

1-1 By: Shapiro S.B. No. 1362
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Education; April 7, 2009,
1-4 reported favorably by the following vote: Yeas 8, Nays 0;
1-5 April 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a Texas Youth Commission comprehensive plan to improve
1-9 student reading skills and behavior.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 30, Education Code, is
1-12 amended by adding Section 30.106 to read as follows:

1-13 Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because
1-14 learning and behavior are inextricably linked and learning and
1-15 improved behavior correlate with decreased recidivism rates, the
1-16 Texas Youth Commission shall not only fulfill the commission's
1-17 duties under state and federal law to provide general and special
1-18 educational services to students in commission educational
1-19 programs but also shall implement a comprehensive plan to improve
1-20 the reading skills and behavior of those students.

1-21 (b) To improve the reading skills of students in Texas Youth
1-22 Commission educational programs, the commission shall:

1-23 (1) adopt a reliable battery of reading assessments
1-24 that:

1-25 (A) are based on a normative sample appropriate
1-26 to students in commission educational programs;

1-27 (B) are designed to be administered on an
1-28 individual basis; and

1-29 (C) allow school employees to:

1-30 (i) evaluate performance in each essential
1-31 component of effective reading instruction, including phonemic
1-32 awareness, phonics, fluency, vocabulary, and comprehension;

1-33 (ii) monitor progress in areas of
1-34 deficiency specific to an individual student; and

1-35 (iii) provide reading performance data;

1-36 (2) administer the assessments adopted under
1-37 Subdivision (1):

1-38 (A) at periodic intervals not to exceed 12
1-39 months, to each student in a commission educational program; and

1-40 (B) at least 15 days and not more than 30 days
1-41 before a student is released from the commission;

1-42 (3) provide at least 60 minutes per school day of
1-43 individualized reading instruction to each student in a commission
1-44 educational program who exhibits deficits in reading on the
1-45 assessments adopted under Subdivision (1):

1-46 (A) by trained educators with expertise in
1-47 teaching reading to struggling adolescent readers; and

1-48 (B) through the use of scientifically based,
1-49 peer-reviewed reading curricula that:

1-50 (i) have proven effective in improving the
1-51 reading performance of struggling adolescent readers;

1-52 (ii) address individualized and
1-53 differentiated reading goals; and

1-54 (iii) include each of the essential
1-55 components of effective reading instruction, including phonemic
1-56 awareness, phonics, fluency, vocabulary, and comprehension;

1-57 (4) require each teacher in a commission regular or
1-58 special educational program who teaches English language arts,
1-59 reading, mathematics, science, social studies, or career and
1-60 technology education to be trained in incorporating content area
1-61 reading instruction using empirically validated instructional
1-62 methods that are appropriate for struggling adolescent readers; and

1-63 (5) evaluate the effectiveness of the commission's
1-64 plan to increase reading skills according to the following

2-1 criteria:

2-2 (A) an adequate rate of improvement in reading
 2-3 performance, as measured by monthly progress monitoring using
 2-4 curricular-based assessments in each of the essential components of
 2-5 effective reading instruction, including phonemic awareness,
 2-6 phonics, fluency, vocabulary, and comprehension;

2-7 (B) a significant annual rate of improvement in
 2-8 reading performance, disaggregated by subgroups designated under
 2-9 commission rule, as measured using the battery of reading
 2-10 assessments adopted under Subdivision (1); and

2-11 (C) student ratings of the quality and impact of
 2-12 the reading plan under this subsection, as measured on a student
 2-13 self-reporting instrument.

2-14 (c) To increase the positive social behaviors of students in
 2-15 Texas Youth Commission educational programs and to create an
 2-16 educational environment that facilitates learning, the commission
 2-17 shall:

2-18 (1) adopt system-wide classroom and individual
 2-19 positive behavior supports that incorporate a continuum of
 2-20 prevention and intervention strategies that:

2-21 (A) are based on current behavioral research; and

2-22 (B) are systematically and individually applied
 2-23 to students consistent with the demonstrated level of need;

2-24 (2) require each teacher and other educational staff
 2-25 member in a commission educational program to be trained in
 2-26 implementing the positive behavior support system adopted under
 2-27 Subdivision (1); and

2-28 (3) adopt valid assessment techniques to evaluate the
 2-29 effectiveness of the positive behavior support system according to
 2-30 the following criteria:

2-31 (A) documentation of school-related disciplinary
 2-32 referrals, disaggregated by the type, location, and time of
 2-33 infraction and by subgroups designated under commission rule;

2-34 (B) documentation of school-related disciplinary
 2-35 actions, including time-out, placement in security, and use of
 2-36 restraints and other aversive control measures, disaggregated by
 2-37 subgroups designated under commission rule;

2-38 (C) validated measurement of systemic positive
 2-39 behavioral support interventions; and

2-40 (D) the number of minutes students are out of the
 2-41 regular classroom because of disciplinary reasons.

2-42 (d) The Texas Youth Commission shall consult with faculty
 2-43 from institutions of higher education who have expertise in reading
 2-44 instruction for adolescents, in juvenile corrections, and in
 2-45 positive behavior supports to develop and implement the plan under
 2-46 Subsections (b) and (c).

2-47 (e) Not later than December 1, 2010, the Texas Youth
 2-48 Commission shall report to the legislature concerning:

2-49 (1) the effectiveness of the commission's reading plan
 2-50 based on the criteria specified by Subsection (b)(5); and

2-51 (2) the implementation of the positive behavior
 2-52 support system plan under Subsection (c).

2-53 (f) Not later than December 1, 2012, the Texas Youth
 2-54 Commission shall report to the legislature concerning the
 2-55 effectiveness of the positive behavior support system based on the
 2-56 criteria specified by Subsection (c)(3).

2-57 (g) Subsections (e) and (f) and this subsection expire
 2-58 January 1, 2013.

2-59 SECTION 2. (a) Not later than November 1, 2009, the Texas
 2-60 Youth Commission shall adopt the battery of reading assessments as
 2-61 required by Subsection (b), Section 30.106, Education Code, as
 2-62 added by this Act.

2-63 (b) Not later than January 1, 2010, the Texas Youth
 2-64 Commission shall begin administering the battery of reading
 2-65 assessments as required by Subsection (b), Section 30.106,
 2-66 Education Code, as added by this Act.

2-67 SECTION 3. This Act takes effect immediately if it receives
 2-68 a vote of two-thirds of all the members elected to each house, as
 2-69 provided by Section 39, Article III, Texas Constitution. If this

3-1 Act does not receive the vote necessary for immediate effect, this
3-2 Act takes effect September 1, 2009.

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