

Chapter 89. Adaptations for Special Populations**Subchapter HH. Commissioner's Rules Concerning Education in a Juvenile Residential Facility****§89.1801. Instructional Requirements for Education Services Provided in a Juvenile Residential Facility.**

- (a) Definition. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) Pre-adjudication secure detention facility--A secure facility administered by a governing board that includes construction and fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in the facility and is used for the temporary placement of any juvenile or other individual who is accused of having committed an offense and is awaiting court action, an administrative hearing, or other transfer action.
 - (2) Post-adjudication secure correctional facility--A secure facility administered by a governing board or the Texas Youth Commission that includes construction and fixtures designed to physically restrict the movements and activities of the residents and is intended for the treatment and rehabilitation of youth who have been adjudicated. A post-adjudication secure correctional facility does not include any non-secure residential program operating under the authority of a juvenile board as defined by the Texas Family Code, §51.12(j).
 - (3) Resident--A juvenile or other individual who has been admitted into a pre-adjudication secure detention facility or a post-adjudication secure correctional facility.
 - (4) Residential facility--A facility as described by the Texas Education Code (TEC), §5.001(8).
 - (5) School district--The educational service provider in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility. For the purposes of this subchapter, the definition of school district includes open-enrollment charter school.
- (b) Enrollment.
- (1) The school district providing the education services in a pre-adjudication secure detention facility shall ensure that a student is enrolled in its school district or, by local agreement, in the student's locally-assigned school district on the first school day after the student's arrival at the facility unless it is confirmed that the student will return to a different district within ten school days. The school district that maintains a student's enrollment is responsible for ensuring that appropriate education services are provided to each of its students while in the facility.
 - (2) The school district providing the education services in a post-adjudication secure correctional facility shall ensure that a student is enrolled in its school district or, by local agreement, in the student's locally-assigned school district on the student's first school day in the facility as a court-committed juvenile.
 - (3) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall coordinate with the student's previous locally-assigned campus to ensure that appropriate academic records are received within ten school days of the student's enrollment.
- (c) Class size. The school district shall ensure that the classroom ratio does not exceed one certified educator to 24 students per class period.
- (d) Pre-assessment. The school district shall ensure that a pre-assessment is administered to students in a post-adjudication secure correctional facility. The pre-assessment shall:
- (1) be administered within ten school days from the student's first day of enrollment; and
 - (2) at a minimum, evaluate the student's basic reading and mathematics skills in relation to their current grade level.

- (e) Curriculum of the educational program.
 - (1) Each school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall, at a minimum, provide students with the subjects and courses necessary to complete the minimum high school program, as specified in §74.62 of this title (relating to Minimum High School Program).
 - (2) Each school district in a pre-adjudication secure detention facility shall ensure that a student is provided courses that afford an opportunity of continued progress toward the completion of the minimum high school program, as specified in §74.62 of this title.
 - (3) Each school district in the post-adjudication secure correctional facility shall, at a minimum, provide a student curriculum that enables the student the opportunity to complete the requirements of the minimum high school program, as specified in §74.62 of this title.
 - (4) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall ensure that the educational services of the students consist of curriculum that is aligned with the requirements described in the TEC, §28.002, and the Texas Essential Knowledge and Skills (TEKS).
 - (5) The school district in a post-adjudication secure correctional facility shall provide students, ages 15-18 and identified as appropriate candidates, the opportunity and resources to prepare for the five general educational development examinations.
- (f) Award of credit. The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall grant credits for coursework completed to ensure that high school credit is awarded to students for the successful completion of required courses while enrolled in educational services at the facility.
- (g) Length and number of school days required.
 - (1) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall, at a minimum, provide a seven-hour school day that consists of at least five and one-half hours of required secondary curriculum to students in the facility. For each school year, each school district must operate so that the facility provides for at least 180 days of instruction for students.
 - (2) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall ensure that students with disabilities are provided instructional days commensurate with those provided to students without disabilities in accordance with requirements contained in §89.1075(d) of this title (relating to General Program Requirements and Local District Procedures).

Statutory Authority: The provisions of this §89.1801 issued under the Texas Education Code, §37.0062.

Source: The provisions of this §89.1801 adopted to be effective June 11, 2009, 34 TexReg 3512.