

SENATE AMENDMENTS

2nd Printing

By: Patrick, Smith of Tarrant, et al.

H.B. No. 2532

A BILL TO BE ENTITLED

AN ACT

relating to the expulsion and placement in alternative settings of public school students who engage in conduct constituting certain felonies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.0081, Education Code, is amended to read as follows:

Sec. 37.0081. EXPULSION AND PLACEMENT OF CERTAIN STUDENTS IN ~~[DISCIPLINARY]~~ ALTERNATIVE SETTINGS ~~[EDUCATION PROGRAMS]~~. (a) Subject to Subsection (h), but notwithstanding ~~[Notwithstanding]~~ any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and elect to place the ~~[a]~~ student in an alternative setting as provided by Subsection (a-1) ~~[in a disciplinary alternative education program under Section 37.008]~~ if:

(1) the student:

(A) has received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; ~~[or]~~

(B) has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(C) is charged with engaging in conduct defined

1 as a felony offense in Title 5, Penal Code;

2 (D) has been referred to a juvenile court for
3 allegedly engaging in delinquent conduct under Section 54.03,
4 Family Code, for conduct defined as a felony offense in Title 5,
5 Penal Code;

6 (E) has received probation or deferred
7 adjudication for a felony offense under Title 5, Penal Code;

8 (F) has been convicted of a felony offense under
9 Title 5, Penal Code; or

10 (G) has been arrested for or charged with a
11 felony offense under Title 5, Penal Code; and

12 (2) the board or the board's designee determines that
13 the student's presence in the regular classroom:

14 (A) threatens the safety of other students or
15 teachers;

16 (B) will be detrimental to the educational
17 process; or

18 (C) is not in the best interests of the
19 district's students.

20 (a-1) The student must be placed in:

21 (1) a juvenile justice alternative education program,
22 if the school district is located in a county that operates a
23 juvenile justice alternative education program or the school
24 district contracts with the juvenile board of another county for
25 the provision of a juvenile justice alternative education program;
26 or

27 (2) a disciplinary alternative education program.

1 (b) Any decision of the board of trustees or the board's
2 designee under this section is final and may not be appealed.

3 (c) The board of trustees or the board's designee may expel
4 the student and order placement in accordance with this section
5 regardless of:

6 (1) the date on which the student's conduct occurred;

7 (2) the location at which the conduct occurred;

8 (3) whether the conduct occurred while the student was
9 enrolled in the district; or

10 (4) whether the student has successfully completed any
11 court disposition requirements imposed in connection with the
12 conduct.

13 (d) Notwithstanding Section 37.009(c) or (d) or any other
14 provision of this subchapter, a student expelled and ordered placed
15 in an alternative setting by the board of trustees or the board's
16 designee is subject to that placement until:

17 (1) the student graduates from high school;

18 (2) the charges described by Subsection (a)(1) are
19 dismissed or reduced to a misdemeanor offense; or

20 (3) the student completes the term of the placement or
21 is assigned to another program [~~may order placement in accordance~~
22 ~~with this section for any period considered necessary by the board~~
23 ~~or the board's designee in connection with the determination made~~
24 ~~under Subsection (a)(2)].~~

25 (e) A student placed in an alternative setting [~~a~~
26 ~~disciplinary alternative education program]~~ in accordance with
27 this section is entitled to the periodic review prescribed by

1 Section 37.009(e).

2 (f) Subsection (d) continues to apply to the student if the
3 student transfers to another school district in the state.

4 (g) The board of trustees shall reimburse a juvenile justice
5 alternative education program in which a student is placed under
6 this section for the actual cost incurred each day for the student
7 while the student is enrolled in the program. For purposes of this
8 subsection:

9 (1) the actual cost incurred each day for the student
10 is determined by the juvenile board of the county operating the
11 program; and

12 (2) the juvenile board shall determine the actual cost
13 each day of the program based on the board's annual audit.

14 (h) To the extent of a conflict between this section and
15 Section 37.007, Section 37.007 prevails.

16 SECTION 2. (a) This Act applies beginning with the
17 2007-2008 school year.

18 (b) Section 37.0081, Education Code, as amended by this Act,
19 applies to any student who attends school on or after the effective
20 date of this Act and who engaged in conduct described by that
21 section, regardless of the date on which the conduct occurred.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Lataj Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Francis Rajin*

1 Amend H.B. No. 2532 (senate committee printing) as follows:

2 (1) Immediately following SECTION 1 of the bill (page 2,
3 between lines 35 and 36), insert the following appropriately
4 numbered SECTIONS:

5 SECTION __. Chapter 37, Education Code, is amended by
6 adding Subchapter I to read as follows:

7 SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS

8 Sec. 37.301. DEFINITION. In this subchapter, "board of
9 trustees" includes the board's designee.

10 Sec. 37.302. APPLICABILITY. This subchapter:

11 (1) applies to a student who is required to register as
12 a sex offender under Chapter 62, Code of Criminal Procedure; and

13 (2) does not apply to a student who is no longer
14 required to register as a sex offender under Chapter 62, Code of
15 Criminal Procedure, including a student who receives an exemption
16 from registration under Subchapter H, Chapter 62, Code of Criminal
17 Procedure, or a student who receives an early termination of the
18 obligation to register under Subchapter I, Chapter 62, Code of
19 Criminal Procedure.

