

BILL ANALYSIS

Senate Research Center
87R19517 TSS-D

H.B. 2295
By: Wu (Alvarado)
Jurisprudence
5/18/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that certain counties should be allowed to cease operating a juvenile justice alternative education program in the county if the program is no longer necessary or cost-effective and that, by ceasing the operation of such a program, resources in those counties can be saved and children will be able to remain closer to home.

H.B. 2295 seeks to authorize the commissioners court of a county with a population greater than 3.3 million (Harris County) to elect by a majority vote to cease operating such a program. The bill also clarifies the duty of a public school district located in such a county to provide educational services to a student who is expelled from school.

H.B. 2295 amends current law relating to allowing certain counties to cease operation of a juvenile justice alternative education program.

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 25.086(a), Education Code, as follows:

(a) Provides that a child is exempt from the requirements of compulsory school attendance if the child:

(1) - (3) makes no changes to these subdivisions;

(4) is expelled in accordance with the requirements of law in a school district that does not participate in a juvenile justice alternative education program required under Section 37.011(a) (relating to the development of a juvenile justice alternative education program in a county with a population greater than 125,000), rather than a mandatory juvenile justice alternative education program under Section 37.011 (Juvenile Justice Alternative Education Program);

(5) - (12) makes no changes to these subdivisions.

SECTION 2. Amends Section 37.011, Education Code, by amending Subsections (a) and (a-4) and adding Subsection (a-6), as follows:

(a) Requires the juvenile board, in a county with a population greater than 125,000 in which an election by the commissioners court under Subsection (a-6) has not been made, to develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Justice Department (TJJD).

(a-4) Requires a school district located in a county considered to be a county with a population of 125,000 or less under Subsection (a-3) (relating to a county with a population greater than 125,000 that is considered to be a county with a population of 125,000 or less) or (a-6) to provide educational services to a student who is expelled from school under Chapter 37 (Discipline; Law and Order).

(a-6) Authorizes the commissioners court of a county with a population greater than 3.3 million to, by a majority vote, elect to cease operating a juvenile justice alternative education program in the county because the program is no longer necessary or cost-effective. Requires a commissioners court that has elected to cease operating a juvenile justice alternative education program to notify TJJJ in writing. Provides that a county, for purposes of Section 37.011 and Section 37.010(a), in which an election to cease operating a juvenile justice alternative education program has been made is considered to be a county with a population of 125,000 or less.

SECTION 3. Amends Section 53.02(e), Family Code, as follows:

(e) Requires that the release, unless otherwise agreed in the memorandum of understanding under Section 37.011, Education Code, in a county with a population greater than 125,000 in which an election by the commissioners court under Section 37.011(a-6), Education Code, has not been made, if a child being released under Section 53.02 (Release From Detention) is expelled under Section 37.007 (Expulsion for Serious Offenses), Education Code, be conditioned on the child's attending a juvenile justice alternative education program pending a deferred prosecution or formal court disposition of the child's case.

SECTION 4. Amends Section 54.01(f), Family Code, as follows:

(f) Requires that the release, in a county with a population greater than 125,000 in which an election by the commissioners court under Section 37.011(a-6), Education Code, has not been made, if a child being released under Section 54.01 (Detention Hearing) is expelled under Section 37.007, Education Code, be conditioned on the child's attending a juvenile justice alternative education program pending a deferred prosecution or formal court disposition of the child's case.

SECTION 5. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 6. Effective date: upon passage or September 1, 2021.