FUNDING

If the District provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board, the District is entitled to count those students in the District's average daily attendance.

If a district has a wealth per student greater than the guaranteed wealth level but less than the equalized wealth level, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between:

1. The average Foundation School Program costs per student of the district providing education services; and
2. The sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

Education Code 37.0061

OPERATIONS

DEFINITIONS

A "pre-adjudication secure detention facility" is 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.

A "post-adjudication secure correctional facility" is a secure facility administered by a governing board or the Texas Juvenile Justice Department 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 Family Code 51.12(j).

A "resident" is a juvenile or other individual who has been admitted into a pre-adjudication secure detention facility or a post-adjudication secure correctional facility.

"Residential facility" means:

1. A facility operated by a state agency or political subdivision, including a child placement agency, that provides 24-hour

custody or care of a person 22 years of age or younger, if the person resides in the facility for detention, treatment, foster care, or any noneducational purpose; and

2. Any person or entity that contracts with or is funded, licensed, certified, or regulated by a state agency or political subdivision to provide custody or care for a person under item 1.

A "school district" is the educational service provider in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility. For the purposes of this section addressing OPERATIONS, the definition of school district includes open-enrollment charter school.

Education Code 5.001(8); 19 TAC 89.1801(a)

ENROLLMENT

PRE-ADJUDICATION SECURE DETENTION FACILITY

The school district providing the education services in a pre-adjudication secure detention facility shall ensure that a student is enrolled in its 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 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.

POST-ADJUDICATION SECURE CORRECTIONAL FACILITY

The school district providing the education services in a post-adjudication secure correctional facility shall ensure that a student is enrolled in its district or, by local agreement, in the student's locally assigned district on the student's first school day in the facility as a court-committed juvenile.

ACADEMIC RECORDS

The school district in the 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.

19 TAC 89.1801(b)

CLASS SIZE

The school district shall ensure that the classroom ratio does not exceed one certified educator to 24 students per class period.
19 TAC 89.1801(c)

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 the student's current grade level.

19 TAC 89.1801(d)

CURRICULUM

Each school district shall, at a minimum, provide students with the subjects and courses necessary to complete the Minimum High School Program, as specified in 19 Administrative Code 74.62. The school district shall ensure that the educational services of the students consist of curriculum that is aligned with the requirements described in Education Code 28.002 and the Texas Essential Knowledge and Skills (TEKS).

PRE-ADJUDICATION

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.

POST-ADJUDICATION

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. The school district shall provide students, ages 15–18 and identified as appropriate candidates, the opportunity and resources to prepare for the five general educational development examinations.

19 TAC 89.1801(e)

AWARD OF CREDIT

The school district 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. *19 TAC 89.1801(f)*

LENGTH AND NUMBER OF SCHOOL DAYS

The school district 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.

STUDENTS WITH DISABILITIES

The school district shall ensure that students with disabilities are provided instructional days commensurate with those provided to students without disabilities in accordance with requirements contained in 19 Administrative Code 89.1075(d).

19 TAC 89.1801(g)