

BILL ANALYSIS

H.B. 1043
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 74th Legislature passed the Safe Schools Act in 1995, requiring school districts to establish Disciplinary Alternative Education Programs ("DAEPs"). DAEP placements can be either mandatory or discretionary. Mandatory placements occur when a student commits a crime on campus or commits homicide, kidnapping, a sexual offense, or an assault off campus. However, discretionary placements occur in two ways.

First, a school district may place a student in a DAEP if they have a reasonable belief that the student committed a crime off campus, or if the student violated a rule in their student code of conduct.

Moreover, for those students that a school district cannot simply expel, they are sent to Juvenile Justice Alternative Education Programs, ("JJAEPs") which are county operated boot camps.

Nevertheless, the state only requires that DAEPs and JJAEPs provide supervision and counseling, while supplying a student's educational and behavioral needs. Additionally, these programs are required to focus on English, mathematics, science, history, and self-discipline.

However, neither DAEPs nor JJAEPs are required to provide a course or class on behavioral modification. DAEPs are not even required to employ teachers who are certified.

The academic performance of DAEP students as compared to other students is very low, because students with disciplinary problems are more likely to struggle academically. Many DAEP students have a drop-out rate that is over twice the rate of students statewide.

H.B.1043 requires that DAEPs and JJAEPs provide a course or class on behavioral modification and would require that DAEPs and JJAEPs employ only certified teachers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

- SECTION 1.** Amends Section 37.008(a) of the Education Code, by providing that school districts provide a disciplinary alternative education program that offers a course in behavioral modification and employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21.
- SECTION 2.** Amends Section 37.011(d) of the Education Code, by providing that a juvenile justice alternative education program must offer a course in behavioral modification.
- SECTION 3.** This Act applies beginning with the 2007-2008 school year.
- SECTION 4.** Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

H.B. 1043 80(R)