

## **BILL ANALYSIS**

S.B. 1362  
By: Shapiro  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Amid the recent management issues at the Texas Youth Commission (TYC), there have also been a number of educational deficiencies identified. The assessments used for intake and measuring educational progress have been inappropriate for a juvenile population, and there has been wide variation in the quality of educational programming from one TYC facility to another. In addition, disciplinary policies and security placements have often trumped the educational purpose, at the expense of students. Without effective education, the risk of recidivism is high.

S.B. 1362 requires TYC to adopt and administer reliable reading assessments to measure a student's reading proficiency and monitor reading progress and to provide students who have reading deficiencies with an hour of daily reading instruction. The bill requires TYC teachers to receive training in appropriate content-based reading instruction and requires TYC to adopt a system-wide classroom and individual positive behavior support system that is based on behavioral research.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Youth Commission in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 1362 amends the Education Code to require the Texas Youth Commission (TYC), in addition to fulfilling TYC's duties under state and federal law to provide general and special educational services to students in TYC educational programs, to implement a comprehensive plan to improve the reading skills and behavior of those students.

S.B. 1362 requires TYC, for the purpose of improving the reading skills of students in TYC educational programs, to adopt a reliable battery of reading assessments that meet certain criteria; to administer the assessments at certain prescribed intervals; to provide at least 60 minutes per school day of individualized reading instruction to each student in a TYC educational program who exhibits deficits in reading on the assessments; to require each teacher in a TYC regular or special educational program who teaches English language arts, reading, mathematics, science, social studies, or career and technology education to be trained in incorporating content area reading instruction using empirically validated instructional methods that are appropriate for struggling adolescent readers; and to evaluate the effectiveness of TYC's plan to increase reading skills according to certain prescribed criteria.

S.B. 1362 requires TYC, for the purposes of increasing the positive social behaviors of students in TYC educational programs and creating an educational environment that facilitates learning, to adopt system-wide classroom and individual positive behavior supports that incorporate a continuum of prevention and intervention strategies that are based on current behavioral research and are systematically and individually applied to students consistent with the demonstrated level of need; to require each teacher and other educational staff member in a TYC educational

program to be trained in implementing the positive behavior support system; and to adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the prescribed criteria.

S.B. 1362 requires TYC to consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan for improving student reading skills and developing the positive behavior support system plan. The bill prohibits a student in a TYC educational program from being released on parole from TYC unless the student participates, to the extent required by commission rule, in the positive behavior support system and requires a student who exhibits deficits in reading on the reading assessments to also participate in reading instruction to the extent required by the bill's provisions and by commission rule before the student may be released on parole, and makes those provisions applicable to a release on parole from TYC beginning September 1, 2010.

S.B. 1362 sets forth a temporary provision, set to expire January 1, 2013, requiring TYC, not later than December 1, 2010, to report to the legislature concerning the effectiveness of TYC's reading plan based on the prescribed criteria and concerning the implementation of the positive behavior support system plan. The bill sets forth a temporary provision, set to expire January 1, 2013, requiring TYC, not later than December 1, 2012, to report to the legislature concerning the effectiveness of the positive behavior support system based on the prescribed criteria.

S.B. 1362 requires TYC, not later than November 1, 2009, to adopt the battery of reading assessments as required by the bill's provisions. The bill requires TYC, not later than January 1, 2010, to begin administering the battery of reading assessments. The bill specifies that its provisions do not make an appropriation and that a provision creating a new governmental program or a new entitlement or imposing a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.