 SECTION 1. Subchapter B, Chapter 25, Education Code, is  
6 amended by adding Section 25.0341 to read as follows:

7 Sec. 25.0341. TRANSFER OF STUDENTS INVOLVED IN SEXUAL  
8 ASSAULT. (a) This section applies only to:

9 (1) a student:

10 (A) who has been convicted of or placed on  
11 deferred adjudication for the offense of sexual assault under  
12 Section 22.011, Penal Code, or aggravated sexual assault under  
13 Section 22.021, Penal Code, committed against another student who,  
14 at the time the offense occurred, was assigned to the same campus as  
15 the student convicted or placed on deferred adjudication;

16 (B) who has been adjudicated under Section 54.03,  
17 Family Code, as having engaged in conduct described by Paragraph  
18 (A);

19 (C) whose prosecution under Section 53.03,  
20 Family Code, for engaging in conduct described by Paragraph (A) has  
21 been deferred; or

22 (D) who has been placed on probation under  
23 Section 54.04(d)(1), Family Code, for engaging in conduct described  
24 by Paragraph (A); and

1           (2) a student who is the victim of conduct described by  
2 Subdivision (1)(A).

3           (b) On the request of a parent or other person with  
4 authority to act on behalf of a student who is a victim to whom  
5 Subsection (a)(2) applies:

6           (1) the board of trustees of the school district shall  
7 transfer the student to:

8                   (A) a district campus other than:

9                           (i) the campus to which the student was  
10 assigned at the time the conduct occurred; or

11                           (ii) the campus to which the student who  
12 engaged in the conduct is assigned, if the student who engaged in  
13 the conduct has been assigned to a different campus since the  
14 conduct occurred; or

15                   (B) a neighboring school district, if there is  
16 only one campus in the district serving the grade level in which the  
17 student is enrolled; or

18           (2) if the student does not wish to transfer to another  
19 campus or district, the board of trustees shall transfer the  
20 student who engaged in the conduct to:

21                   (A) a district campus other than the campus to  
22 which the student who is the victim of the conduct is assigned; or

23                   (B) the district's disciplinary alternative  
24 education program or juvenile justice alternative education  
25 program, if there is only one campus in the district serving the  
26 grade level in which the student who engaged in the conduct is  
27 enrolled.

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

4        (d) To the extent permitted under federal law, a school  
5 district shall notify the parent or other person with authority to  
6 act on behalf of a student who is a victim to whom Subsection (a)(2)  
7 applies of the campus or program to which the student who engaged in  
8 conduct described by Subsection (a)(1)(A) is assigned.

9        (e) This section applies regardless of whether the conduct  
10 occurred on or off of school property.

11        (f) Section 25.034 does not apply to a transfer under this  
12 section.

13        (g) A school district is not required to provide  
14 transportation to a student who transfers to another campus or  
15 school district under this section.

16        SECTION 2. Subchapter A, Chapter 37, Education Code, is  
17 amended by adding Section 37.0051 to read as follows:

18        Sec. 37.0051. PLACEMENT OF STUDENTS COMMITTING SEXUAL  
19 ASSAULT AGAINST ANOTHER STUDENT. (a) As provided by Section  
20 25.0341(b)(2), a student shall be removed from class and placed in a  
21 disciplinary alternative education program under Section 37.008 or  
22 a juvenile justice alternative education program under Section  
23 37.011.

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

1           SECTION 3. Sections 25.0341 and 37.0051, Education Code, as  
2 added by this Act, apply beginning with the 2004-2005 school year.

3           SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 308 was passed by the House on April 21, 2005, by the following vote: Yeas 138, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 308 on May 26, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Robert Harey  
Chief Clerk of the House

I certify that H.B. No. 308 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Latsy Law  
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
12:20 PM 12 CLOCK

JUN 18 2005  
Roger Williams  
Secretary of State