

SUBJECT: Mandating educational attainment for youths in Texas Youth Commission

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Haggerty, Staples, Allen, Culberson, Farrar, Lengefeld, Longoria
0 nays
2 absent — Ellis, Gray

SENATE VOTE: On final passage, Local and Uncontested Calender, April 29 — 30-0

WITNESSES: No public hearing

DIGEST: SB 447 would require the Texas Youth Commission (TYC) to determine before it released a child from supervision whether the child had reached an educational skill level equal to or greater than the average skill level of a child of the same age or the level of a high school diploma or graduate equivalency diploma.

If a child had not reached one of those levels, TYC would be prohibited from releasing the child, with some exceptions. TYC could waive the requirement if a child lacked the intellectual capacity or learning ability to achieve the appropriate mandatory educational skill level or if TYC determined that its resources were insufficient to implement the requirement. If the requirement were waived, TYC could release a child if the commission required as a condition of release that the child attain the educational level.

If the commission waived the requirement because of a lack of resources, it would have to make that decision by December 1, 2000, and would have to submit a report to the governor, the Legislative Budget Board, and the Criminal Justice Policy Council by that date stating the number of children affected by the waiver and the resources that would be required for full implementation of SB 447.

The bill would take effect September 1, 1999, and would apply to any child released under supervision on or after that date.

**SUPPORTERS
SAY:**

SB 447 would allow the state to begin to hold youths and TYC accountable for the youths' education while in TYC custody. Almost half of the youths who serve in TYC facilities are incarcerated again because they commit another crime. However, youths who earn a high school diploma are less likely to be incarcerated again.

Requiring youths to get an education makes sense and should be adopted as the state's official position rather than being simply an agency policy. Mandating that youths reach the skill level of other children their age would let the youths and TYC know what is expected of them.

SB 447 would give TYC the necessary flexibility to waive the requirement if a child lacked intellectual capacity or the agency was short on resources. The bill would ensure that educational efforts would not stop at TYC, because the commission would have to require that children who were paroled out of TYC facilities continued their educations.

SB 447 also would require that TYC keep track of the waivers it granted for lack of resources so that the state could evaluate what would be necessary to implement the bill fully.

**OPPONENTS
SAY:**

SB 447 is unnecessary because TYC already requires its school-age youths to attend school while committed to the commission and while on parole. Many TYC youths enter the commission functioning about five grade levels below their age. While most also make academic progress while in the commission, the average length of stay is only about one year, making it difficult for them to catch up to their grade level. Also, as a condition of parole, youths must make satisfactory progress in school. Since TYC does not have the resources to keep these youths until they reach their grade level, SB 447 could end up being a bureaucratic exercise for TYC to waive the bill's requirement in most cases and then issue an annual report.