

BILL ANALYSIS

Senate Research Center

H.B. 2532
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1995, the legislature established the juvenile justice alternative education program (JJEP) to mandate the removal of certain dangerous and/or disruptive students to a separate educational facility to ensure the safety and productivity of regular classrooms. Under current law, the board of trustees of a school district does not have the option to expel students charged with certain felonies to the juvenile justice alternative education program unless the incident occurred on school property or at a school-sponsored or school-related event. As a result, violent offenders often interact on a daily basis with non-violent offenders in the disciplinary alternative education program or regular classroom setting.

H.B. 2532 authorizes the board of trustees of a school district to expel a student and place the student in an alternative setting if the student is charged with engaging in conduct defined as a felony offense in Title 5 (Offenses Against the Person), Penal Code. This bill also authorizes the board of trustees to expel a student charged with a Title 5 felony regardless of whether the incident occurred on or off school property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.0081, Education Code, as follows:

Sec. 37.0081. New heading: EXPULSION AND PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE SETTINGS. (a) Authorizes the board of trustees of a school district (board), or the board's designee, after an opportunity for a hearing, to expel certain students and elect to place the student in an alternative setting provided by Subsection (a-1), subject to Subsection (h), but not withstanding any other provision of this subchapter (Alternative Settings for Behavior Management). Includes students that have conducted certain additional offenses under Title 5 (Offenses Against the Person), Penal Code, as applicable to this provision. Deletes existing text authorizing the board, or the board's designee, after an opportunity for a hearing, to elect to place certain students in a disciplinary alternative education program under Section 37.008 (Disciplinary Alternative Education Programs), notwithstanding any other provision of this subchapter.

(a-1) Sets forth requirements for the placement of the student in either a juvenile justice alternative education program or a disciplinary alternative education program.

(b) Makes no changes to this subsection.

(c) Authorizes the board or the board's designee to expel the student in accordance with this section, regardless of certain issues.

(d) Provides that a student expelled and ordered placed in an alternative setting by the board or the board's designee is subject to that placement until one of several certain conditions are met set forth in this subsection, notwithstanding

Section 37.009(c) or (d) (regarding placement in a disciplinary alternative education program) or any other provision of this subchapter. Deletes existing text authorizing the board or the board's designee to order placement in accordance with this section for any period considered necessary by the board or the board's designee in connection with the determination made under Subsection (a)(2), notwithstanding Section 37.009(c) or any other provision of this subchapter.

(e) Creates this subsection from existing text. Makes a conforming change.

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

(g) Requires the board to reimburse a juvenile justice alternative education program in which a student is placed under this section for the actual cost incurred each day for the student while the student is enrolled in the program. Provides that, for purposes of this subsection, the actual cost incurred each day for the student is determined by the juvenile board of the county operating the program. Requires, for purposes of this subsection, the juvenile board to determine the actual costs each day of the program based on the board's annual audit.

(h) Provides that Section 37.007 (Expulsion for Serious Offenses) prevails in a conflict between this section and Section 37.007.

SECTION 2. (a) Makes application of this Act prospective to the 2007-2008 school year.

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

SECTION 3. Effective date: upon passage or September 1, 2007.