

TERMS AND CONDITIONS FOR SOLICITATIONS

**APPLICABLE TO:
REQUEST FOR PROPOSAL (RFP)**

“BID” AND “BIDDER” ARE USED TO REFER TO AN OFFER IN RESPONSE TO A REQUEST FOR PROPOSAL

1. INSTRUCTIONS TO PROPOSERS:

(a) Thoroughly examine the specifications, schedule, instructions, and all other solicitation documents.

(b) Make all investigations necessary to be familiar with conditions that affect the proposal. No pleas of ignorance by the proposer as a result of failure to investigate or examine conditions or failure to fulfill details of the contractual documents will be accepted as a basis for varying the requirements of Juvenile Board or changing the compensations due.

(c) Contracts are subject to all legal requirements of county, state or federal statutes and regulations. Laws of the State of Texas apply.

(d) Provide all required information. Print or type name on bid and sign the original and all seven (7) copies.

(e) Do not include federal taxes or State of Texas limited sales excise and use taxes in proposal prices since Hidalgo County is exempt from payment of these taxes. (See 151.309 Tax Code.)

2. PROPOSER CERTIFICATIONS/AGREEMENTS-By submission of a proposal:

(a) You certify that you are a duly qualified, capable, and otherwise bondable business entity, and that you are not in receivership or contemplating receivership, and that you have not filed bankruptcy or are not contemplating filing bankruptcy. You further certify that the Company, Corporation or Partnership does not owe any back taxes within Hidalgo County. No award will be made to a firm owing back taxes within the County. Additionally, if taxes become delinquent after an award has been made to you, that fact may constitute cause for cancellation of this contract.

(b) You warrant that all applicable patents and copyrights which may exist on items proposal have been adhered to and further, you warrant that Hidalgo County shall not be liable for any infringement of those rights. Such rights granted Hidalgo County shall apply for the duration of the contract. Hidalgo County will not knowingly or intentionally violate any patent, license or copyrights applicable to items sold hereunder.

(c) You warrant that upon execution of a contract with Hidalgo County you will not engage in employment practices which have the effect of discriminating against employees or prospective employees because of age, race, color, sex, creed, or national origin and will submit reports as either Hidalgo County or the Hidalgo County Juvenile Board (“Juvenile Board”) may require to assure compliance.

(d) You warrant that the offered price will be held firm and subject to acceptance by Juvenile Board for a period of one hundred and twenty (120) calendar days from RFP closing date, or such longer period indicated in your offer.

(e) You warrant that you employ or retain no one or no agency to solicit or secure this contract where you have agreed to pay a commission, percentage, brokerage, or CONTINGENCY FEE, except for your bona fide employees or your bona fide established commercial or selling agencies that you maintain as a regular course of business. Violation is cause for Hidalgo County to annul the contract without liability, or at its discretion to deduct consideration from the contract price for the full amount of the commission, percentage, brokerage, or contingent fee.

3. SUBMISSION OF PROPOSAL:

(a) Deliver your proposal, or changes to proposals, in SEALED ENVELOPES addressed to the Hidalgo County Purchasing Department. NAME AND ADDRESS OF PROPOSER, DATE OF RFP CLOSING must be placed on the outside of the envelope.

(b) Telegraphic proposals will not be accepted. Modifications to offers on RFPs will be accepted by telegraphic notice or fax up to time for RFP closing and modifications to the solicitation may be distributed in that manner. Specific prices offered must not be exposed in telegraphic modifications.

(c) An authorized official of the firm must print or type his name and manually sign the proposal.

(d) Proposals may not be withdrawn after the time set for the RFP closing, unless approved by Hidalgo County.

(e) Your offer or a modification to your offer is LATE if received after the time set for acceptance of proposals and shall be returned unopened and shall not be considered.

(f) If you need clarification or have any question as to the true meaning of specifications or any other document in the solicitation, your concerns must be submitted in writing to the Hidalgo County Purchasing Department on or before ten (10) days prior to scheduled acceptance of proposals. Late requests may not be honored. Timely requests will be interpreted or otherwise clarified by issuance of a modification to the solicitation distributed to all sources that received a set of the solicitation. No other interpretations or clarifications will be provided prior to award.

