

SUBJECT: Education requirements for juvenile residential facilities

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Madden, Hochberg, McReynolds, Dunnam, Haggerty, Jones
0 nays
1 absent — Oliveira

WITNESSES: For — (*Registered, but did not testify:* Brock Gregg, Association of Texas Professional Educators; Lindsay Gustafson, Texas Classroom Teachers Association; Jodie Smith, Texans Care for Children; John Pall Urban, Harris County; Sally Velasquez, Texas Probation Association)

Against — None

On — David Anderson, Texas Education Agency; Linda Brooke, Texas Juvenile probation Commission

BACKGROUND: Under the Education Code, school districts must provide educational services for students serving time in a pre- or post-adjudication facility located in their districts. Youths accused of crimes are held in secure, pre-adjudication facilities for short terms while awaiting court action on their cases. Juveniles are sent to post-adjudication facilities by a judge after their cases are adjudicated.

DIGEST: CSHB 425 would require the commissioner of education to determine instructional requirements for education services provided by school districts or open-enrollment charter schools in pre- or post-adjudication residential facilities operated by local juvenile boards or under contract with the Texas Youth Commission. The commissioner would have to determine these requirements in coordination with the Texas Juvenile Probation Commission.

The requirements would have to establish the length of the school day, the number of days of instruction, and the curriculum of the education program. The commissioner would adopt rules necessary to administer these requirements.

The bill would take effect September 1, 2007, and the commissioner would have to determine the requirements as soon as practicable after that date.

**SUPPORTERS
SAY:**

CSHB 425 is necessary to ensure that pre- and post-adjudication facilities provide uniform, adequate education services to students. Current law requires school districts to provide education services to youths in these facilities but does not set specific requirements about the education that must be provided.

While the education services provided to these youths should meet the standard requirements for all schools, in some cases this is not occurring. This has resulted in a wide variety in the education services provided, with some districts providing little while still drawing down education dollars for the students. For example, some districts provide seven to eight hours of instruction and some three to four. This is unacceptable because children are held in these facilities away from their schools and need to receive an education while they are there. The average stay in pre-adjudication facilities is about 14 days and in post-adjudication facilities it is about six months.

CSHB 455 would establish some uniformity and minimum standards for these programs and would help ensure that the education provided to the students was at least of a minimum quality. School districts would benefit because they would know exactly what was expected of them. The state sets minimum requirements for the operation of regular schools, so it is only logical and fair that it should set requirements for schools operating in pre- and post-adjudication facilities.

The bill would require the education commissioner to coordinate with the Juvenile Probation Commission to ensure that the unique requirements of these facilities would be taken into account. In fact, this could be a better approach for these facilities than requiring the district to provide the standard instructional requirements used by other schools. Any standards established by the commissioner would apply only to the approximately 60 school districts that also house these facilities.

**OPPONENTS
SAY:**

CSHB 425 could result in inflexible standards that did not take into account the unique, local issues surrounding the providing of educational services to juveniles in secure facilities. For example, a facility might be locked down during a time when students normally would be receiving

instruction, and it would be unfair to penalize districts for these types of events that were beyond their control.

NOTES:

The committee substitute specified that the bill would apply to education services operated by open-enrollment charter schools and in facilities operated under contract with the Texas Youth Commission.