

- SUBJECT:** Placing special-needs students into alternative education programs
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 8 ayes — Goodman, A. Reyna, E. Reyna, P. King, Menendez, Morrison, Naishtat, Nixon
- 0 nays
- 1 absent — Tillery
- WITNESSES:** For — Kay Lambert, Advocacy, Inc.
- Against — None
- On — Linda Brooke, Texas Juvenile Probation Commission; Tom Stansbury
- BACKGROUND:** Education Code, sec. 37.004 establishes guidelines for placing students with disabilities who receive special education services into alternative environments for behavior management. Such students, like other students, may be placed in alternative education programs if they have committed certain offenses. Sec. 37.007 requires a student to be expelled from school for serious offenses such as murder, aggravated assault, arson, indecency with a child, or aggravated kidnapping, or for possession of a firearm or other prohibited weapon on or near school property. A student may be expelled for possession, use, sale, or delivery of marihuana, a dangerous drug, or an alcoholic beverage on or near school property; for continuing to engage in serious or persistent misbehavior after being placed in an alternative education program for disciplinary reasons; and for other offenses.
- A school district must meet children’s special needs through an individual education plan (IEP). If these needs are not being met, the district must find another way to meet the student’s needs, such as by providing opportunities for special education services.
- DIGEST:** CSHB 2108 would prohibit a student with disabilities who received special education services and who was expelled from school for certain offenses

from being placed in a juvenile justice alternative education program (JJAEP) unless the county's juvenile board authorized that placement in writing. If the student was not authorized to attend a JJAEP, the school district would have to provide an IEP for the student. These provisions would not apply to mandatory expulsions for the most serious offenses.

If it was determined that placement in the JJAEP did not meet the student's educational or behavioral needs, the juvenile board would have to send a written notice of that fact to the school district that expelled the student. The school district would have to place the student into an appropriate education program within 10 days of receiving the notice.

CSHB 2108 would prohibit such a student from being placed in a JJAEP as a condition of release pending deferred prosecution or formal court disposition, unless the county's juvenile board gave the expelling school district written authorization to place the student in the program.

A disposition of a proceeding under the Family Code could not place such a student into a JJAEP as a condition of probation unless the juvenile board gave written permission to the school district.

The bill would take effect September 1, 2001, and would apply beginning with the 2001-02 school year.

NOTES:

The committee substitute changed the filed version by adding the provisions that would require county juvenile boards to give written permission for placement and by applying the bill's provisions only to discretionary expulsions, rather than to mandatory expulsions.