

BE THE FIRST TO KNOW: LEGISLATIVE UPDATE

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Juvenile Justice Bills - 84th Session

Raise the Age

SB 104 (Hinojosa): Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

WHAT THIS BILL DOES: Redefines “child” in the Family Code, Penal Code, Code of Criminal Procedure, Education Code, Health and Safety Code, Human Resources Code, Government Code, Local Government Code, and Transportation Code to mean a person 10 years of age or older and under 18 years of age, or over 18 but under 19 for children who engaged in delinquent conduct. The bill also extends other age classifications by the same one year increments where necessary; for example, the age of court ordered probation is raised from 18 to under 19, and determinate sentence probation is extended from the offender’s 19th birthday to their 20th birthday.

HB 53 (McClendon): Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

WHAT THIS BILL DOES: HB 53 is nearly identical to SB 104, with a few minor differences:

- HB 53 amends the capitol felony statute provisions regarding juveniles from 18 to 19.
- The effective date for HB 53 is September 1, 2015; one year earlier than the effective date stated for SB 104.
- HB 53 does not include a section specifying that the act is not retroactive; whereas SB 104 specifically states that the act is not retroactive.

HB 330 (Wu): Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

WHAT THIS BILL DOES: HB 330 is nearly identical to SB 104, with a few minor differences:

- HB 330 has an effective date of September 1, 2015; one year earlier than the stated effective date in SB 104.
- HB 330 allows the state to appeal an order denying the transfer of a child under 54.02 to criminal court for prosecution as an adult.

HB 69 (McClendon): Relating to the creation of the Juvenile Court Jurisdiction Task Force

WHAT THIS BILL DOES: H.B. 69 mandates a juvenile jurisdiction task force to review the plausibility of extending juvenile court jurisdiction to 17-year-olds, who are legally considered adults in Texas. The Juvenile Court Jurisdiction Task Force must determine whether the Legislature should consider the proposal, based on various criteria (including benefits to the 17-year-olds, victims, and taxpayers; federal law and case law; available services for 17-year-olds; best practices; and others), and develop an implementation plan as appropriate. Furthermore, the Task Force must submit an interim report of its findings and recommendations, as well as a final report describing the results of potential plan implementation, to the Legislature, Texas Department of Criminal Justice, and Texas Juvenile Justice Department by 2016 and 2018 respectively.

Truancy and School Offenses

HB 93 (White, James): Relating to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

WHAT THIS BILL DOES: Various sections of the Code of Criminal Procedure, Education Code, Family Code, and Government Code are amended to remove the criminalization of truancy for students who fail to attend school and parents of students who fail to attend school.

HB 297 (Wu): Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to non-attendance.

WHAT THIS BILL DOES: HB 297 will repeal “failure to attend school” as a criminal offense, re-directing all cases of truancy to juvenile court where the offense is considered a Conduct Indicating a Need for Supervision (CINS) offense. By eliminating “failure to attend school” from the Education Code, all persistent truancy cases will be required to be handled within a juvenile court. HB 297 also requires the use of progressive sanctions for truancy cases. HB 297 removes a \$30 fee from being assessed in order to request an expunction. Finally, it eliminates the option to pursue prosecution against a parent for the absenteeism; but permits the court to order parents to programming.

NOTE: HB 297 is substantially similar to SB 1234 (Whitmire), which was filed last session.

HB 378 (White, James): relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to non-attendance.

WHAT THIS BILL DOES: HB 378 is exactly the same as HB 297.

SB 285 (West): Relating to court jurisdiction and procedures for truancy.

WHAT THIS BILL DOES: SB 285 amends the Code of Criminal Procedure to remove the use of criminal complaints against students for truancy offenses, but allows the use of criminal complaints to be used against the parent of a student truancy offender. Alternative measures to criminal complaints are included; such as alternative preparatory classes, counseling, and training programs. But, SB 285 also allows the court to suspend the driver’s license of the parent of a student truancy offender.

HB 379 (White, James): Relating to the failure to attend school for part of a day.

WHAT THIS BILL DOES: HB 379 amends sections 25.094 of the Education Code and 51.03 of the Family Code, adding in provisions that specify that a student misses or is absent from part of a school day if that student misses more than 15 percent of an instructional day or class period.

SB 106 (Whitmire): Relating to the prevention of truancy and the offense of failure to attend school; providing a penalty.

