

**88TH LEGISLATIVE
RECAP
2023**



LONE STAR
JUSTICE ALLIANCE

***WE ADVOCATE FOR A JUSTICE SYSTEM
THAT TREATS KIDS AS KIDS.***

INTRODUCTION

A series of scandals has plagued Texas’s Juvenile Justice Department (“TJJD”) since 2007. In response, Texas successfully reduced its youth justice population[EH1] . However, the system is still embroiled in “crisis” with halted admissions and an ongoing investigation into civil rights violations by the Department of Justice. In response, when the Texas Legislature convened its 88th Session this January, multiple bills were proposed to address the future of the youth justice system. The legislation considered disparate proposals to close the five remaining state youth facilities, expand regional efforts to detain kids, eliminate the youth system entirely, and build additional state lockups.

During its Sunset Review, it was found that TJJD’s chronic staff shortages fueled the agency’s turmoil, heightening safety risks, decreasing access to rehabilitation, and preventing greater focus on reforms designed to keep youth closer to home. [Final Sunset Results at 2]. The Legislature responded to some of the most pressing staffing issues by granting TJJD \$83 million for state- and county-level salary increases. [Final Sunset Results at 2].

While this investment may arguably stabilize the existing crisis, it does nothing to ameliorate the plight of youth currently within the facilities. Instead of pursuing legislation that would continue to slow the pipeline of youth into the system, legislators reversed the course of reform by building new facilities and greasing the processes by which more kids can be sent to adult facilities. Lawmakers appropriated \$200 million in funding to TJJD for the construction of new state secure facilities that will provide for a minimum of 200 additional beds. [HB 1 Final Bill at 628/V-38].

Behind the scenes, advocates narrowly held off a merger of the juvenile and adult systems, and managed, for now, to continue expanding diversions from state confinement. \$31 million for an expansion of local placement and diversion funding [Final Sunset Report at 2].

This session revealed critical fractures in the youth advocates’ coalition that failed to produce a coherent policy proposal to resolve the crisis. Instead of refuting the increasing tough-on-crime rhetoric espoused by critics, harnessing the potential of emerging youth voices, or welcoming new youth service organizations to the table these fractures impeded the very real opportunities presented by a Speaker of the House who championed youth justice as a policy priority. Despite continued bipartisan commitment to justice reform, a budget surplus of nearly \$30 billion, and a chorus of concerns from legislators over the siloed nature of youth serving agencies, sustainable attempts at reform failed.

In four years, the Legislature will once again consider whether to sunset our state juvenile justice department, by either diverting youth or merging with the adult prison system. In the meantime, advocates have a mere 18 months before the next legislative session to shore up support for continued reform and to advance investments in youth and in keeping youth out of the youth justice system.

SIGNIFICANT WINS FOR YOUTH

S.B. 1585 (Authors: Sparks, Perry, Blanco, Flores, Miles, West, Whitmire | Sponsors: A. Johnson, Wu), *Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.*

The Chapter 55 Advisory Committee, a committee of youth justice and mental health stakeholders from across Texas, convened in December of 2021 to evaluate Chapter 55 of the Family Code and to propose related legislative changes. As originally written, language from the Code of Criminal Procedure and the Health and Safety Code, which were written to apply to adults, was incorporated into the Family Code provisions. There was a need for comprehensive revisions to make Chapter 55 more appropriate for and applicable to youth. The advisory committee recommended that the legislature streamline processes relating to a child's fitness to proceed and lack of responsibility, improve expert examinations and reports, and expand the use of outpatient services when appropriate and available. H.B. 2037 seeks to implement the advisory committee's recommendations by revising Chapter 55 of the Family Code with respect to juvenile court proceedings for children with mental illness and intellectual disabilities. The bill also revises provisions relating to the mental examination of a youth.

Bill amends and revises current language in Family Code 51.20 to use the term intellectual disability instead of mental retardation and moves any language referring to a forensic mental evaluation of a youth into Family Code Chapter 55.

