

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 29, 2013

TO: Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2450 by Raymond (Relating to a pilot program operated by certain public or private primary or secondary or open-enrollment charter schools in Webb County concerning searches and drug testing of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search or test.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would allow certain schools in Webb County to establish an alternative discipline pilot program.

The bill would allow the principal of a public or private primary or secondary school or open-enrollment charter school operating a pilot program to seek written consent from a student's parent or guardian to search the student or the student's possessions for alcohol, marihuana, or a controlled substance. The bill would also allow the principal to seek written consent from the parent or guardian of a student younger than 17 years of age to perform nonintrusive drug or alcohol tests if the principal reasonably believed that that student was using alcohol, marihuana, or a controlled substance. In certain cases, the bill would prohibit expulsion for a student found to be in violation of law or school policy based on a parental-consent search or drug test under the pilot program.

The bill would allow the board of trustees to employ a juvenile case manager, provide services in a special juvenile docket for cases arising from this pilot program, and establish a substance abuse program. The bill would require the board of trustees to report to the governor, the lieutenant governor, the speaker of the House of Representatives, and the presiding officers of the standing committees with jurisdiction over education and criminal justice issues whether the pilot program reduced drug or alcohol use and related involvement in the criminal justice system by December 1, 2014. The pilot program established by the bill expires on June 15, 2015.

Local Government Impact

School districts that establish the pilot program, employ a juvenile case manager, and offer a substance abuse program may incur administrative costs.

School districts that engage in parental-consent searches of students may be subject to legal

challenges related to constitutional violations associated with such searches. School districts may incur legal costs to defend school administrators against lawsuits associated with these searches.

The county may incur administrative costs when administering the special juvenile docket generated from this pilot program.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 644 Texas Juvenile Justice Department, 701 Central Education Agency

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