

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 22, 2005

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

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

IN RE: HB878 by Talton (Relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would prohibit a school district from placing a student in a regular classroom or on a regular campus if the student has been adjudicated, placed on deferred prosecution, or placed on probation for conduct that contains the elements of indecency with a child, sexual assault, or aggravated sexual assault, regardless of where the offense occurred. The bill further requires that the student be removed from the regular classroom or campus for the remainder of their enrollment in the school district in the state.

While there would be no direct significant fiscal impact to the Foundation School Program, the bill would likely result in an increase in the number of juveniles enrolled and the length of time a student spends in a Juvenile Justice Alternative Education Program (JJAEP) or in a Disciplinary Alternative Education Program. JJAEPs are funded through a set-aside in the Foundation School Program for the Texas Juvenile Probation Commission (TJPC). According to TJPC estimates, there could be potential fiscal impact of up to \$1,838,794 in fiscal year 2006 and \$4,907,148 in fiscal year 2007 and thereafter. However, costs could be significantly lower depending upon the actual number of referrals to JJAEPs and the number of referrals to DAEPs, which are funded at the local level.

The legislation would take effect September 1, 2005 and would apply to conduct that occurs on or after that date.

Local Government Impact

Local school districts will incur additional administrative and instructional costs associated with implementing the provisions of the bill.

School districts would likely incur some level of instructional costs associated with providing additional courses to students who are permanently barred from regular campus and classroom settings because off-campus Disciplinary Alternative Education Programs (DAEPs) and JJAEPs are not required to offer all the courses needed to satisfy graduation requirements. However, because of the relatively small population of students that would be subject to the permanent prohibition, it is assumed that these costs would not be significant on a statewide basis.

There would likely be substantial costs for school districts in complying with the requirement that programs be located in a facility other than a regular school campus. According to information gathered by the Texas Education Agency, 76 percent of districts do not currently maintain a separate DAEP-only campus. Assuming that trends in placement to DAEPs remain stable, school districts would need to accommodate at least 46,000 additional students in separate facilities beginning with school year 2005-06, according to the Texas Education Agency. This would likely be in the millions of dollars on a statewide basis. In addition, separate campuses will lead to an increase in administration and management, thereby increasing the ongoing administrative expenditures.

Source Agencies: 665 Juvenile Probation Commission, 701 Central Education Agency
LBB Staff: JOB, CT, UP, KC