Analysis: Provides clarification as to when a judge needs to order a forensic mental examination for possible determination of court-

ordered treatment/services versus a physical or mental examination for diagnostic purposes; provides information located in multiple other Texas Codes in one place in Chapter 55 (definitions, appointing an expert, court-ordered treatment/service criteria); Provides a more detailed process and guidance for judges to follow to court order treatment for youth with mental illness and gives the juvenile court discretion on transfers (current language makes transfer mandatory); Provides a more detailed process and guidance for judges to follow to determine fitness to proceed for youth with mental illness and/or intellectual disability and gives the juvenile court discretion on transfers (current language makes transfer mandatory); Provides a more detailed process and guidance for judges to follow to determine lack of responsibility for conduct for youth with mental illness and/or intellectual disability; Offers clear and detailed guidance to the court about proceedings for youth with mental illness and/or intellectual disability and gives direction for detention hearings for youth held in detention facilities.

Provides details about what to include in the content of a forensic mental examination of a juvenile; Moves “expert” language found in the Code of Criminal Procedure into Chapter 55; Provides clearer guidelines for examinations and report contents of forensic mental exams.

Gives Juvenile Probation Departments latitude to work with a treatment/service provider to provide restoration education classes to youth. Includes specific language (already in existence in the Health and Safety Code) to direct the Local Mental Health Authorities to file a recommendation with the court for the proposed youth’s treatment.

Impact: No fiscal impact to TJJD unless funds are appropriated for the express purpose of

paying for private inpatient treatment/services or outpatient alternative setting treatment/services; Possible fiscal impact to County Probation Departments – if a department chooses to contract with an outpatient alternative setting for fitness restoration; Possible fiscal impact to HHSC – if the commission is called on to create outpatient fitness to proceed restoration curriculum (Bill does not require this).

S.B. 1585 was signed by the Governor on June 18, 2023. The Bill will go into effect on September 1, 2023.

H.B. 5195 (Authors: S. Thompson, S. Morales | Sponsors: Johnson, Eckhart, Miles), *Relating to the services provided to certain children detained in a juvenile detention facility.* H.B. 5195 requires the Texas Juvenile Justice Department to provide education, programming, and services to youth who have been certified and transferred from juvenile court to adult court pending criminal proceedings. The facility administrator shall, within 21 days, complete an initial assessment to evaluate the needs of the child, prepare a placement status report in 90-day increments.

Impact: In 2021, the total number of case dispositions in Texas was 33,758. The total number of dispositions resulting in discretionary transfer to juvenile court (certifications) in 2021 was 138 across all counties in Texas. The total number of referrals was 33,987. The reported juvenile age population (10 to 16) in Texas in 2021 was 2,888,601.

Source: Texas Juvenile Justice Department, *State of Probation Activity Report – Calendar Year 2021, August 2022*, <https://www.tjjd.texas.gov/index.php/doc-library/send/334-state-of-juvenile-probation-activity/3201-the-state-of-juvenile-probation-activity-in-texas-2021>. (Accessed June 26, 2023).

H.B. 5195 was signed by the Governor on June 9, 2023. The Bill will go into effect on September 1, 2023.

S.B. 133 (Authors: West, Blanco, Eckhardt, Hinojosa, Miles, Zaffirini | Sponsors: Hull, M. González, Cain, Moody, Lozano, Goodwin, Plesa), *Relating to prohibiting the physical restraint of or use of chemical irritants on certain public-school students by peace officers and school security personnel under certain circumstances.* Officers performing law enforcement duties and security guards performing security-related duties at a school cannot “restrain or use a chemical irritant spray on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person.”

Analysis: Elementary school students should not have to fear being physically restrained or being pepper sprayed in school. Restraints can have significant physical and psychological effects on children, including trauma, anxiety, and loss of trust in authority figures.

Impact: The total enrollment population in Texas Schools as of 2021-2022 school year was 5,427,370. Within that population, 2,901,015 were considered at-risk.

