

Chapter: Rules for State-Operated Programs and Services	Effective Date: 6/1/19
Subchapter: Program Services	Page: 1 of 3
Division: Education Programs	Replaces: GAP.380.9155, 4/15/15
Title/Rule: Participation and Reporting Requirements of the Reading Improvement Program and Positive Behavior Support System	
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 behavior support system, as required by Section 30.106, Education Code.

(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 positive behavior support 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) **Positive Behavior Support System**--a framework for systemic and individualized interventions to achieve important social and learning outcomes while preventing problematic behavior.
- (2) **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.

(d) General Provisions.

- (1) All facilities with TJJD-operated schools must implement the agency-approved reading improvement program and positive behavior support system.
- (2) Youth are provided written and verbal information that clearly explains participation requirements for the reading improvement program and the positive behavior support system.
- (3) The extent to which a youth is expected to participate in the reading improvement program and/or positive behavior support system must be consistent with the youth's individualized education plan and/or Language Proficiency Assessment Committee (LPAC) recommendations, as applicable.
- (4) Participation in the reading improvement program and the positive behavior support 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 the positive behavior support system.
- (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 the positive behavior support 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 the positive behavior support 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) completing all required reading assessments during the youth's enrollment in the program; or
 - (B) progressing 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) progressing in the reading improvement program during the most recent 30-day period commensurate with ability and opportunities for participation; and
 - (B) completing all required reading assessments during the most recent 30-day period.

(f) Youth Participation in the Positive Behavior Support System.

Participation in the positive behavior support system means a youth has responded to prevention and/or intervention strategies in the positive behavior support system to the extent that:

- (1) the youth possesses the behavioral skills necessary to transition to his/her future academic, vocational, or vocational training placement; or
- (2) 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; and
- (C) student ratings of the quality and impact of the reading improvement program, as measured on a student self-reporting instrument.

(2) Positive Behavior Support System.

The positive behavior support 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) students receiving general education services;
 - (ii) students receiving special education services;
 - (iii) students receiving English as a Second Language services; and
 - (iv) ethnicity;
- (C) validated measurement of systemic positive behavioral support interventions; and
- (D) the number of minutes students are out of the regular classroom because of disciplinary reasons.
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