

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 28, 2005**

**TO:** Honorable Kent Grusendorf, Chair, House Committee on Public Education

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB11** by Corte ( Relating to the expulsion of students for assault of school employees. ),  
**Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB11, Committee Report 1st House, Substituted: a positive impact of \$5,600,000 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	\$2,800,000
2007	\$2,800,000
2008	\$2,800,000
2009	\$2,800,000
2010	\$2,800,000

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from <i>FOUNDATION SCHOOL FUND</i> 193</b>
2006	\$2,800,000
2007	\$2,800,000
2008	\$2,800,000
2009	\$2,800,000
2010	\$2,800,000

**Fiscal Analysis**

This bill would amend Sections 37.006(a) and 37.007(a) and (b) of the Texas Education Code to require placement in a Disciplinary Alternative Education Program (DAEP) for committing assault against a victim other than a school employee while on school property or attending a school-sponsored or school-related event on or off school property.

Section 37.007(a) and (b) would be amended to require that a student be expelled for the same offense described above if the victim is a public school employee.

This legislation would apply beginning with the 2005-06 school year.

**Methodology**

This bill could increase the numbers of students expelled. If a school district is in a county with a population of more than 125,000, an expelled student could become a mandatory placement in a Juvenile Justice Alternative Education Program (JJAEP). These programs are funded through the Texas Juvenile Probation Commission through a set aside from the Foundation School Program (FSP).

Data collected through PEIMS for the 2003-04 school year indicate approximately 1,221 students committed assaults against school employees during the school year. It is assumed that these assaults would have resulted in expulsion if this bill had been in effect at that time.

For purposes of this estimate, it is assumed that the number of students with infractions addressed by the bill remains stable at 1,221 per year and that 75 percent of the 1,221 (916) students who would be expelled under the provisions of the bill reside in counties with a population of at least 125,000 and would be required to attend a JJAEP. Assuming the average mandatory length of stay in a JJAEP of 77.6 days and the current funding level of \$59 per student per attendance day, the estimated cost of the set aside to the FSP to fund the JJAEP placements would be \$4.2 million annually.

School districts are generally not eligible for funding through the FSP on behalf of expelled students. If each of the 1,221 students were expelled for 77.6 school days, this would equate to a reduction in Average Daily Attendance (ADA). The reduction in cost to the FSP associated with this reduction in ADA would be about \$2.8 million. If districts choose to expel these students to disciplinary alternative education programs, districts would continue to draw FSP funding for their attendance, which could reduce the estimated state FSP savings significantly. Expulsions to a DAEP are more likely in districts in counties without a JJAEP.

There would be no significant fiscal impact to the operating budget of the Texas Education Agency.

### **Local Government Impact**

Impact to local school districts could vary depending on JJAEP funding structure within a given district and local choices about expulsions to DAEPs.

**Source Agencies:** 665 Juvenile Probation Commission, 701 Central Education Agency

**LBB Staff:** JOB, CT, UP, JSc