Source: Texas Education Agency, *Enrollment in Texas Public Schools 2021-2022*, <https://tea.texas.gov/sites/default/files/enroll-2021-22.pdf>. (Accessed June 26, 2023)

S.B. 133 was signed by the Governor on June 18, 2023. The Bill is effective immediately

H.B. 3186 (Authors: Leach, Garcia | Sponsors: Zaffirini, Perry), *Relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts and related criminal justice matters; authorizing fees.* In the wake of recent tragedies, there is an increased recognition of the importance of early identification of, and response to, at-risk youth and youth living with mental illness. Experts believe that youth diversion, consisting of early identification and intervention, is key to decreasing recidivism, reducing juvenile justice system involvement, lowering long-term costs, helping youth and their families access needed services and programs, and reducing the burden on the justice system as a whole. Since civil courts cannot accommodate the immense volume of juvenile Class C misdemeanor cases, municipal and justice courts have become the frontline responders for children accused of Class C misdemeanors involving crimes such as curfew violations, underage drinking, and possession of drug paraphernalia. Under current law, youth diversion strategies can only be ordered by a municipal or justice court on the back end of a case as part of a conviction or a deferred disposition. H.B. 3186, the Texas Youth Diversion and Early Intervention Act, seeks to make diversion strategies more effective by providing for the referral of certain children to youth diversion services without requiring a criminal adjudication and for the adoption of a youth diversion plan by each justice and municipal court. The bill also facilitates collaboration between applicable entities, including by authorizing local governments to collaborate in creating a regional youth diversion plan.

H.B. 3186 was signed by the Governor on June 10, 2023. The Act goes into effect on January 1, 2024.

MISSED OPPORTUNITIES

H.B. 16 (Authors: Moody et al.), *Relating to the adjudication and disposition of cases involving delinquent conduct, certain juvenile court proceedings, and planning and funding for services for children in the juvenile justice system.* There is a recognized need to divert youth from confinement in Texas Juvenile Justice Department (TJJD) facilities in favor of local placements utilizing community resources. Research has shown better outcomes for justice-involved youths in such placements rather than in state facilities that are overburdened and understaffed. H.B. 16 sought to address these concerns by increasing court involvement and enhancing court discretion at key intercept points in the juvenile justice process while requiring courts to consider certain mitigating evidence related to the hallmark features of youth and the diminished culpability of children in court proceedings. The bill established stricter standards for detention and creates a presumption for diversion into community-based rehabilitative resources, all subject to specified timelines, procedures, and standards. It also required TJJD to develop and adopt a diversion and intervention strategic plan and to create a Task Force on Community-based Diversion and Intervention to engage a network of stakeholders to provide services. And finally, the bill created a county reinvestment fund in each county for community-based interventions and established an incentive fund out of general revenue to supplement local funds.

After passing the House on April 20, H.B. 16 was left pending in the Senate Committee on State Affairs.

H.B. 213 (Authors: Moody, Leach, S. Thompson, Buckley, Cook | Sponsor: Springer), *Relating to jury instructions regarding parole eligibility and the release on parole of*

certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility. There are thousands of youth who were tried as adults for capital and first-degree felonies and who are currently serving lengthy prison sentences and are ineligible for parole until late adulthood. It is well established that youth do not have the same capacity as adults to appreciate the consequences of their actions and cannot be held accountable in the same manner as adult offenders. Additionally, youth are likely to be different people in adulthood, and while paroling a youthful offender who becomes a mature adult equipped to successfully reenter society may be equitable, current law often does not make that an option for decades later than appropriate. H.B. 213 sought to address these issues by requiring parole panels to consider certain factors relating to growth and maturity when making release decisions for inmates who were younger than 18 years of age when they committed the applicable offense and by changing parole eligibility for inmates serving a sentence for certain felonies committed when younger than 18 years of age. The bill was named in honor of Senator Eddie Lucio, Jr., who cared deeply about restorative youth justice and sponsored legislation similar to H.B. 213 during the 87th Legislative Session.

After passing the House on April 28, H.B. 213 was left pending in the Senate Committee on Criminal Justice.

