

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.

Patsy Spaw
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