20 Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM
21 REGULAR CLASSROOM. Notwithstanding any provision of Subchapter A,
22 on receiving notice under Article 15.27, Code of Criminal
23 Procedure, or Chapter 62, Code of Criminal Procedure, that a
24 student is required to register as a sex offender under that
25 chapter, a school district shall remove the student from the
26 regular classroom and determine the appropriate placement of the
27 student in the manner provided by this subchapter.

28 Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS
29 UNDER COURT SUPERVISION. (a) A school district shall place a

15

1 student to whom this subchapter applies and who is under any form of
2 court supervision, including probation, community supervision, or
3 parole, in the appropriate alternative education program as
4 provided by Section 37.309 for at least one semester.

5 (b) If a student transfers to another school district during
6 the student's mandatory placement in an alternative education
7 program under Subsection (a), the district to which the student
8 transfers may:

9 (1) require the student to complete an additional
10 semester in the appropriate alternative education program without
11 conducting a review of the student's placement for that semester
12 under Section 37.306; or

13 (2) count any time spent by the student in an
14 alternative education program in the district from which the
15 student transfers toward the mandatory placement requirement under
16 Subsection (a).

17 Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS
18 NOT UNDER COURT SUPERVISION. A school district may place a student
19 to whom this subchapter applies and who is not under any form of
20 court supervision in the appropriate alternative education program
21 as provided by Section 37.309 for one semester or in the regular
22 classroom. The district may not place the student in the regular
23 classroom if the district board of trustees determines that the
24 student's presence in the regular classroom:

25 (1) threatens the safety of other students or
26 teachers;

27 (2) will be detrimental to the educational process; or

28 (3) is not in the best interests of the district's
29 students.

30 Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION
31 PROGRAM. (a) At the end of the first semester of a student's

1 placement in an alternative education program under Section 37.304
2 or 37.305, the school district board of trustees shall convene a
3 committee to review the student's placement in the alternative
4 education program. The committee must be composed of:

5 (1) a classroom teacher from the campus to which the
6 student would be assigned were the student not placed in an
7 alternative education program;

8 (2) the student's parole or probation officer or, in
9 the case of a student who does not have a parole or probation
10 officer, a representative of the local juvenile probation
11 department;

12 (3) an instructor from the alternative education
13 program to which the student is assigned;

14 (4) a school district designee selected by the board
15 of trustees; and

16 (5) a counselor employed by the school district.

17 (b) The committee by majority vote shall determine and
18 recommend to the school district board of trustees whether the
19 student should be returned to the regular classroom or remain in the
20 alternative education program.

21 (c) If the committee recommends that the student be returned
22 to the regular classroom, the board of trustees shall return the
23 student to the regular classroom unless the board determines that
24 the student's presence in the regular classroom:

25 (1) threatens the safety of other students or
26 teachers;

27 (2) will be detrimental to the educational process; or

28 (3) is not in the best interests of the district's
29 students.

30 (d) If the committee recommends that the student remain in
31 the alternative education program, the board of trustees shall

1 continue the student's placement in the alternative education
2 program unless the board determines that the student's presence in
3 the regular classroom:

4 (1) does not threaten the safety of other students or
5 teachers;

6 (2) will not be detrimental to the educational
7 process; and

8 (3) is not contrary to the best interests of the
9 district's students.

10 (e) If, after receiving a recommendation under Subsection
11 (b), the school district board of trustees determines that the
12 student should remain in an alternative education program, the
13 board shall before the beginning of each school year convene the
14 committee described by Subsection (a) to review, in the manner
15 provided by Subsections (b), (c), and (d), the student's placement
16 in an alternative education program.

17 Sec. 37.307. PLACEMENT AND REVIEW OF STUDENT WITH
18 DISABILITY. (a) The placement under this subchapter of a student
19 with a disability who receives special education services must be
20 made in compliance with the Individuals with Disabilities Education
21 Act (20 U.S.C. Section 1400 et seq.).