H.B. 327 (Authors: S. Thompson, Garcia, J. Jones, Davis, Collier), *Relating to the affirmative defense to prosecution for a criminal offense for persons acting under duress.* In Texas, victims who have been compelled to break the law in the context of an inherently coercive arrangement with a trafficker or abuser are not able to introduce evidence of their history of victimization as an affirmative defense at trial. A recent criminal appeals court ruling provided that,

the current standard of "reasonable firmness" with regard to compulsion to commit an offense does not include a person who has become more susceptible to coercion because of a traumatic event. Consequently, someone who is more susceptible to coercion than the average person because of a traumatic event is unable to introduce evidence of their past trauma for a jury to consider at trial. H.B. 327 sought to clarify that the law is meant to allow juries to consider the complete picture of a duress-inducing threat by allowing defendants to introduce evidence of their past trauma so that juries could consider whether the force or threat of force would render a reasonable person in the situation of the defendant incapable of resisting pressure.

After passing the House on May 10, H.B. 327 was left pending referral to a Senate Committee

H.B. 4366 (Authors: Howard, Garcia, S. Thompson | Sponsors: S. Morales, E. Morales, Thierry), *Relating to the eligibility for and provision of benefits under Medicaid or the child health plan program for certain individuals committed, placed, or detained in certain facilities and settings.* H.B. 4366 promoted the mental and physical health of Texas youth by requiring Medicaid enrollment for eligible youth at both the county and state level. This bill took a significant step toward addressing the physical and mental health needs of our most vulnerable youth in the state by ensuring benefits enrollments to bring prevention, stabilization, support, and continuity of care for justice-involved youth. In addition, this bill at its core increased the safety of communities in which youth reside and return by ensuring that youth have access to the services and treatment they need for long-term success.

This bill strengthened existing statute language, which at this time just simply states that TJJD will check for Medicaid eligibility for youth in its

care. H.B. 4366 took the existing process one step further by:

- Requiring that all youth at county and state level are not just reviewed for eligibility, but that when found eligible are subsequently enrolled with services set to start as soon as possible – including through provision of telehealth services prior to release for those that are detained.
- Requiring that TJJD collect data on this process and prepare a report so that we have a clear picture of the population and needs.

This bill would have directed TJJD to work with DFPS to determine the eligibility of detained youth for Medicaid, specifically for STAR Health. The committee substitute for this bill included The Texas Health and Human Services Commission in this coordination.

Furthermore, it allowed a child to begin receiving services, including telehealth and telemedicine medical services, through the program as soon as possible after the eligibility determination is made. The bill specifically directed TJJD to use available resources to assist the child with accessing telehealth services or telemedicine medical services, including mental health and behavioral health services, through the program in which they are enrolled.

This bill had a low fiscal impact on the state as it can be supported through existing Medicaid resources but would have a significant impact on the lives of the youth that are eligible. In addition, this bill laid the groundwork for upcoming federal legislation, which provides a pathway to provide Medicaid services to youth in pre-adjudication facilities starting in 2025. Passing H.B. 4366 would have set us on the cutting edge of services for youth in the nation, following in the footsteps of our groundbreaking Texas Medicaid provision to support peer support programs – which is now a gold standard model nationally.

After passing the House on May 9, H.B. 4366 was left pending in the Senate Health & Human Services committee.

H.B. 15/HJR 135 (Authors: S. Thompson, Craddick, Buckley, Bonnen, Kuempel), *Relating to the creation of the Mental Health and Brain Research Institute of Texas.*

This bill created the Mental Health and Brain Research Institute of Texas and would have specific carve outs for youth and young adults.

After passing the House on April 11, H.B. 15/HJR 135 was left pending referral to a Senate Committee.

H.B. 828 (Authors: Dutton, Wu), *Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.* The bill amended statutory provisions related to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

The bill raised the minimum age at which a person who commits an offense may be prosecuted or convicted, with certain exceptions, from 17 to 18.

The bill established that individuals who were 17 at the time of an offense would be considered juveniles and would be under the jurisdiction of juvenile courts and the juvenile justice system instead of the adult criminal justice system.

Analysis: Texas is only one of three states that continues to send youth under the age of 18 to the adult criminal justice system.

In Texas, the age of adulthood is typically 18; at that age, juveniles can vote, join the military, and buy a lottery ticket. Yet despite this seeming consensus that adulthood begins at 18, youth may be charged as an adult for any

criminal offense the day they turn 17.

