

By: Shapiro

S.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

relating to a Texas Youth Commission comprehensive plan to improve student reading skills and behavior.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 30, Education Code, is amended by adding Section 30.106 to read as follows:

Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Youth Commission shall not only fulfill the commission's duties under state and federal law to provide general and special educational services to students in commission educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(b) To improve the reading skills of students in Texas Youth Commission educational programs, the commission shall:

(1) adopt a reliable battery of reading assessments that:

(A) are based on a normative sample appropriate to students in commission educational programs;

(B) are designed to be administered on an individual basis; and

(C) allow school employees to:

(i) evaluate performance in each essential

1 component of effective reading instruction, including phonemic
2 awareness, phonics, fluency, vocabulary, and comprehension;
3 (ii) monitor progress in areas of
4 deficiency specific to an individual student; and
5 (iii) provide reading performance data;
6 (2) administer the assessments adopted under
7 Subdivision (1):
8 (A) at periodic intervals not to exceed 12
9 months, to each student in a commission educational program; and
10 (B) at least 15 days and not more than 30 days
11 before a student is released from the commission;
12 (3) provide at least 60 minutes per school day of
13 individualized reading instruction to each student in a commission
14 educational program who exhibits deficits in reading on the
15 assessments adopted under Subdivision (1):
16 (A) by trained educators with expertise in
17 teaching reading to struggling adolescent readers; and
18 (B) through the use of scientifically based,
19 peer-reviewed reading curricula that:
20 (i) have proven effective in improving the
21 reading performance of struggling adolescent readers;
22 (ii) address individualized and
23 differentiated reading goals; and
24 (iii) include each of the essential
25 components of effective reading instruction, including phonemic
26 awareness, phonics, fluency, vocabulary, and comprehension;
27 (4) require each teacher in a commission regular or

1 special educational program who teaches English language arts,
2 reading, mathematics, science, social studies, or career and
3 technology education to be trained in incorporating content area
4 reading instruction using empirically validated instructional
5 methods that are appropriate for struggling adolescent readers; and

6 (5) evaluate the effectiveness of the commission's
7 plan to increase reading skills according to the following
8 criteria:

9 (A) an adequate rate of improvement in reading
10 performance, as measured by monthly progress monitoring using
11 curricular-based assessments in each of the essential components of
12 effective reading instruction, including phonemic awareness,
13 phonics, fluency, vocabulary, and comprehension;

14 (B) a significant annual rate of improvement in
15 reading performance, disaggregated by subgroups designated under
16 commission rule, as measured using the battery of reading
17 assessments adopted under Subdivision (1); and

18 (C) student ratings of the quality and impact of
19 the reading plan under this subsection, as measured on a student
20 self-reporting instrument.

21 (c) To increase the positive social behaviors of students in
22 Texas Youth Commission educational programs and to create an
23 educational environment that facilitates learning, the commission
24 shall:

25 (1) adopt system-wide classroom and individual
26 positive behavior supports that incorporate a continuum of
27 prevention and intervention strategies that:

- 1 (A) are based on current behavioral research; and
2 (B) are systematically and individually applied
3 to students consistent with the demonstrated level of need;
4 (2) require each teacher and other educational staff
5 member in a commission educational program to be trained in
6 implementing the positive behavior support system adopted under
7 Subdivision (1); and
8 (3) adopt valid assessment techniques to evaluate the
9 effectiveness of the positive behavior support system according to
10 the following criteria:
11 (A) documentation of school-related disciplinary
12 referrals, disaggregated by the type, location, and time of
13 infraction and by subgroups designated under commission rule;
14 (B) documentation of school-related disciplinary
15 actions, including time-out, placement in security, and use of
16 restraints and other aversive control measures, disaggregated by
17 subgroups designated under commission rule;
18 (C) validated measurement of systemic positive
19 behavioral support interventions; and
20 (D) the number of minutes students are out of the
21 regular classroom because of disciplinary reasons.
22 (d) The Texas Youth Commission shall consult with faculty
23 from institutions of higher education who have expertise in reading
24 instruction for adolescents, in juvenile corrections, and in
25 positive behavior supports to develop and implement the plan under
26 Subsections (b) and (c).
27 (e) A student in a Texas Youth Commission educational

1 program may not be released on parole from the commission unless the
2 student participates, to the extent required by commission rule, in
3 the positive behavior support system under Subsection (c). A
4 student in a commission educational program who exhibits deficits
5 in reading on the assessments adopted under Subsection (b)(1) must
6 also participate in reading instruction to the extent required by
7 this section and by commission rule before the student may be
8 released on parole.

9 (f) Not later than December 1, 2010, the Texas Youth
10 Commission shall report to the legislature concerning:

11 (1) the effectiveness of the commission's reading plan
12 based on the criteria specified by Subsection (b)(5); and

13 (2) the implementation of the positive behavior
14 support system plan under Subsection (c).

15 (g) Not later than December 1, 2012, the Texas Youth
16 Commission shall report to the legislature concerning the
17 effectiveness of the positive behavior support system based on the
18 criteria specified by Subsection (c)(3).

19 (h) Subsections (f) and (g) and this subsection expire
20 January 1, 2013.

21 SECTION 2. (a) Not later than November 1, 2009, the Texas
22 Youth Commission shall adopt the battery of reading assessments as
23 required by Subsection (b), Section 30.106, Education Code, as
24 added by this Act.

25 (b) Not later than January 1, 2010, the Texas Youth
26 Commission shall begin administering the battery of reading
27 assessments as required by Subsection (b), Section 30.106,

1 Education Code, as added by this Act.

2 SECTION 3. Subsection (e), Section 30.106, Education Code,
3 as added by this Act, applies to release on parole from the Texas
4 Youth Commission beginning September 1, 2010.

5 SECTION 4. This Act does not make an appropriation. A
6 provision in this Act that creates a new governmental program,
7 creates a new entitlement, or imposes a new duty on a governmental
8 entity is not mandatory during a fiscal period for which the
9 legislature has not made a specific appropriation to implement the
10 provision.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.