4. TERMS AND CONDITIONS:

(a) PAYMENTS shall be made by check or warrant by the Hidalgo County Auditor upon satisfactory delivery and acceptance of services as required by Hidalgo County and the issuance of an invoice to the address below.

Hidalgo County Board of Judges
C/O Maryann Denner
1001 N. Doolittle Rd
Edinburg, Texas 78540

(b) PROMPT PAYMENT ACT supplies (Government Code ' 2251.025) which provides that payments be made within 45 calendar days. It provides a 12% interest penalty added at time of payment for late payments. Penalty does not apply if Federal Grant, Contract, Regulation, or statute prevents timely payments with federal funds. Vendors must pay their suppliers the same 12% interest on bills that miss the deadlines. Subcontractors must pay suppliers within 10 calendar days after payment is received by the subcontractor. Vendors must apply for interest payments if they believe interest was due but not paid. For computing the period before penalty accrues, count the day after either of the following, whichever is later: Satisfactory and acceptable delivery or performance has been completed, or correct and proper invoice is received at the designated place. Hidalgo County has 21 days in which to notify vendor of erroneous invoice. Disputes will be decided at an administrative hearing or in a court of jurisdiction. The prevailing side may collect interest and reasonable attorney's fees. Payments are deemed made on payment postmark date or date of electronic transmission. Partial and periodic payments will be made unless specifically authorized in the contract.

(c) NO COUNTY OFFICER, EMPLOYEE OR ELECTED OFFICIAL SHALL BENEFIT from this contract. He/she may hold a share or interest in its proceeds. If the award is to a corporation, however, the provision does not apply to minority stockholders of publicly traded corporations.

(d) NO GRATUITIES (in the form of entertainment, gifts, or otherwise) may be offered or given by the Bidder or Awardees or any of his/her agents or representatives or to any County or Juvenile Board officer, member or employee for the purpose of securing a contract or securing favorable treatment in the award or amendment of a contract, or to determinations concerning performance of the contract. Violation is cause for termination of the contract by written notice by Hidalgo County, followed by an opportunity for a hearing. Contractual remedies that apply to breach of contract apply if terminated under this provision. A penalty of exemplary damages, in an amount determined by Hidalgo County of not less than three or more than ten times the cost incurred under this provision. Contractual remedies that apply to breach of contract apply if terminated under this provision in addition to any other damages to which Hidalgo County is entitled by law, is recoverable.

(e) If you change your name or ownership (NOVATION), notify Hidalgo County and the Juvenile Board immediately. The change must be approved by Hidalgo County before any change can be recognized in the contract. A fee of \$100.00 per contract, for administrative costs is required; then the contract will be modified to reflect the change.

(f) FORCE MAJEURE: Neither party can be held responsible for losses of any kind as a result of causes not within their control, if reasonable diligence has been exercised to prevent the loss or delay.

(g) TERMINATION FOR DEFAULT: Termination for Default: Failure of the awardees to perform any of the provisions of this contract shall constitute a breach of contract, in which case, the Juvenile Board may require corrective action within ten (10) days from the date or receipt of written notice citing the exact nature of such breach. Failure to take corrective action or failure to provide a written reply within the prescribed 10 days shall constitute a Default of contract. The contractor shall be given a thirty (30) day period within which to show cause why the contract should not be terminated for default. The Juvenile Board may take whatever action as its interest may appear, resulting from such notice. All notices for corrective action, breach, default, or show cause, shall

be issued by the Chairman of the Juvenile Board of Hidalgo County, Hon. Judge Mario Ramirez, Overseer, and all replies shall be made in writing to the Juvenile Board. Notices issued by or to anyone other than the Chairman of the Juvenile Board shall be null and void, and shall be considered as not having been issued or received. If a default occurs the Contractor shall be liable for liquidated damages, if any, as stipulated elsewhere in this contract. County reserves the right to enforce the performance of this contract in any manner prescribed by law in the event of breach or default of this contract, and may contract with another party with or without solicitation of proposals or further negotiations. As a minimum, Contractor shall be required to pay any difference in the cost of securing the products or services covered by this contract, or compensate for any loss to the either the Juvenile Board or County should it become necessary to contract with another source because of Contractor's default, plus reasonable administrative costs and attorney's fees.