WHAT THIS BILL DOES: SB 106 amends the Code of Criminal Procedure and the Education Code, mandating school districts provide notice to a voluntary (18 years of age or older) student who has missed three unexcused absences (giving the student notice that they have missed three of five available absences). It similarly provides that a student’s enrollment may not be revoked on a day when he/she is physically present at school. As an alternative to revocation, a school district may impose a behavioral improvement plan, and guidelines for such a plan are outlined. SB 106 also mandates that the school district employ a truancy prevention facilitator or designate an existing district employee to facilitate truancy prevention.

SB 108 (Whitmire): Relating to criminal procedures for certain misdemeanor offenses committed by children.

WHAT THIS BILL DOES: Removes the requirement that an individual must comply with conditions imposed by the court in order to have a failure to attend school complaint dismissed when the individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate. Also removes the requirement that an individual must show that he has not have been convicted of failing to attend school more than once prior to receiving an expunction.

HB 107 (White/James): Relating to the fine imposed on a student convicted of truancy.

WHAT THIS BILL DOES: HB 107 amends section 25.094(b) of the Education Code so that fees assessed as a result of a truancy violation* are restricted to a maximum of \$20. *While the description of

the bill indicates that the change is to the amount of the fine imposed for a violation of “truancy,” the bill actually changes the fine amount possible for failure to attend school.

HB 697 (White, James): relating to the waiver of fines, fees, and court costs imposed on a student convicted of truancy.

WHAT THIS BILL DOES: HB 697 amends Article 45.054(j) of the Code of Criminal Procedure so that courts are mandated to waive fines, fees, or court costs imposed on a student convicted of truancy if such costs would cause a financial hardship. Previously, courts have had discretion as to whether or not to waive such fines, fees, or court costs. *While the description of the bill indicates that the change is to the amount of the fine imposed for a violation of “truancy,” the bill actually changes the fine amount possible for failure to attend school.

HB 110 (White/James): Relating to the punishment by confinement for contempt of court for failure to obey a court order related to truancy.

WHAT THIS BILL DOES: HB 110 amends 25.094(h) of the Education Code to prohibit the use of confinement in jail or detention in a juvenile detention facility for the failure of the student to attend school.

HB 223 (Guillen): Relating to acceptable conduct of students in kindergarten through grade five.

WHAT THIS BILL DOES: This bill amends Chapter 37 of the Education Code, Subchapter A, by adding prohibiting school districts from punishing students from kindergarten through grade five for the following: brandishing a partially consumed pastry or other food item to simulate a firearm or weapon; possessing a toy firearm or weapon that is two inches or less in overall length; possessing a toy firearm or weapon made of plastic snap-together building blocks; using a finger or hand to represent a firearm or weapon; vocalizing an imaginary firearm or weapon; drawing a picture or possessing an image of a firearm or weapon; or pretending a crayon, pencil, pen, or other writing or drawing instrument is a firearm or weapon. However, a student may be subject to disciplinary action if simulation of a firearm or weapon disrupts other students from learning, injuries or causes bodily harm to another, or places another person in fear of potential bodily harm. According to this bill, If these actions should occur, disciplinary action is permitted, but must be proportionate to the severity of the student’s behavior. It must also be consistent with the school district’s policy on similar behavior. In addition, if a student is disciplined for such behavior, the school principal must notify the student’s behavior and the method of discipline given to the student. In sum, this bill permits school districts to reprimand students for behavior that is prohibited and requires parents to be notified should this occur. This also creates dialogue between schools and parents thereby creating solutions that may discourage the student from future acts of unacceptable behavior.

SB 96 (Hinojosa): Relating to a prohibition on the use and possession of vapor products on school property.

WHAT THIS BILL DOES: Defines vapor products (electronic cigarettes and other mechanical vaporizers).

HB 646 (Collier): Relating to regulation of vapor products and cigarettes; creating offenses; authorizing fees.

WHAT THIS BILL DOES: Creates an offense for selling or giving vapor products to minors under the age of 18. Also creates an offense for selling or giving vapor products to a person under the age of 27 without valid ID.

School Discipline

HB 868 (Flynn): Relating to a defense to prosecution for and civil liberty of an educator who uses force or deadly force to protect the educator’s person, students of the school, or property of the school, and suspension of a student who assaults an employee of a school.

WHAT THIS BILL DOES: Creates the Teacher’s Protection Act, which allows an educator to use deadly force on school property in defense of the educator or the students. It also allows a school administrator to suspend a student for assaulting a school employee, regardless of whether such an offense is identified as warranting suspension in the student code of conduct.

