

BILL ANALYSIS

H.B. 145
By: McClendon
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Juvenile justice facilities are proven to correlate with both future success and a reduction in recidivism rates for juvenile offenders. A juvenile justice alternative education program (JJAEP) is required in counties with populations of more than 125,000 to serve students who have been expelled from school for mandatory or discretionary reasons.

Funding for a JJAEP is provided by the home school district of the student in the case of discretionary expulsions, and by the state in the case of mandatory expulsions, but these funds cover only a portion of the daily cost per student, usually about two-thirds. Programs in Harris, Dallas and Bexar Counties are additionally funded through interdistrict partnerships, where a school district enters into a three-party credit agreement with another school district and a JJAEP and splits the proceeds. In Bexar County, during the 2005-2006 fiscal year, this type of partnership generated over \$1 million in revenue. Because the proceeds from such an agreement are reduced as the gap between districts' revenues is reduced, it is necessary to replace the revenue lost through school finance reform. Bexar County supports the continuation of hold harmless provisions enacted by the 79th Legislature, Third Called Session, 2005, replacing the portion of interdistrict agreement funds lost in such cases.

H.B. 145 applies specifically to Bexar County and its JJAEP. The bill requires the JJAEP to attempt to enter into an interdistrict agreement for the 2009-2010 and 2010-2011 school years with each school district that participated in such an agreement for the 2005-2006 school year. The bill entitles the JJAEP to state aid for the 2009-2010 school year and the 2010-2011 school year.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

H.B. 145 requires a juvenile justice alternative education program (JJAEP) located in a county that has a population of less than 1.4 million and contains at least 12 school districts, if the JJAEP received funds for the 2005-2006 school year as a result of an interdistrict agreement whereby a property wealthy school district agrees to educate nondistrict resident students as provided by law for the purpose of reducing its wealth per student to the equalized wealth level or below, to attempt, as a condition for the JJAEP to be entitled to state funds under the provisions of the bill, to enter into similar agreements for the 2009-2010 and 2010-2011 school years with each district that participated in such an agreement for the 2005-2006 school year with the program. The bill entitles a JJAEP to state aid for the 2009-2010 and 2010-2011 school years, respectively, as follows: for the 2009-2010 school year, in an amount equal to the difference between the funding received as a result of all interdistrict agreements for the 2005-2006 school year and the funding received as a result of all agreements for the 2009-2010 school year; and for the 2010-2011 school year, in an amount equal to the difference between the

funding received as a result of all interdistrict agreements for the 2005-2006 school year and the funding received as a result of all agreements for the 2010-2011 school year. The bill requires the commissioner of education to determine the amount of state aid to which a JJAEP is entitled and to distribute the aid in 10 equal monthly installments during each of the 2009-2010 and 2010-2011 school years beginning in September of each school year and ending in June of the school year.

H.B. 145 requires the commissioner of education to adopt rules to implement the distribution of state aid under this provision and adds that a determination of the commissioner is final and may not be appealed.

EFFECTIVE DATE

September 1, 2009.