22 (b) The review under Section 37.306 of the placement of a
23 student with a disability who receives special education services
24 may be made only by a duly constituted admission, review, and
25 dismissal committee. The admission, review, and dismissal
26 committee may request that the board of trustees convene a
27 committee described by Section 37.306(a) to assist the admission,
28 review, and dismissal committee in conducting the review.

29 Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Except
30 as provided by Section 37.304(b), a school district shall determine
31 whether to place a student to whom this subchapter applies and who

1 transfers to the district in the appropriate alternative education
2 program as provided by Section 37.309 or in a regular classroom.
3 The school district shall follow the procedures specified under
4 Section 37.306 in making the determination.

5 Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE
6 EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION
7 PROGRAM. (a) Except as provided by Subsection (b), a school
8 district shall place a student who is required by the board of
9 trustees to attend an alternative education program under this
10 subchapter in a disciplinary alternative education program.

11 (b) A school district shall place a student who is required
12 by the board of trustees to attend an alternative education program
13 under this subchapter in a juvenile justice alternative education
14 program if:

15 (1) the memorandum of understanding entered into
16 between the school district and juvenile board under Section
17 37.011(k) provides for the placement of students to whom this
18 subchapter applies in the juvenile justice alternative education
19 program; or

20 (2) a court orders the placement of the student in a
21 juvenile justice alternative education program.

22 Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN
23 JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice
24 alternative education program is entitled to funding for a student
25 who is placed in the program under this subchapter in the same
26 manner as a juvenile justice alternative education program is
27 entitled to funding under Section 37.012 for a student who is
28 expelled and placed in a juvenile justice alternative education
29 program for conduct for which expulsion is permitted but not
30 required under Section 37.007.

31 Sec. 37.311. CONFERENCE. (a) A student or the student's

1 parent or guardian may appeal a decision by a school district board
2 of trustees to place the student in an alternative education
3 program under this subchapter by requesting a conference among the
4 board of trustees, the student's parent or guardian, and the
5 student. The conference is limited to the factual question of
6 whether the student is required to register as a sex offender under
7 Chapter 62, Code of Criminal Procedure.

8 (b) If the school district board of trustees determines at
9 the conclusion of the conference that the student is required to
10 register as a sex offender under Chapter 62, Code of Criminal
11 Procedure, the student is subject to placement in an alternative
12 education program in the manner provided by this subchapter.

13 (c) A decision by the board of trustees under this section
14 is final and may not be appealed.

15 Sec. 37.312. LIABILITY. This subchapter does not:

16 (1) waive any liability or immunity of a governmental
17 entity or its officers or employees; or

18 (2) create any liability for or a cause of action
19 against a governmental entity or its officers or employees.

20 Sec. 37.313. CONFLICTS OF LAW. To the extent of any
21 conflict between a provision of this subchapter and a provision of
22 Subchapter A, this subchapter prevails.

23 SECTION __. Article 15.27, Code of Criminal Procedure, is
24 amended by amending Subsections (b) and (c) and adding Subsections
25 (a-1) and (j) to read as follows:

26 (a-1) The superintendent or a person designated by the
27 superintendent in the school district may send to a school district
28 employee having direct supervisory responsibility over the student
29 the information contained in the confidential notice under
30 Subsection (a) if the superintendent or the person designated by
31 the superintendent determines that the employee needs the

1 information for educational purposes or for the protection of the
2 person informed or others.

3 (b) On conviction, deferred prosecution, or deferred
4 adjudication or an adjudication of delinquent conduct of an
5 individual enrolled as a student in a public primary or secondary
6 school, for an offense or for any conduct listed in Subsection (h)
7 of this article, the office of the prosecuting attorney acting in
8 the case shall orally notify the superintendent or a person
9 designated by the superintendent in the school district in which
10 the student is enrolled of the conviction or adjudication and
11 whether the student is required to register as a sex offender under
12 Chapter 62. Oral notification must be given within 24 hours of the
13 time of the order or on the next school day. The superintendent
14 shall, within 24 hours of receiving notification from the office of
15 the prosecuting attorney, [~~promptly~~] notify all instructional and
16 support personnel who have regular contact with the student.
17 Within seven days after the date the oral notice is given, the
18 office of the prosecuting attorney shall mail written notice, which
19 must contain a statement of the offense of which the individual is
20 convicted or on which the adjudication, deferred adjudication, or
21 deferred prosecution is grounded and a statement of whether the
22 student is required to register as a sex offender under Chapter 62.

