

## **BILL ANALYSIS**

Senate Research Center

H.B. 425  
By: Madden (Hinojosa)  
Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Juvenile detention centers are short-term, secure facilities. Administered by a juvenile board or a privately-operated facility certified by the juvenile board, such centers are designed for the temporary placement of any juvenile or other individual who is accused of having committed an offense and is awaiting court action, administrative hearing, or other transfer action. Post-adjudication secure correctional facilities are administered in the same way, but are intended for the treatment and rehabilitation of youth who have been adjudicated.

The Texas Education Agency is required to provide education to students placed in pre-adjudication or post-adjudication juvenile residential facilities, but the level of education varies across the state and in many instances there is little to no education provided to these students.

H.B. 425 provides a more comprehensive and quality education to confined juveniles by requiring the commissioner of education, in coordination with the Texas Juvenile Probation Commission, to establish instructional requirements for education services provided by a school district to this population.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.0062, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0062, as follows:

Sec. 37.0062. **INSTRUCTIONAL REQUIREMENTS FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES.** (a) Requires the commissioner of education (commissioner) to determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board or a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission (TYC), including certain requirements.

(b) Requires the commissioner to coordinate with the Texas Juvenile Probation Commission (commission) in determining the instructional requirements for education services provided under Subsection (a) in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board and to coordinate with TYC in determining the instructional requirements for education services provided under Subsection (a) in a post-adjudication secure correctional facility operated under contract with TYC.

(c) Requires the commissioner to adopt rules necessary to administer this section. Requires the rules to make certain assurances.

(d) Requires the commission or TYC, as applicable, to coordinate with the commissioner in establishing certain standards.

SECTION 2. Requires the commissioner by rule to determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication or post-adjudication juvenile residential facility, as required by Section 37.0062, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: September 1, 2007.