SB 49 (Zaffirini): relating to the transfer of a student from the school district of the student’s residence to another district.

WHAT THIS BILL DOES: SB 49 amends the Education Code, adding a section which authorizes school districts who previously received a student through a transfer agreement to revoke, at any time during the school year, the approval of the child to transfer if the child fails to comply with conditions of the agreement, including failure to attend school or failure to pay tuition. Before revoking the transfer approval, the school district must provide the student with a hearing, and if the transfer approval is revoked, the district shall refund the proportionate portion of tuition the student has already paid for the remaining school year.

HB 568 (Allen): Relating to a review by the commissioner of education of state law regarding student suspension, expulsion, or other disciplinary action and the implementation of that law by school districts.

WHAT THIS BILL DOES: HB 568 requires the commissioner of education to conduct a review of student disciplinary provisions in the Education Code and their implementation throughout the state. The commissioner shall focus on provisions that allow discretion in deciding whether or not suspend, remove or expel a student. The commissioner shall then create a report recommending ways to reduce the amount of discretionary disciplinary actions taken by school districts, and shall then submit the report to the governor, lieutenant governor, and the legislature.

SB 107 (Whitmire): Relating to the removal, discipline, or transfer of a public school student.

WHAT THIS BILL DOES: SB 107 amends the Education Code, to allow for discretion regarding various decisions. The bill changes “shall” to “may” in numerous instances (for example, in transferring students to alternative schools, disciplinary schools, or a district campus, for teachers removing a child from the classroom, for activities that justify expulsion, except for “use, exhibit, or possess a firearm”).

General Offenses¹

HB 475 (Dutton): Relating to an affirmative defense available to certain students enrolled in grade level nine or above who engage in prohibited sexual contact with another student at or above that grade level.

WHAT THIS BILL DOES: Sections 21.11(b) and 22.011(e) of the Texas Penal Code provides an affirmative defense for prosecution for prohibited sexual conduct if the actor was not more than three years older than the victim and is of the opposite sex. HB 475 would allow the actor to be up to five years older than the victim if they are both enrolled in public or private school in grade level 9 or above at the time of the offense.

HB 71 (Gonzalez, Mary): Relating to the prosecution of the offense of indecency with a child.

¹ There are a lot of bills that either create new offenses or alter existing offenses. Many involve marijuana and drugs. This paper does not include summaries of those bills.

WHAT THIS BILL DOES: HB 71 amends section 21.11(b) of the Penal Code, which establishes an affirmative defense for a charge of indecency with a child if the actor is not more than three years older than the victim and is of the opposite sex. HB 71 removes the language requiring the actor to be of the opposite sex from the victim. It does not extend the age gap of high school students like HB 475.

HB 769 (King): Relating to the elements of and punishment for the offense of providing an alcoholic beverage to a minor.

WHAT THIS BILL DOES: HB 769 makes it a state jail felony for any person to provide a minor with an alcoholic beverage if, as a result of consuming the beverage, the minor caused another person serious bodily injury or death. “Provides” is defined as “purchasing for,” giving or making it available.

HB 888 (Bonnen): Relating to the punishment for the offense of making a false report or statement regarding a missing child; increasing a criminal penalty.

WHAT THIS BILL DOES: While normally making a false statement regarding a missing child is a Class C misdemeanor, HB 888 makes it a Class A misdemeanor if a false statement is made in reference to a child under the age of 14.

Evidence and Procedure

HB 95 (Fletcher): Relating to the exclusion of certain witnesses during a criminal proceeding.

WHAT THIS BILL DOES: This bill amends Article 36.03 of the Code of Criminal Procedure to allow a prosecutor to designate an officer or employee to be excused from “the Rule” and act as the prosecutor’s representative during a criminal proceeding. If passed, this bill should not apply to juvenile cases based on Section 51.17(a) of the Family Code.

HB 510 (Moody): Relating to disclosure of certain information about expert witnesses in a criminal case.

WHAT THIS BILL DOES: Like HB 95, this bill amends the Code of Criminal Procedure. However, this bill, if passed, would apply to juveniles because it is related to discovery. In particular, it would amend 39.14(b) to require disclosure of expert witnesses upon proper request rather than requiring a motion and order.

HB 556 (Springer): Relating to increasing the costs of court and juvenile probation fees imposed by a juvenile court.

