

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/15/15
Subchapter: Program Services	
Division: Education Programs	Page: 1 of 4
Rule: Participation and Reporting Requirements of the Reading Improvement Program and PBIS System	Replaces: GAP.380.9155, 9/1/10
ACA: N/A	
Statutes: Education Code §30.106	

RULE

(a) **Purpose.**

This rule establishes participation requirements and certain reporting requirements for the Texas Juvenile Justice Department (TJJD) reading improvement program and Positive Behavioral Interventions and Supports (PBIS) system, as required by Education Code §30.106.

(b) **Applicability.**

- (1) For purposes of the reading improvement program, this rule applies only to youth in facilities with a TJJD-operated educational program who are required to participate in the reading improvement program based on their scores on the agency-approved reading assessments.
- (2) For purposes of the PBIS system, this rule applies to all youth in facilities with a TJJD-operated educational program.
- (3) Decisions concerning whether to release a youth on parole are made in accordance with [§§380.8555](#), [380.8559](#), and [380.8569](#) of this title.

(c) **Definitions.**

- (1) **Designated Education Location**--the assigned location for instructional delivery, including the educational building, alternate classroom, or security classroom.
- (2) **Instructional Minutes**--time designated by a youth's school schedule for the delivery of academic and vocational services.
- (3) **Positive Behavioral Interventions and Supports (PBIS) System**--a framework for systemic and individualized interventions to achieve important social and learning outcomes while preventing problematic behavior.
- (4) **Reading Improvement Program**--a comprehensive instructional system designed to improve reading skills. The program is delivered in a tiered system that provides increasing levels of support and intervention based on the level of assessed reading deficit.
- (5) **Removal for Disciplinary Reason**--removal from a designated education location due to a violation of the rules of conduct or a subsequent failure to participate in positive behavioral interventions.

(d) **General Provisions.**

- (1) All facilities with TJJD-operated schools must develop and implement an agency-approved reading improvement program and PBIS system.
- (2) Youth are provided written and verbal information that clearly explains participation requirements for the reading improvement program and PBIS system.

- (3) The extent to which a youth is expected to participate in the reading improvement program and/or PBIS system must be consistent with a youth's individualized education plan and/or Limited Proficiency Assessment Committee (LPAC) recommendations, as applicable.
- (4) Participation in the reading improvement program and PBIS system contributes toward a youth's stage progression and the ability to earn privileges, in accordance with [§380.8703](#) and [§380.9502](#) of this title.
- (5) Before a youth is considered for release on parole, a review must be conducted to determine whether the youth has met participation requirements in the reading improvement program and PBIS system. Lack of participation in the reading improvement program and/or PBIS system prior to September 1, 2010, must not delay a youth's release.
- (6) Youth and parents/guardians must be provided prior written notice concerning the right to provide input into the determination of whether a youth has participated in the reading improvement program and/or PBIS system.
- (7) A staff representative from a youth's Admission, Review, and Dismissal committee and/or LPAC, as applicable, must participate in determining whether the youth has participated in the reading improvement program and/or PBIS system.

(e) **Youth Participation in the Reading Improvement Program.**

Participation in the reading improvement program means a youth has:

- (1) completed the program as demonstrated by achieving the reading level corresponding to the youth's age based on an agency-approved reading assessment; **or**
- (2) participated in the program **prior to completion** of the youth's minimum length of stay (MLOS) or minimum period of confinement (MPC), as demonstrated by:
 - (A) the youth's:
 - (i) attendance for at least 90% of available reading instructional periods during the youth's enrollment in the program; **and**
 - (ii) completion of all required reading assessments during the youth's enrollment in the program; **or**
 - (B) progress in the program commensurate with ability and opportunities for participation; **or**
- (3) participated in the program **after completion** of the youth's MLOS or MPC, as demonstrated by:
 - (A) the youth's:
 - (i) attendance for at least 90% of available reading instructional periods during the most recent 30-day period; **or**
 - (ii) progress in the reading improvement program during the most recent 30-day period, commensurate with ability and opportunities for participation; **and**
 - (B) completion of all required reading program assessments during the most recent 30-day period.

(f) Youth Participation in the PBIS System.

Participation in the PBIS system means:

- (1) during the most recent six-month period, a youth has responded to PBIS prevention and/or intervention strategies to the extent that:
 - (A) the youth has no more than a total of three:
 - (i) days on which he/she was removed from a designated education location for a disciplinary reason; and/or
 - (ii) written refusals to attend class in the designated education location; **or**
 - (B) the youth has:
 - (i) missed no more than 10% of available instructional minutes due to removal from a designated education location for a disciplinary reason and/or written refusal to attend class in the designated education location; and
 - (ii) demonstrated a pattern of increased time spent in class; **or**
- (2) the youth has responded to PBIS prevention and/or intervention strategies to the extent that:
 - (A) the youth possesses the behavioral skills necessary to transition to his/her future academic, vocational, or vocational training placement; or
 - (B) appropriate transition supports are in place to promote the youth's transition to his/her future academic, vocational, or vocational training placement.

(g) Evaluation for Effectiveness.

(1) Reading Improvement Program.

The reading improvement program is evaluated for effectiveness according to the following criteria and subgroups.

- (A) The rate of improvement in reading performance, as measured by monthly progress monitoring using curricular-based assessments in each of the essential components of reading instruction including, but not limited to:
 - (i) phonemic awareness;
 - (ii) phonics;
 - (iii) fluency;
 - (iv) vocabulary; and
 - (v) comprehension.
- (B) The annual rate of improvement in reading performance as measured using the battery of assessments set forth in subparagraph (A) of this paragraph, disaggregated by subgroups including, but not limited to:
 - (i) students receiving general education services;
 - (ii) students receiving special education services;
 - (iii) students receiving English as a Second Language services; and
 - (iv) ethnicity.
- (C) Student ratings of the quality and impact of the reading improvement program, as measured on a student self-reporting instrument.

(2) **PBIS System.**

The PBIS system is evaluated for effectiveness according to the following criteria and subgroups.

- (A) Documentation of school-related disciplinary referrals, disaggregated by factors and subgroups including, but not limited to:
 - (i) type of infraction;
 - (ii) location of infraction;
 - (iii) time of infraction;
 - (iv) students receiving general education services;
 - (v) students receiving special education services;
 - (vi) students receiving English as a Second Language services; and
 - (vii) ethnicity.

- (B) Documentation of school-related disciplinary actions, including time-out, placement in the security unit, use of restraints, and other aversive control measures, disaggregated by subgroups including, but not limited to:
 - (i) general education;
 - (ii) eligibility for special education services;
 - (iii) eligibility for English as a Second Language services; and
 - (iv) ethnicity.

See [EDU.13.51](#) for implementation procedures.