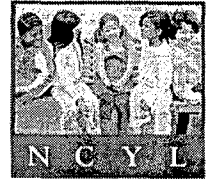




# ADVOCACY

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WITH DISABILITIES NATIONWIDE FOR MORE THAN 30 YEARS



National Center for Youth Law

August 31, 2010

Judy Preston  
Chief, Special Litigation Section  
United States Department of Justice  
950 Pennsylvania Ave, NW, PHB  
Washington, DC 20530  
(202) 514-0212 FAX

Dear Chief Preston,

Thank you for your August 26, 2010 response to our letter asking you to investigate systemic problems in Texas Youth Commission (TYC) facilities. We appreciate your invitation to provide additional information relevant to your investigation of our concerns. We are following up to make you aware of information we received from TYC after sending our August 24, 2010 letter.

The same day we sent our letter, we received additional data from TYC related to educational programming in all 10 of their secure facilities. The data show the number of hours youth spent in school at each facility for the 14-month period from July 1, 2009 through August 31, 2010 (school was not planned for the second half of August). If youth did not go to school, or if the school day was shortened, the reason for the change in schedule is listed. For example, "coverage" indicates a lack of adequate educational staff. We have included the data as an attachment to the e-mail delivery of this letter, but, due to its size, not to the hard copy original.

This data illustrates a pattern of school days being cancelled or shortened as a result of safety issues which supports youths accounts of safety concerns at the facilities and corroborates the reports from youth regarding the problems with educational programming. Specifically:

On the Al Price Campus.<sup>1</sup>:

- Of the 228 school days listed for Al Price during the 14-month period, 70 were shortened or cancelled due to behavioral or staffing issues – this represents *31 percent of all scheduled school days*.
- Of the 70 shortened or cancelled school days at Al Price, **51 of the scheduling changes were the result of student behavior or safety issues**. This pattern exists throughout the time period for which we have data, with the most recent incident occurring on August 13, 2010, and lends credence to students' reports of a chaotic environment. Some of the reasons listed:
  - Campus lockdown/youth runners & on the roofs.
  - Campus unrest.
  - Dorms Shutdown.
  - Discipline problems.
  - Movement delayed due to youth on roof.
  - Campus under "Code Blue" due to unrest.
  - Campus lockdown due to discipline.
  - Youth late arriving due to campus issues. Gang activity & fights caused movement to lunch to be delayed... Youth kept in dorms remainder of afternoon for safety.

On the Mart II Campus

- Of the 239 scheduled school days at the Mart II facility, 88 days were shortened or cancelled due to student behavior or staffing problems. This represents **38 percent of all scheduled school days**. At this facility, the overwhelming majority of the scheduling changes were due to staffing problems, *with 66 days shortened or cancelled due to a shortage of staff*. Again, this corroborates reports from youth interviewed at Mart II.

On the Crockett Campus:

- Of the 251 scheduled school days at the Crockett facility during the 14 months for which we have data, 71 school days were shortened or cancelled, or school was taught on the dorm, due to behavioral issues, lack of coverage, or for reasons that weren't clearly indicated. This represents *28 percent of all scheduled school days*. Some of the reasons listed:
  - Lack of teacher coverage.
  - Problems on dorms.
  - No school held – key missing – movement stopped.

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<sup>1</sup> We did not include in this analysis any school days cancelled for legitimate reasons including teacher training, attendance at a conference, or weather.

- Modified schedule due to lack of coverage.
- Modified schedule – behavior issues.
- Students on Dorm Management plan – taught on dorm.
- Some students were taught on dorm others taught in school building.

#### On the Gainesville Campus

- Of the 237 scheduled school days at the Gainesville facility, 53 were shortened or cancelled due to behavior. This represents *22 percent of the scheduled school days*. Reasons listed include:
  - Corrections staff require return to dorm for behavior groups (this is the most common reason listed).
  - Campus shutdown (gun rumor) weapons search.

#### On the Ron Jackson Campus

- Of the 242 scheduled school days at the Ron Jackson facility, 49 school days were cancelled or shortened due to shortage of staff, behavioral issues, or reasons that weren't clearly indicated. This represents *20 percent of all scheduled school days*. Inadequate staffing was listed as the reason for modification for 20 of the school days, indicating that staffing is also a problem at this facility. Behavioral issues are also noted. In many cases, the notation merely indicates students were in their dorms for several class periods, without explaining the reason for the schedule change. Listed reasons for a modified schedule include:
  - Safety – major disruption in school.
  - Movement frozen.
  - 2<sup>nd</sup> semester schedules not ready.


This frequent disruption of the school schedule for all students means that they often did not receive a full 420-minute school day.<sup>2</sup> This is especially troubling because school is interrupted for all students, regardless of their individual behavior. As the youth themselves told us during our visits, when they are left or brought back to the dorms during school hours there is little to do except watch television or play games get bored, act out, and engage in horseplay or fighting.

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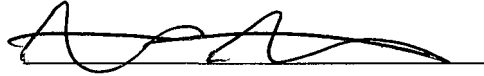
<sup>2</sup> Days during which students were noted to have received a full school day in their dorms, rather than in the education building, were not counted as full school days. Having class in the dorm does not provide the same educational experience that having class in a school building provides. Dorms are not set up for a school environment, and many of the resources available in the school building, including blackboards, desks, books, computers, and other teaching materials are likely not available in dorms. In addition, classes are organized by student ability and interest, not by dorm, making it impossible to provide educational instruction in the dorm setting which is even remotely comparable to what is provided in the classroom.

Again, we hope that you will investigate these problems, and we stand ready to assist you in whatever way we can.

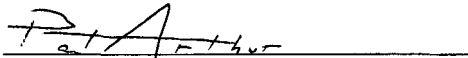
Sincerely,



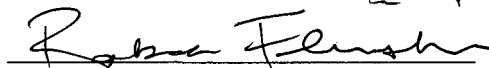
Deborah Fowler  
Legal Director, Texas Appleseed



Beth Mitchell  
Managing Attorney, Advocacy, Inc.



Pat Arthur  
Senior Attorney,  
National Center for Youth Law



Robert Fleischner  
Associate Director, Center for Public  
Representation

cc: Toysha Martin, Litigation Counsel, Texas Youth Commission  
Cheryl K. Townsend, Executive Director, Texas Youth Commission

Sam Bagenstos, Principal Deputy Assistant Attorney General, Civil Rights  
Marina Mazor, Attorney, Special Litigation Section

Honorable John Whitmire, Chair, Texas Senate Criminal Justice Committee  
Honorable Jim McReynolds, Chair, Texas House of Representatives Corrections  
Committee