WHAT THIS BILL DOES: The bill is amended by revising court costs for juvenile probation. After a determination has been made, the court has the discretion to impose fees based upon the financial ability to pay. The fees range from \$20 to \$300 for a juvenile’s second or subsequent hearing. In addition, fees may be imposed ranging from \$15 to \$60 for a juvenile’s first adjudication of delinquent conduct or conduct that requires adult supervision. This again is based upon the family’s ability to pay and is determined at the discretion of the court. While this bill intends to bring juvenile court costs in line with adult court costs, juveniles do not have the same resources or financial stability as adults, and they should not be required to pay the same high costs and fees as adults. This policy change would be onerous and unnecessary, severely burdening low-income youth and families with high payments, and it may cause undue legal (and further financial) burdens for youth and families unable to pay. It also comes at a time when criminal court costs are being challenged constitutionally.

Disposition and Sentencing

HB 109 (Guillen)/HB 196 (Price)/HB 380 (White): Relating to consideration of certain mitigating evidence at the sentencing proceeding of a defendant or the disposition hearing of a child.

WHAT THIS BILL DOES: At sentencing, mitigating evidence cannot be admitted or considered that

would establish that the defendant didn't understand the consequences of his/her actions because he/she was raised in an affluent and overly permissive household. This is the legislative reaction to the Fort Worth case where a juvenile received a determinate sentence probation after pleading true to multiple counts of intoxication manslaughter. The media criticized how the juvenile was defended during the disposition hearing, claiming the defense was trying to avoid responsibility by raising the "affluenza defense."

HB 642 (Canales): Relating to an alcohol awareness program or drug education program for certain minors convicted of or adjudicated to have engaged in, or placed on deferred disposition or community supervision for, certain drug or alcohol related offenses; authorizing a fee.

WHAT THIS BILL DOES: Judges who grant community supervision to minors under the age of 18 who are convicted of alcohol or drug-related offenses may require as a condition of community supervision that the minor attend an alcohol or drug-related education program. Unless the defendant is indigent, the defendant will have to pay the costs of attending the program. The same is mandated for minors who are granted deferred prosecution after engaging in delinquent conduct.

Appeals

HB 332 (Wu): Relating to the authority of a prosecutor in a juvenile case to appeal certain judicial decisions.

WHAT THIS BILL DOES: This bill amends the Family Code and significantly extends the state's right to appeal court orders from determinate sentence cases to all juvenile cases. This bill authorizes the state to appeal in juvenile cases similar to the state's right to appeal in criminal cases as set out in Article 44.01 of the Code of Criminal Procedure. If passed, the state will be allowed to appeal orders that dismiss petitions, modify judgments, grant new trials, sustain a claim of former jeopardy, and grant motions to suppress evidence, confessions, and admissions. In addition, the bill allows the state to appeal a disposition in juvenile cases on the grounds that the disposition was illegal.

HB 725 (Turner, Sylvester): Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

WHAT THIS BILL DOES: This bill allows for an immediate appeal of a juvenile court order certifying a juvenile to stand trial as an adult. As a result, it places jurisdiction of nearly all juvenile appeals under the civil courts, removing them from criminal jurisdiction.

Juvenile Records

HB 431 (White/James): Relating to the creation of an advisory committee to examine the retention of juvenile justice records.

WHAT THIS BILL DOES: HB 431 establishes an advisory committee to examine best practices regarding the retention of juvenile justice records and propose amendments to Chapter 58 of the Family Code, and any other relevant law, to protect juveniles and adults from any harm resulting from the unauthorized use or disclosure of confidential juvenile justice records. The plan must ensure that public safety and due process rights are protected, and this plan shall be submitted to the board no later than December 1, 2016.

HB 263 (Miles): Relating to the sealing in certain areas of juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision and access by certain persons to sealed juvenile records.

WHAT THIS BILL DOES: HB 263 requires the juvenile court, upon receiving notice, to automatically seal the records of misdemeanor youth after two years from discharge or when the juvenile turns 17 and has been discharged. Current law entitles misdemeanor youth to have their records sealed after two years, but they must first make an application to the court. This application requirement creates an expensive barrier for most youth. H.B. 263 removes this unnecessary barrier by requiring a juvenile court to seal these records on the court's own motion after receiving notice from a specified person or entity. The bill also creates a mechanism for objection by requiring the juvenile court to provide notice to the prosecuting attorney; if the prosecuting attorney objects to sealing a youth's record, the court must hold a hearing to determine if the record should be sealed.

