

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

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

IN RE: HB2532 by Patrick (Relating to the expulsion and placement in alternative settings of public school students who engage in conduct constituting certain felonies.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would allow a school district to expel a student after a hearing if the student is charged with, referred to a juvenile court for, placed on deferred prosecution for, adjudicated delinquent for, arrested for, put on probation for, or convicted of a Title 5 Penal Code felony offense regardless of whether the conduct occurred on school campus or at a school related event.

If the student is expelled, the student is required to be placed in a juvenile justice alternative education program (JJAEP), if the school district is located a county with a JJAEP, or a disciplinary alternative education program (DAEP).

The bill requires that if a student is expelled and placed in an alternative setting under this section the student will remain in the alternative setting until graduation, until the charges are dismissed or reduced to a misdemeanor offense, or until the term of placement is complete or the student is reassigned.

The bill would require school district boards of trustees to reimburse JJAEPs for the actual cost incurred each day associated with additional placements associated with the provisions of this bill.

To the extent that provisions of the bill conflict with Texas Education Code Section 37.007 pertaining to expulsion for serious offenses, Section 37.007 prevails.

Local Government Impact

The bill would increase discretionary placements in JJAEPs. The Texas Juvenile Probation Commission (TJPC) estimates that student attendance days in JJAEPs would increase by 296,203 in FY 2008 and 1,198,407 in FY 2009 based on the provisions of the bill.

The bill would require school district boards of trustees to reimburse JJAEPs for the actual cost incurred each day associated with additional placements associated with the provisions of this bill. At the average cost of operating a JJAEP of \$125 per student attendance, the estimated total cost of serving students assigned to JJAEPs under the provisions of the bill would be up to \$37 million in FY2008 and \$150 million in FY2009. These costs would be reimbursed by school districts. To the extent that actual local operating costs are higher, additional local costs may be incurred and would be expected to vary widely. To the extent that students who are enrolled in JJAEP programs who do not meet specific mandatory expulsion criteria continue to generate funding through average daily attendance under the Foundation School Program, local costs noted would be offset to some degree with Foundation School Program aid generated by the attendance of affected students.

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

LBB Staff: JOB, JSp, UP, JSc