

**SUBJECT:** Excluding students in TYC facilities from evaluation of school district

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 8 ayes — Grusendorf, Branch, Dawson, Dutton, Eissler, Griggs, Hochberg, Madden

0 nays

1 absent — Oliveira

**WITNESSES:** For — Amy Beneski, Texas Association of School Administrators; Cindy Brown, Donna Criswell, and Jeffrey T. Volding, Northwest ISD; Marty DeLeon, Texas Association of School Boards; JoHannah Whitsett, Association of Texas Professional Educators

Against — None

**BACKGROUND:** Education Code, ch. 39 governs public school accountability. Sec. 39.071 establishes accreditation standards. The State Board of Education (SBOE) must adopt rules to evaluate the performance of school districts and to assign to each district a performance rating of exemplary, recognized, academically acceptable, or academically unacceptable. The main considerations of the Texas Education Agency (TEA) in rating a school district are the district's current special education compliance status and the academic excellence indicators, which include:

- test results aggregated by grade level and subject area;
- dropout and completion rates;
- student attendance rates;
- percentage of graduating students who pass the secondary exit-level tests;
- percentage of graduating students who meet the course requirements established for the recommended high school program by SBOE rule;
- results of the Scholastic Assessment Test (SAT), American College Test, articulated post-secondary degree program, and certified workforce training programs; and

- number of students provided accelerated instruction, among other factors.

TEA must evaluate against state standards and report the performance of each campus in a district and each open-enrollment charter school on the basis of the campus' performance on the academic excellence indicators.

The Education Code does not apply to students, facilities, or programs under the jurisdiction of the Texas Youth Commission (TYC) or of any juvenile probation agency, except as provided by the sections governing the Windham School District, provisions for special education programs, and provisions for apportioning the available school fund for students in TYC facilities.

Education Code, ch. 19 establishes the Windham School District as an entity separate and distinct from the Texas Department of Criminal Justice (TDCJ) that may establish and operate schools at the various TDCJ facilities.

**DIGEST:**

HB 2683 would specify that for purposes of determining a school district's performance, including its accreditation status, a student confined by court order in a residential program or facility operated by or under contract with TYC would not be considered a student of the school district in which the program or facility was located. The performance of such a student on a test or other academic excellence indicator would have to be determined, reported, and considered separately from the performance of students who attended a school of the district in which the program or facility was located.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003. It would apply beginning with the 2003-04 school year.

**SUPPORTERS  
SAY:**

CSHB 2683 would exclude assessment results of students in TYC residential programs or facilities from being a factor in determining a school district's accreditation status. Part of a school district's performance is determined by assessment scores of students in schools located in that district. The district may include schools for students in residential programs or facilities operated by or under contract with TYC. The scores taken from the assessment tests of these confined students are used in evaluating the district, even though these alternative schools and the students who attend them are unique.

Students in these schools have been ordered by a court to attend a residential program or facility that places a greater emphasis on treating than on educating these students. Their education may be disrupted by other activities that are part of the treatment regime, such as drug therapy, treatment sessions, work release programs, or behavior management interventions. While these activities are necessary for the student's health and stability, they may affect their scores on assessment tests adversely. Many of these students have had significant gaps in their education and have been out of school for two or more years. Also, the students may have used drugs that permanently impaired their cognitive functioning, or they might be taking psychotropic drugs that greatly impair their ability to learn.

Including such students' assessments results in determining a school district's accreditation status would be unfair to the district. A district could be downgraded from exemplary to acceptable or low-performing simply because a halfway house was located in the district.

Although most TYC-operated schools and the Windham School District are exempt from the state's accountability system, some schools serving students in "front-end" halfway houses are not exempt because they are operated by the school district in which they are located. Youths at halfway houses must attend separate schools from the general population because of their status as felons. "Front-end" programs take convicted felons who have not served any time for their crimes and place them in a locked halfway house that provides drug treatment. If they are successful in their treatment program, they will be released, while unsuccessful youths will be returned to a youth or adult prison. CSHB 2683 would bring consistency to the law by excluding students at TYC facilities from counting toward a district's accreditation status, just as TYC-operated schools and the Windham School District are exempt from state accountability standards.

**OPPONENTS  
SAY:**

It would be unfair for students at TYC facilities if their performance on standardized tests was of no consequence for the school district. These students have the same right to a good education and a fair share of education resources as does any other youth in the district. The state needs a separate, appropriate measure of how well these youths are progressing relative to other similar populations, and these indicators should be considered in rating the school district. At-risk youths are in particular need of a good education to

turn their lives around, and school districts should be held accountable for them.

**NOTES:**

The committee substitute would change the bill's effective date from September 1, 2003, to immediate effect.

The companion bill, SB 1373 by Shapiro, passed the Senate on the Local and Uncontested Calendar on April 16 and has been referred to the House Public Education Committee.