In the juvenile justice system, these low-level offenses would most likely result in release back into the community, orders to attend rehabilitative treatment, and oversight while completing treatment. Instead, 17-year-olds in the adult criminal justice system face an environment focused on punishment, not rehabilitation.

In the adult system, 17-year-olds are subjected to dangerous conditions.

- **Physical & Sexual Violence:** Youth held in adult facilities face high risks of sexual assault. A national study found that two-thirds of these youth were sexually victimized by other inmates.
- **Risk of Suicide:** Youth held in adult facilities are 36 times more likely to commit suicide.
- **Solitary Confinement:** Due to sight and sound separation requirements, youth in adult facilities can spend up to 23 hours per day in solitary confinement, which can lead to physical and psychological harm.

In the adult system, 17-year-olds are subjected to a lifetime of collateral consequences.

- **Criminal Record:** An adult criminal record creates barriers to furthering education, gaining employment, securing housing, and joining the military.
- **Risk of Recidivism:** Youth prosecuted in the adult system are 34% more likely to violently re-offend than youth in the juvenile justice system.

Only the juvenile justice system affords youth the rights to have parents involved, to rehabilitative treatment, to private hearings, and to confidential records. H.B. 828 was left pending in the House Committee on Youth Health & Safety.

H.B. 4362 (Authors: A. Johnson, S. Morales), *Relating to the eligibility of certain persons for an order of nondisclosure of criminal history*

record information. Texans who have some type of criminal record often face a net of legal prohibitions and diminished opportunity that have little to do with public safety. Barriers that make it difficult to find gainful employment, secure stable housing, or support a family make it harder to escape the cycle of crime and can be a lifetime burden. Moreover, under state law, eligibility to have one's record sealed is limited. Adult record sealing or "order of nondisclosure" prevents a record from being viewed by private employers and landlords, while still allowing courts, law enforcement, and other specified government agencies to retain access to it. With limited exceptions, only individuals who have successfully completed deferred adjudication or who were convicted of a first-time misdemeanor are eligible for record sealing. These restrictions limit opportunities for persons from reentering society, which can often result in persons reentering the prison criminal justice system. H.B. 4362 would have expanded access to orders of nondisclosure for people with nonviolent criminal convictions and reduce the amount of time a person must wait prior to petitioning the court to seal certain records. Specifically, H.B. 4362 extended eligibility to persons with nonviolent state jail felony convictions and allowed for persons with more than one nonviolent misdemeanor or state jail felony conviction to petition for nondisclosure relief after a specified number of years have passed since completion of their last sentence, subject to a court's approval.

After passing the House on May 10, H.B. 4362 was left pending referral to a Senate Committee.

H.B. 2300 (Authors: Allen, S. Morales), *Relating to the eligibility of certain persons for an order of nondisclosure of criminal history record information.* Currently, only certain people are entitled to petition a court for an order of nondisclosure of criminal history record information. Orders of nondisclosure are critical

to allow formerly incarcerated people access to stable housing and employment, and this opportunity should be afforded to more people who otherwise meet the eligibility requirements. H.B. 2300 sought to address this issue by expanding eligibility for people to petition a court for an order of nondisclosure after a certain period based on their offense.

After passing the House on April 27, H.B. 2300 was left pending in Senate Committee on State Affairs.

H.B. 1737 (Authors: Leach, Bernal, V. Jones, S. Morales, C. Morales, Plesa | Sponsors: Zaffirini, Perry), *Relating to automatic orders of nondisclosure of criminal history record information for certain misdemeanor defendants following successful completion of a period of deferred adjudication community supervision.* Opportunities for record relief are very limited under current state law. While many individuals may be eligible for an order of nondisclosure of criminal history record information, which provides for the sealing of records and removes the records from the public domain, these individuals continue to face barriers in obtaining these orders. For example, even a first-time misdemeanor defendant who completes a period of deferred adjudication community supervision and is entitled to an order of nondisclosure is still required to provide evidence to the court proving their eligibility in the form of a letter, which can be difficult to complete without legal assistance, and pay a fee. Furthermore, it can be difficult to assess eligibility for record relief under the law. H.B. 1737 sought to reduce the barriers that these individuals must overcome by automating record relief for individuals currently entitled to orders of nondisclosure of criminal history record information and eliminating certain related requirements, including payment of a fee.

