C.S.H.B. 1425
By: Lewis
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a county with a population of more than 125,000 to build and operate a juvenile justice alternative education program, essentially requiring each such county to create its own school district to educate juvenile criminals.

C.S.H.B. 1425 establishes that a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less for such a purpose if the county had a population of 125,000 or less according to the 2000 census and the county's juvenile board enters into a memorandum of understanding with each school district within the county outlining each entity's respective responsibilities with respect to students expelled without receiving alternative educational services.

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

C.S.H.B. 1425 amends the Education Code to establish that, for purposes of determining whether a county is required to develop a juvenile justice alternative education program (JJAEP) and whether an expelled student who is not detained or receiving treatment under a court order is required to be enrolled in such a program according to the population threshold for such requirements, a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county had a population of 125,000 or less according to the 2000 federal census and the juvenile board of the county, with the approval of the Texas Juvenile Probation Commission, enters into a memorandum of understanding with each school district within the county that outlines the responsibilities of the board and the districts in minimizing the number of students expelled without receiving alternative educational services and that includes the required coordination procedures between a district and a board concerning supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs.

C.S.H.B. 1425 requires a juvenile court that has placed a child on juvenile probation or deferred prosecution under the juvenile justice code and that required as a condition of probation or deferred prosecution that the child attend a JJAEP in a county that is not required to operate a JJAEP, as amended by the bill, to modify the conditions of probation or deferred prosecution if the county discontinues operation of the JJAEP.

C.S.H.B. 1425 makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1,

2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1425 differs from the original by establishing that, for purposes of determining whether a county meets the population threshold that would require the county to develop a juvenile justice alternative education program and would require an expelled student who is not detained or receiving treatment under a court order to be enrolled in such a program, a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county had a population of 125,000 or less according to the 2000 federal census and the county's juvenile board, with approval of the Texas Juvenile Probation Commission, enters into a memorandum of understanding with each school district within the county outlining each entity's respective responsibilities in minimizing the number of students expelled without receiving alternative educational services and includes the coordination procedures required by law, whereas the original establishes that, for such purposes, the population of a county is determined according to the 2000 federal census.