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To: Will Harrell, JD, LL.M., Chief Ombudsman for TYC
From: Michael P. Krezmien
Date: March 23, 2009
RE: SB 1362

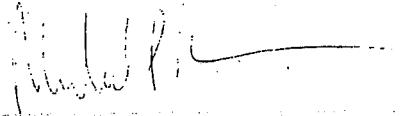
As you know, I have been working with the Texas Youth Commission and the TYC Office of the Independent Ombudsman on issues related to education and educational services for youth committed to the TYC. Last year I conducted an evaluation of the education program at the TYC, and submitted a report of the findings to the TYC with your office. In that report I identified two important shortcomings of the educational program that will be remedied through the implementation of SB 1362: (1) adequacy of the TYC reading program and (2) the use of positive behavioral supports. I write to fully endorse this bill as necessary and beneficial to the students of the TYC and to the State of Texas itself.

With regards to the reading program, I found that the TYC had a dearth of evidence-based reading programs available in the education programs, despite severe reading deficiencies of many, if not most, of the students, nearly half with disabilities that qualified them for special education services for reading and associated learning problems. Considering the attributes of the TYC population, the lack of scientifically-based reading instruction was disconcerting. I am one among many who view reading as the single most important skill taught, and the cornerstone of the American education system. The implications of reading achievement as a means for breaking the cycle of delinquency are immeasurable. Educational attainment, whether it is a GED, a diploma, or a vocational training certificate, remain among the best known predictors of desistance from juvenile and criminal court involvement. However, terminal certificates, diplomas, and other degrees of attainment are impossible if a student does not have the foundational and advanced skills necessary for reading and understanding the written word. I believe that SB 1362 creates the means for achieving these very outcomes for TYC students.

With regards to positive behavioral supports, I found that the agency relied almost exclusively upon punitive practices as a means of behavioral control, despite a consistent body of research that show that such measures do not improve youth behavior and often contribute to greater behavioral and emotional problems. There is substantial evidence that antecedent-based interventions designed to teach students positive and appropriate behaviors are much more effective for improving behavior, decreasing antisocial behaviors, and limiting the frequency and severity of inappropriate behaviors, especially for students with disabilities. SB 1362 mandates the use of positive behavior supports, which is necessary for improving overall behavior and helping the teachers and other staff to focus on the true mission of school, the teaching of knowledge and skills.

Senate Bill 1362 charts a clear and necessary course for the TYC educational program. The bill provides comprehensive and clear guidance for improving the reading and behavioral programming, and will help the teachers and other professionals to provide the highest level of educational support and training to the students in the custody of the TYC. The implications for these students will be important and measurable, but the implications for Texas and the society as a whole will be profound. I firmly believe that this legislation represents a careful attention to the delicate balance between the dedication to the quality programming and care of students at the TYC and the consideration of the short-term and long-term consequences to the society receiving these youth as they return to their communities. If this bill is passed, the students at the TYC will have a greater capacity to attain successful educational goals resulting in meaningful employment and civic responsibility more broadly. Furthermore, I believe that this bill is an approach to correctional education that is unique in this nation. I hope that this bill is passed into law, and that other states can follow the example established by the Texas Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Krezmien", with a long horizontal flourish extending to the right.

Michael Krezmien

The New York Times

Writing Off Disabled Children

Many of America's juvenile jails would be empty if public schools obeyed federal law and provided disabled children with the special instruction that they need. Instead, these children are allowed to fall behind. When they act out, they are often suspended or expelled, which makes them more likely to commit crimes and land in jails where they can count on even less help.

This pattern seems to be repeating itself in Texas, judging from an eye-opening report prepared for the Texas Youth Commission's ombudsman. The report says more than 40 percent of the students in custody have been identified as having disabilities that make them eligible for services and protections under the federal Individuals With Disabilities Education Act. Children's advocates believe the percentage is even higher and that many of the disabled have not been diagnosed.