After passing the House on April 19, H.B. 1737 was left pending in the Senate Committee on State Affairs.

H.B. 2822 (Authors: Garcia, et al.), *Relating to a study on the housing needs of youth transitioning out of foster care or the juvenile justice system.* According to HUD, approximately a quarter of foster care youth experience homelessness within four years of aging out of the system. Advocates and stakeholders have noted that youth in the foster care system are significantly more likely than those in the general population to be involved in the juvenile justice system while in state care, which may add additional barriers to a successful transition to independent living. The legislature, the Texas Juvenile Justice Department, and the Texas Department of Family and Protective Services would benefit from additional information on the unique housing needs of these youth. H.B. 2822 sought to address this issue by requiring the Texas Interagency Council for the Homeless to conduct a study on the unique housing needs of youth who are aging out of the foster care system, the juvenile justice system, and who have been impacted by both systems and to make recommendations for improvements to programs which prepare these youth for successful transitions to independent living.

After passing the House on May 9, H.B. 2822 was left pending referral to Senate Committee.

H.B. 77 (Authors: Neave Criado, Garcia, J. González), *Relating to status offenses committed by a child, including the repeal of the status offense of a child voluntarily running away from home.* State law defines a status offender as a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult. The actions

associated with status offenses are often caused by factors outside of a youth's control, such as family tensions, problems at school, or unmet mental health needs. Youth who run away from home may be fleeing an unsafe or abusive environment and require additional services, including a more stable and supportive place to reside. State law prohibits status offenders from being punished with a term of confinement in a secure detention facility; however, status offenders can still be detained in such a facility while they await an adjudication hearing. If a status offender violates a court order related to the status offense, such as running away again, a court can punish the youth with a term of secure confinement, which does not meet the needs of a status offender. H.B. 77 sought to address these issues by removing running away from home from the list of status offenses and redirecting youth to emergency shelters and crisis intervention services, as well as preventing conduct of the other status offenses from resulting in detention in a secure detention facility, either pre- or post-adjudication.

After passing the House on May 6, H.B. 77 was left pending in the Senate Committee on State Affairs.

H.B. 98 (Authors: Moody, Garcia), *Relating to the provisions of on-campus mental health services by a school district and reimbursement under Medicaid for certain services provided to eligible students.* Modified the Education Code by adding two subsections to Chapter 38 (Health and Safety) to authorize a public school district to contract with a local mental health authority to provide mental health services on a district campus, which does the following:

- Allowed school districts to contract with local mental health authorities (LMHA) to provide mental health services and permits

the LMHA to share assessment results at the request of a parent/guardian; and

- Required the Health and Human Services Commission to allow a district to enroll as a provider under Medicaid to provide and receive reimbursement for the provision of mental health services to district students who are Medicaid recipients.

While public school districts can create partnerships with outside entities to provide behavioral and mental health support for students, their efforts are hampered by the lack of a structure for the provision of mental health services within a school setting and an inability to bill Medicaid for such services. H.B. 98 sought to address these concerns by authorizing districts to contract with a local mental health authority to deliver direct services on campus and by providing a mechanism under which districts could recover some of the costs through Medicaid.

After passing the House on April 26, H.B. 98 was left pending in the Senate Committee on Education.

H.B. 1504 (Author: A. Johnson), *Relating to juveniles committed to the Texas Juvenile Justice Department.* Amended Section 59.009(a) of the Family Code (Sanction Level Six), removing language allowing the juvenile court to commit a child at level six to “a post-adjudication secure correctional facility under Section 54.04011(c)(1)” [Section 54.0411 has expired]. Removed the authority of the juvenile board or local juvenile probation department to impose requirements of the child. Allowed for the reduction of the minimum length of sentence required.

Amended Section 244.003(b) of the Human Resources Code (Care & Treatment of Children – Records) to allow access of records to those providing transition planning and reentry services.

Amended Section 245.04(a) of the Human Resources Code (Information Provided to Court

Before Release) by changing the filing deadline for reentry and reintegration plans and progress reports from 30 days before release to 10 days before release.

