

BILL ANALYSIS

Senate Research Center

S.B. 1177
By: Hughes
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 653 (82nd Legislature, Regular Session, 2011) merged the Texas Youth Commission and the Texas Juvenile Probation Commission into one new agency, the Texas Juvenile Justice Department (TJJD). To help meet the educational needs of students under the supervision of TJJD, the bill authorized the commissioner of education (commissioner) to grant a charter to a detention, correctional, or residential facility. The bill's intent clearly was to provide beneficial educational options in correctional settings, but a charter school wishing to work with juvenile offenders encounters several unintended obstacles due to the way the law was drafted. S.B. 1177 seeks to correct these deficiencies to further the intent of this earlier legislation on juvenile justice reform.

First, the bill authorizes the commissioner to grant a charter to an organization contracting with a detention, correctional, or residential facility to provide educational services. Furthermore, S.B. 1177 clarifies that a charter school authorized by the commissioner to serve students in juvenile facilities may receive standard funding levels from the state as do other open-enrollment charters. S.B. 653 authorized the establishment of such charters but was silent on funding, an oversight that has complicated the application process for charters wishing to operate in correctional facilities.

With their tailored educational offerings, charter schools can help troubled youth gain the educational skills needed to change the trajectory of their lives. S.B. 1177 will ensure that the Texas Education Agency has clear license to establish charter schools in juvenile facilities and that such charters will receive the standard level of funding from the state. (Original Author's / Sponsor's Statement of Intent)

S.B. 1177 amends current law relating to requirements for charter schools established for the benefit of certain juvenile offenders.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 221.0071, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 221.0071, Human Resources Code, as follows:

Sec. 221.0071. CHARTER SCHOOL. (a) Authorizes the commissioner of education (commissioner), notwithstanding any other law and in addition to the number of charters allowed under Subchapter D (Open-Enrollment Charter School), Chapter 12 (Charters), Education Code, to grant a charter on the application of a detention, correctional, or residential facility established only for certain juvenile offenders, or an eligible entity that has entered into a contract with a facility described by this subsection.

(b) Requires that the facility or the eligible entity, if a local detention, correctional, or residential facility described by Subsection (a) or an eligible entity that has entered into a contract with a facility described by Subsection (a) applies for a charter, provide all educational opportunities and services, including special

education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

(c) Requires the commissioner to adopt a form and procedure to allow a detention, correctional, or residential facility described by Subsection (a) or an eligible entity that has entered into a contract with a facility described by Subsection (a) to apply for a charter. Requires that the application form and procedure be comparable to the applicable requirements of Section 12.110 (Application), Education Code, and include any requirements provided under Subchapter D, Chapter 12, Education Code.

(d) Provides that a charter school operating under a charter granted under this section is entitled to receive open-enrollment charter school funding under Chapter 42 (Foundation School Program), Education Code, in the same manner as an open-enrollment charter school operating under Subchapter D, Chapter 12, Education Code.

(e) Requires the commissioner to adopt rules necessary to implement this section, including rules that modify the requirements for charter schools provided under Chapter 12, Education Code, as necessary to allow a charter school to operate in a detention, correctional, or residential facility described by Subsection (a).

(f) Defines "eligible entity."

SECTION 2. Effective date: September 1, 2017.