Juvenile Protections

HB 266 (Miles): Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.

WHAT THIS BILL DOES: While it is normally a Class A misdemeanor for a correctional facility employee or peace officer to engage in sexual conduct with a person in custody, HB 266 makes it a second degree felony if that person is juvenile in custody of TJJD, or a first degree felony if the conduct occurred more than twice in a 30-day period.

HB 418 (Wu): Relating to child victims of trafficking who are placed in the managing conservatorship of the Department of Family and Protective Services.

WHAT THIS BILL DOES: In an emergency, initial, or full adversary hearing, a court can order that a child victim be placed in a secure foster home if it is in the best interest of the child and the child is in danger. Counties and municipalities can create foster homes tailored to the needs of trafficked children.

HB 567 (Allen): Relating to corporal punishment in public schools.

WHAT THIS BILL DOES: HB 567 amends chapter 37 of the Education Code, adding subsection (b), and prohibiting school districts from administering corporal punishment upon a student. Parents are not restricted by this amendment from administering corporal punishment off-campus upon their own child. Subsection (c) specifies that this amendment does not prohibit school districts from using reasonable and necessary restraint.

HB 647 (Isaac): Relating to prohibiting the sale of nicotine products to minors; creating an offense.

WHAT THIS BILL DOES: Defines "nicotine product," and makes it an offense to sell or give a nicotine product to a minor under the age of 18.

HB 656 (Wu): Relating to the payment of foster care costs.

WHAT THIS BILL DOES: Requires TDFS to pay the costs of foster care for any child for whom TDFS has been named conservator and who has been placed in foster care.

HB 770 (King): Relating to civil liability for the provision of an alcoholic beverage to a minor.

WHAT THIS BILL DOES: Removes the requirement that a minor must be "under the age of 18" from the offense of an adult causing the intoxication of a minor.

SB 125 (West): Relating to certain assessments for children in the conservatorship of the Department of Family and Protective Services

WHAT THIS BILL DOES: Mandates that within 45 days of entering the conservatorship of DFPS, a child must receive a developmentally appropriate and comprehensive psychological assessment.

SB 183 (Huffman): Relating to the offenses of the violation of civil rights of an improper sexual activity with individuals in custody; imposing a criminal penalty.

WHAT THIS BILL DOES: A peace officer, employee or volunteer at a juvenile facility commits a Class A misdemeanor if they knowingly deny a person in custody any rights or privileges. A peace officer, employee or volunteer at a juvenile facility commits a felony of the second degree if they engage in sexual contact with or induce a sexual performance from a person in custody. Any TJJD employee who has any kind of sexual contact with a person they know is under the supervision of TJJD or the probation department also commits an offense.

SB 301 (Taylor): Relating to school marshals for private schools.

WHAT THIS BILL DOES: Establishes that a private school may appoint one school marshal per 400 students. That marshal may carry a handgun as allowed by the school's governing body.

Juvenile Support Programs

SB 294 (West): Relating to the coordination of educational support services for and information regarding students who are currently or were formerly placed in foster care.

WHAT THIS BILL DOES: SB 294 requires DFPS to designate at least one liaison officer, who will provide students in the foster care system with support services and other resources, including coordinating college readiness and student success efforts. It also requires DFPS to produce an annual report with information regarding the educational outcomes of foster students.

HB 233 (Farrar): Relating to school social work services in public schools.

WHAT THIS BILL DOES: HB 233 states that social workers employed by school districts shall collaborate with the school in order to enhance the students' learning environment, and shall work with students and their families to "alleviate barriers; link home, school, and community; promote advocacy; strengthen relationships; and assist with basic, psychosocial, and academic needs."

HB 256 (Howard): Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

WHAT THIS BILL DOES: HB 256 allows funds from the compensatory education allotment fund to be used to provide daycare or pay for daycare for students at risk of dropping out of high school.

HB 309 (White): Relating to a study on the feasibility and potential costs and benefits of implementing a pay-for-performance contract program for certain juvenile justice programs and services.

WHAT THIS BILL DOES: HB 309 mandates that the Texas Juvenile Justice Department will conduct a study to determine whether a pay-for-performance contract program should be initiated to operate juvenile justice programs and services. These programs, if determined to be feasible, would be funded using investor-provided capital. If implemented, these programs would only be provided with funding if they return successful results.

HB 313 (Gonzalez, Mary): Relating to employment of certified school counselors by school districts.