After passing the House on April 14, H.B. 1504 was left pending in the Senate Committee on Criminal Justice

H.B. 516 (Authors: Wu, Allen, Hull), *Relating to requiring a school district or open-enrollment charter school to report data regarding certain, disciplinary or law enforcement actions taken against students.* Required the superintendent to submit a detailed report of incident-based data on disciplinary or law enforcement actions taken against students for each campus. The data required includes incidents involving removing students from class, the use of restraints, complaints filed against students per chapter 37.145 of Education Code (Discipline; Law and Order), citations issued to students, and student arrests.

Left pending in the House

H.B. 1626 (Authors: Allen, A. Johnson, S. Thompson, Wu, Hull, Garcia | Sponsor: Menéndez), *Relating to a public-school student’s transition from an alternative education program to a regular classroom and the admission of certain students with a criminal or disciplinary history.* Prohibited school districts from refusing to admit a student based on their criminal, juvenile, or discipline history. Schools must “promptly enroll” students released from alternative education programs.

Required parents/guardians of students under 18 to provide assistance and recommendations for the student’s transition to a regular classroom. (The coordination must include assistance and recommendations from...)

If unavailable to participate, parent/guardian were to be provided with a copy of the transition plan.

Added new requirements for personalized transition plans – recommendations should be based on student’s previous coursework, credit earned, and educational record.

After transition, admin shall review student’s progress at the beginning of each school year and at the end of each grading period.

School admin “shall, to the greatest extent possible” try to apply alternative school credits to student’s graduation requirement.

After passing the House on April 27, H.B. 1626 was left pending in Senate Education committee.

H.B. 507 (Author: Wu), *Relating to the waiver of jurisdiction and the discretionary transfer of a child from a juvenile court to a criminal court.* The bill would amend certain procedures for a juvenile court to waive its exclusive original jurisdiction and transfer a child to criminal court, including by requiring an admonishment of the child in open court before conducting a hearing to consider transfer of the child. Juvenile court shall admonish the child in open court regarding court’s consideration of waiving jurisdiction and transferring the child to criminal court, and the child’s right to participate in any study, evaluation, or investigation. If the child declined, the attorney will state the refusal in writing within five days. In making determination, the court would consider if offense was against person or property, sophistication of child, record of previous history, prospects of adequate protection of public and likelihood of rehabilitation.

H.B. 507 was left pending in the House Committee on Juvenile Justice & Family Issues.

H.B. 195 (Authors: M. González, VanDeaver | Sponsor: Zaffirini), *Relation to provisions and plans by public schools to ensure the safety of individuals with disabilities during a disaster or emergency situation.* A State Board of Education member expressed concern to Representative González that public school students and personnel with disabilities are likely to face greater challenges than their peers when dealing with campus emergency situations. Parents of students with disabilities have shared instances in which school building conditions or a lack of trained personnel have created problems during fire drills and other emergency simulations. School campus emergency plans may not always include specific considerations for people with disabilities, and the individualized education program (IEP) or Section 504 plan of a student with a disability may not include appropriate accommodation of the student's individual needs in the event of an emergency. This lack of planning may put these students at particular risk. H.B. 195 sought to remedy this situation by providing for the consideration of accommodations that will be needed during a disaster or emergency situation in the development of a student's IEP or Section 504 plan and requiring the Texas Education Agency to establish related guidelines for the multihazard emergency operations plan of a public school district or open-enrollment charter school.

After passing the House on April 20, H.B. 195 was left pending in the Senate Committee on Education.

H.B. 1626 (Authors: Allen, A. Johnson, S. Thompson, Wu, Hull | Sponsor: Menéndez), *Relating to a public-school student’s transition from an alternative education program to a regular classroom and the admission of certain students with a criminal or disciplinary history.* Despite legislation that was enacted in 2019, students returning from alternative education programs continue to face challenges when

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attempting to re-enroll back into the local school district after the student's successful completion of their discipline program. H.B. 1626 sought to increase academic support for students returning to school from an alternative education program by removing barriers upon their return and by requiring school administrators to engage parents in the transition planning process.

After passing the House on April 27, H.B. 1626 was left pending in the Senate Committee on Education.



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