23 (c) A parole, [~~or~~] probation, or community supervision
24 office, including a community supervision and corrections
25 department, a juvenile probation department, the paroles division
26 of the Texas Department of Criminal Justice, and the Texas Youth
27 Commission, having jurisdiction over a student described by
28 Subsection (a), (b), or (e) who transfers from a school or is
29 subsequently removed from a school and later returned to a school or
30 school district other than the one the student was enrolled in when
31 the arrest, referral to a juvenile court, conviction, or

1 adjudication occurred shall within 24 hours of learning of the
2 student's transfer or reenrollment notify the new school officials
3 of the arrest or referral in a manner similar to that provided for
4 by Subsection (a) or (e)(1), or of the conviction or delinquent
5 adjudication in a manner similar to that provided for by Subsection
6 (b) or (e)(2). The new school officials shall, within 24 hours of
7 receiving notification under this subsection, [~~promptly~~] notify
8 all instructional and support personnel who have regular contact
9 with the student.

10 (j) The notification provisions of this section concerning
11 a person who is required to register as a sex offender under Chapter
12 62 do not lessen the requirement of a person to provide any
13 additional notification prescribed by that chapter.

14 SECTION __. Subsection (d), Article 15.27, Code of Criminal
15 Procedure, is repealed.

16 SECTION __. Subchapter I, Chapter 37, Education Code, as
17 added by this Act, applies only to an offense committed on or after
18 September 1, 2007. An offense committed before September 1, 2007,
19 is governed by the law in effect when the offense was committed, and
20 the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before September
22 1, 2007, if any element of the offense occurred before that date.

23 (2) In SECTION 2(a) of the bill (page 2, line 36), strike
24 "This Act" and substitute "Section 37.0081, Education Code, as
25 amended by this Act,".

26 (3) Renumber the SECTIONS of the bill appropriately.

ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO. 2

Antony Spaw
Secretary of the Senate

BY: *Roger W. N.*

1 Amend H.B. No. 2532 by adding the following appropriately
2 numbered SECTIONS and renumbering subsequent SECTIONS of the
3 bill accordingly:

4 SECTION ____ . Subchapter A, Chapter 37, Education Code, is
5 amended by adding Section 37.0082 to read as follows:

6 Sec. 37.0082. ASSESSMENT OF ACADEMIC GROWTH OF STUDENTS IN
7 DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS. (a) To assess a
8 student's academic growth during placement in a disciplinary
9 alternative education program, a school district shall
10 administer to a student placed in a program for a period of 90
11 school days or longer an assessment instrument approved by the
12 commissioner for that purpose. The instrument shall be
13 administered:

14 (1) initially on placement of the student in the
15 program; and

16 (2) subsequently on the date of the student's
17 departure from the program, or as near that date as possible.

18 (b) The assessment instrument required by this section:

19 (1) must be designed to assess at least a student's
20 basic skills in reading and mathematics;

21 (2) may be:

22 (A) comparable to any assessment instrument
23 generally administered to students placed in juvenile justice
24 alternative education programs for a similar purpose; or

25 (B) based on an appropriate alternative
26 assessment instrument developed by the agency to measure student
27 academic growth; and

28 (3) is in addition to the assessment instruments

1 required to be administered under Chapter 39.

2 (c) The commissioner shall adopt rules necessary to
3 implement this section.

4 SECTION ____ . (a) The Texas Education Agency shall explore
5 alternative methods of evaluating the effectiveness of
6 disciplinary alternative education programs. The alternative
7 methods to be explored must include a method that includes, in
8 addition to the indicator required under current law that is
9 based on student performance on assessment instruments required
10 under Sections 39.023(a) and (c), Education Code, indicators
11 relating to student academic growth, course completion, and
12 behavior improvement.

13 (b) Not later than November 1, 2008, the Texas Education
14 Agency shall submit a report of its conclusions and
15 recommendations resulting from the action required by Subsection
16 (a) of this section to the presiding officers of the standing
17 committees of the senate and house of representatives with
18 primary jurisdiction over the public school system or the
19 commitment and rehabilitation of youths.

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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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable Rob Eissler, Chair, House Committee on Public 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.), **Committee Report 1st House, Substituted**

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, placed on deferred prosecution or adjudicated delinquent for 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.

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. At the average cost of operating a JJAEP of \$125 per student attendance, the estimated cost to counties and school districts would be \$37 million in FY2008 and \$150 million in FY2009. To the extent that actual local operating costs are higher, additional local costs may be incurred and would be expected to vary widely. 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. Thus, 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

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

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, placed on deferred prosecution or adjudicated delinquent for 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 a JJAEP under this section the student will remain in the JJAEP until graduation or until the charges are dismissed or reduced to a misdemeanor offense.

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. At the average cost of operating a JJAEP of \$125 per student attendance, the estimated cost to counties and school districts would be \$37 million in FY2008 and \$150 million in FY2009. To the extent that actual local operating costs are higher, additional local costs may be incurred and would be expected to vary widely. 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. Thus, 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