

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 11, 2007

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

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

IN RE: HB1324 by Madden (Relating to placement of public school students with certain disabilities in disciplinary alternative education programs and juvenile justice alternative education programs.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require that certain procedures be met followed when a school district places a student who commits certain serious offenses who is eligible for special education services in a juvenile justice alternative education program (JJAEP) as a discretionary placement or in a disciplinary alternative education program (DAEP). In order to place a student eligible for special education services in a JJAEP, the administrator of the JJAEP must be permitted to participate in a meeting of the student's Admission, Review, and Dismissal (ARD) committee to discuss the placement. If after the placement in a JJAEP, the JJAEP administrator determines the student's educational needs cannot be met in the program, the administrator must inform the school district in writing, and the ARD committee must meet to reconsider the placement.

A DAEP must implement the Individualized Education Plan (IEP) for a student who is eligible for special education services who is placed in a DAEP.

A student eligible for special education services who is placed in a regular education classroom for most of the school day who engages in conduct for which placement in a DAEP is considered, but not required, must first be placed in a special education classroom until the ARD committee determines if the conduct is a manifestation of the student's disability. The placement of a student eligible for special education services who is placed in a regular education classroom for most of the school day may not be altered based on conduct determined by the ARD committee to be a manifestation of the student's disability.

Certain provisions of the bill appear to conflict with federal regulations and requirements regarding the treatment of students with disabilities; state compliance with those regulations is required for receipt of federal funds.

Local Government Impact

School districts would be required to follow certain policies and procedures regarding disciplinary placements of students with disabilities. District costs and associated state aid will differ depending on the actual placement of the student.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, UP, JSc