BILL ANALYSIS

Senate Research Center
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H.B. 1425
By: Lewis et al. (Seliger)
Criminal Justice
5/15/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

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

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 37.011, Education Code, by adding Subsection (a-1), as follows:

(a-1) Provides that, for purposes of this section and Section 37.010(a) (relating to requiring the board or the board's designee to deliver a certain order), 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 (board) enters into, with the approval of the Texas Juvenile Probation Commission, a memorandum of understanding with each school district within the county that outlines the responsibilities of the board and school districts in minimizing the number of students expelled without receiving alternative educational services and includes the coordination procedures required by Section 37.013 (Coordination Between School Districts and Juvenile Boards).

SECTION 2. Requires a juvenile court that has placed a child on juvenile probation or deferred prosecution under Title 3 (Juvenile Justice Code), Family Code, and required as a condition of probation or deferred prosecution, as described by Section 37.011(b) (relating to the requirement of certain entities to take certain actions upon a student's expulsion), Education Code, that the child attend a juvenile justice alternative education program in a county that is not required to operate a juvenile justice alternative education program under Section 37.011, Education Code, as added by this Act, to modify the conditions of probation or deferred prosecution if the county discontinues operation of the juvenile justice alternative education program.

SECTION 3. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 4. Effective date: upon passage or September 1, 2009.