WHAT THIS BILL DOES: HB 313 amends Section 33.002 of the Education Code in several ways. It allows the funds referenced in the bill to be supplemented by any other funds available to pay for school counselors. The bill also removes the language that school districts have at least 500 students enrolled in elementary school before they are required to staff a school counselor, instead requiring a school counselor in each elementary, middle, and junior high school that has over 350 students enrolled. There should be one school counselor for each 350 students enrolled in a school, and one half-time counselor for an additional 175 students. Schools with fewer than 350 students shall employ a half-time school counselor. High schools with more than 250 students must have a school counselor, and must have an

additional counselor for each additional 250 students, or a half-time counselor for each 125 students. A high school with fewer than 250 students must employ a half-time counselor. Finally, the bill allows districts to receive state funding to pay for school counselors.

HB 357 (Gonzalez, Mary): Relating to the responsibilities of public school counselors.

WHAT THIS BILL DOES: HB 357 requires districts to devise policies that require school counselors to spend less than 20% of their time on duties that are not part of their counseling or guidance program, and to make these policies available to the public. It also mandates districts to provide sufficient training for counselors to abide by these policies. The bill also states that before the commissioner investigates a school district for compliance with these policies, the commissioner must have the school district assess its own compliance with the above policy by interviewing a specified percentage of the district's counselors, and give a report to the commissioner.

HB 522 (Raymond): Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers ' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.

WHAT THIS BILL DOES: HB 522 creates a pilot program in not more than two schools designated by the Texas Education Agency. The schools must be in municipalities with more than 200,000 students, located on an international border, and with more than 20% of the 18-24 year old population without a high school diploma. Under the program, a student who would otherwise be required to be placed in a juvenile justice program or alternative school may instead be required to participate in the school's J-ROTC program. The student would go to all regularly assigned classes that are not disrupted by J-ROTC. The program does not apply if the student is placed in in-school suspension or various other conditions are met. The schools must put information about the program and what factors are considered when placing a student in the program in the Student Code of Conduct. The board of trustees of the school district decides on the length of time the student is required to participate in the J-ROTC program. The student or parent may appeal the placement. No later than January 1, 2017, the education commissioner shall review the program with various state officials, using various data that are mandated to be gathered, and submit a written report.

HB 662 (Dutton): Relating to public school students evaluated for purposes of accountability ratings.

WHAT THIS BILL DOES: Mandates that only the performance of African American male students can be considered for the purpose of evaluating the performance of schools and school districts.

HB 679 (Turner): Relating to a study on homeless youth.

WHAT THIS BILL DOES: DFPS, the Texas Education Agency, and the Texas Homeless Education office will conduct a study on homeless youth, examining the number of homeless youth in Texas, their needs, whether current programs are meeting those needs, identifying sources of funding that could provide more services to homeless youth, and providing recommendations for changes in the law to assist homeless youth.. This study will be submitted to the legislature by Dec. 1, 2016.

SB 133 (Schwertner): Relating to mental health first aid training for school district employees and school resource officers.

WHAT THIS BILL DOES: Provides for mental health first aid training for all school district employees or resource officers, not just educators, to the extent that funding is available for that purpose.

SB 165 (Lucio): Relating to the use of public school counselors' work time.

WHAT THIS BILL DOES: SB 165 amends the Education Code, adding in subsections that specify a school district shall adopt a policy that limits a school counselor's non-counseling duties to not more than

10 percent of the counselor's total work time, including administrative duties. Each school in the district is then required to implement this policy, which will be available to the public. SB 165 also prohibits a school district from contractually obligating a school counselor to perform duties that conflict with this policy. Each school district is required to investigate its district's compliance by interviewing a percentage of district school counselors, and the school district will then be investigated for compliance by the commissioner.

SB 167 (Lucio): Relating to the employment of certified school counselors by school districts.

WHAT THIS BILL DOES: SB 167 amends the Education Code, giving preference of the funds for these programs to districts with the highest concentration of students at risk of dropping out of school, and specifying that funds distributed under this program are in addition to any other funds available for similar programs. SB 167 also lowers the minimum amount of students requiring a school district to employ a school counselor and provide guidance and counseling services from 500 to 300 or more students in enrollment. SB 167 also provides that school districts under this program are entitled to additional state aid to assist the district in employing the required school counselors.

SB 74 (Ellis): Relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.

WHAT THIS BILL DOES: Mandates that the State Board of Education is subject to review under the Texas Sunset Act.