

## **BILL ANALYSIS**

Senate Research Center

H.B. 2108  
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Education  
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Engrossed

### **DIGEST AND PURPOSE**

Many special education students have serious disabilities ranging from emotional disturbances to traumatic brain injuries. When these students commit serious offenses and are expelled from school they are placed in a juvenile justice alternative education program, some of which are structured similar to boot camps. These types of programs may not be a suitable environment for students with special needs. H.B. 2108 regulates the placement of a special education student into a juvenile justice alternative education program after expulsion from a school district for certain serious offenses.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

H.B. 2108 amends the Education and Family codes to prohibit the placement of a student with a disability who receives special education services and is expelled from a school district for certain serious offenses into a juvenile justice alternative education program, unless the juvenile board of the county in which the program is located or the designee of the juvenile board provides the school district from which the student was expelled written authorization for the placement. The bill provides that the school district from which the student was expelled must provide the student with an educational program in accordance with the individualized education program of the student. The bill sets forth provisions regarding the determination of the educational or behavioral needs of the student that cannot be met in a juvenile justice alternative education program in which a student is placed, the notification of the school district from which the student was expelled by the juvenile board of the determination, and the placement of that student by the school district in an appropriate educational program.

The bill prohibits the placement of a student with a disability who receives special education services and is expelled for certain serious offenses into a juvenile justice alternative education program as a condition of release from detention prior to judicial proceedings pending a deferred prosecution or formal court disposition of the child's case, unless the juvenile board of the county in which a program is located or the designee of the juvenile board provides to the school from which the student was expelled written authorization for the placement of the student in the program. The bill prohibits the placement of a student with a disability who receives special education services and is expelled for certain serious offenses into a juvenile justice alternative education program as a condition of deferred prosecution or a release pending a deferred prosecution or formal court disposition, unless the juvenile board of the county in which a program is located or the designee of the juvenile board provides to the school from which the student was expelled written authorization for the placement of the student in the program.

The bill also prohibits the placement of a student with a disability who receives special education services and is expelled for certain serious offenses into a juvenile justice alternative education program as a condition of probation under a disposition of a hearing, unless the juvenile board of the county in which a program is located or the designee of the juvenile board provides to the school from which the

student was expelled written authorization for the placement of the student in the program.

Effective date: September 1, 2001. The Act applies to expulsions beginning with the 2001-2002 school year.