The Texas system has nearly four times as many students requiring special education services as a typical school and three times as many students with learning disabilities. In addition, it has nearly 18 times the number of emotionally disturbed students as a typical high school. These numbers are all the more alarming

since the system's educational services are generally poor and especially bad when it comes to the disabled.

According to the report, the Texas system is "basically devoid of what current educational research has consistently identified as 'best practices' for instruction." There is little or no direct instruction by teachers. Children are routinely asked to essentially teach themselves through "self-directed reading" — even though a substantial percentage have limited reading skills. The special education staff, such as it is, is poorly trained and woefully under strength.

The State Legislature will need to do at least two things if it hopes to correct these problems. First, it needs to require localities to provide disabled children with the school services they are entitled to under federal law, instead of just dumping them onto streets. Then lawmakers must strengthen the educational programs within the juvenile system itself by hiring better-trained employees and providing stronger central oversight.

Texas has both a moral and legal obligation to make a system that is crippling, then writing off, the state's most vulnerable children.

TYC education reform worth the cost

Personnel need resources to succeed, say **Michael Krezmien** and **Will Harrell**

The findings outlined in the recent report on Texas Youth Commission education conducted by the Office of the Independent Ombudsman resulted in a number of responses from the public and the media after *The Dallas Morning News* broke the story on July 30, 2008. However, there were some surprising and unexpected reactions that do not appear to be entirely aligned with the intent or the overall content of the report.

The document is extensive and difficult to summarize. Therefore, we believe that some of the specific phrases from the report quoted in various media outlets did not adequately represent the findings.

One unexpected consequence was an unintended or unintended ascription of responsibility for the educational shortcomings of the TYC to the school staff — the teachers, diagnosticians, school counselors, administrators and other education personnel. Placing blame on teachers or other education person-

nel, whether directly or indirectly, was not the intent of the report.

The report repeatedly acknowledged the experience and dedication of the education personnel and highlighted the staff's resolve to educate the TYC students despite inadequate support and difficult circumstances. In fact, the ombudsman reported that the major problems with the educational programming were systemic and that systemic problems negatively impacted the ability of educators to provide students with the best possible education.

The teachers and educational personnel at TYC should not be targeted for systemic failures, but should rather be recognized (as they have been by the conservator) for continued efforts.

We were also surprised that some interpretations suggested that Texas and the TYC are unique with regard to quality of education services provided to incarcerated youth. This is not the case. Juvenile justice education continues to be an under-supported and under-examined aspect of such programming nationally.

The Justice Department has found similar problems in juvenile

justice education programs in a number of states; practitioners, researchers and advocates have consistently identified education in juvenile justice agencies as needing more support and reform.

What makes Texas and the TYC unique is the open acknowledgment of the problems and inadequacies with the educational programming. What makes Texas unique is the TYC leadership and the commitment by Richard Neldekoff and Deputy Commissioner Dianne Gadow to transform the TYC education system. What makes Texas unique is the legislature's commitment to juvenile justice reform and to supporting leadership as it guides TYC's transformation.

This is the time for all parties — the legislature, the Texas administration, the TYC leadership, and the TYC education personnel — to meet the complex challenges of developing and implementing a progressive and effective juvenile justice education system in a unified effort. We have complete faith that Ms. Gadow will transform the education program if she receives the necessary financial and administrative supports to meet this

challenge.

To accomplish this goal, placing blame must be an object of the past. Instead, the state can fulfill its role as a national leader by providing Ms. Gadow and TYC education personnel with the necessary resources and authority over all aspects of educational programming so personnel on the ground can provide an array of education, special education and vocational programs to meet the diverse needs of TYC students.

Education should be central to the rehabilitation of students in TYC. It is a proven means for preparing youth to leave the juvenile justice system and to become civically responsible tax-paying citizens. The cost of failure will be far greater than the investment to become a model for juvenile justice education.

Dr. Michael Krezmien is assistant professor of education at the University of Texas at Austin and Will Harrell is the chief ombudsman for the Texas Youth Commission. Dr. Krezmien can be contacted at krezmien@mail.utexas.edu. Mr. Harrell may be contacted at will.harrell@tyc.state.tx.us.