(h) **CONTRACT CONSTRUCTION:**

(i) Provisions Words, Phrases, and Statutes, whether incorporated by actual use or by reference, shall be applied to this contract in accordance with Government Code 311.001 et. seq. Code Construction Act. Wherever "County" is used herein, it is understood to mean "Hidalgo County Juvenile Board".

(ii) In the event of inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving PRECEDENCE in the following order; (a) the Schedule of Items/Services and Specifications; (b) Special Provisions; (c) General Provisions; (d) Terms and Conditions of Request for Proposal/Invitation for Bid; (e) other provisions, whether incorporated by reference or otherwise.

(iii) The written contract is the **SOLE AGREEMENT** between the parties and supersedes any prior understanding or written or oral agreement on the subject matter.

(iv) No provision of the contract shall be deemed waived, amended, or **MODIFIED** unless such change is **IN WRITING AND SIGNED** by both parties.

(v) Terms addressed in the solicitation apply to the contract, as well.

(i) After closing and prior to award, the Juvenile Board reserves the right to make a **PRE-AWARD SURVEY** of any or all proposer's facilities and equipment to be used in the performance of work under this solicitation. Proposer agrees to allow all reasonable requests for inspection with two (2) days advance notice. Failure to allow such an inspection is cause for rejection of proposals as non-responsive. The Juvenile Board reserves the right to reject facilities or equipment as a result of this survey. In addition, proposer's reputation relating to quality of performance may also be used for purposes of evaluating bidder's suitability for award of this solicitation.

1. **AWARD OF CONTRACT:**

(a) Award will be made to the low responsive, responsible bidder, capable, in the sole discretion of Hidalgo County with recommendations from the Juvenile Board, of fulfilling the terms herein, or to the responsible offeror whose proposal is most advantageous to the Hidalgo County with recommendation from the Juvenile Board, price and other factors considered. After approval by Commissioners Court of County, award will be made by letter signed by the County Judge of

County, delivered to the successful offeror. Unless or until the County enters into a more formal contract, this award shall be deemed an agreement in principle and according to the terms of this RFP.

b) The County reserves the right to accept any item or group of items offered, unless the proposer qualifies his proposal by specific limitations.

(c) The County may reject a proposal (or all proposals) if not satisfactory to the County. The County also reserves the rights to waive minor informalities or irregularities in any proposal.

(d) Other factors may be considered in determining the successful proposal when they are applicable, such as administrative cost for a multiple award, warranties and guarantees, performance period, and ability to deliver or perform.

(e) Texas provides no advantage to resident proposers in the award process. However, offers from another state where that state favors their residents may be evaluated by adding the same differential to the proposal that would be required for a non-resident proposal to be awardable in their resident state (for example, how much lower a Texas firm must be in that state than one of their resident proposals in order to be the awardee).

Additional Information:

All costs and expenses associated with the preparation and submission of (bids, proposals, and/or quotes) shall be the responsibility of the proposer and not reimbursements for such charges or expenses shall be passed onto Hidalgo County.

Hidalgo County is requesting that any and all questions, inquires, and clarifications regarding quotes, bids, proposals, or statements of qualifications be addressed to Martha L. Salazar, CPPB, Purchasing Agent, 2812 S. Business Hwy. 281, Edinburg, Texas 78539. **TELEPHONE INQUIRIES WILL NOT BE ACCEPTED.**

ALL WRITTEN QUESTIONS WILL BE ACCEPTED VIA EMAIL TO: alexandra.vela@co.hidalgo.tx.us by no later than **Wednesday, Month XX, 2020** by 5:00P.M. Responses will be sent to all applicants/participants via facsimile or via email by no later than, **Friday, Month XX, 2020**

CERTIFICATION STATEMENT

The undersigned does hereby declare that they have read the specifications for the Juvenile Justice Alternative Education Program, and with full knowledge of the specifications, requirements, and essential elements of the request do hereby agree to furnish the services in full accordance with the specifications, requirements and essential elements.

I certify that _____ and its response complies with the specifications,

(Name of Organization)

Requirements, and essential elements of the request.

Signature

Type/Print Name

Title

Date

*If more than one organization is part of the response, all must execute this certification.

SCHEDULE OF SERVICES

The Juvenile Justice Alternative Education Program (JJAEP) must service an uncertain number of students estimated to be between 75 and 125. Both boys and girls from ages 10 to 18 will be included in the population. Proposals should cover the following services:

- I. Curriculum
 - A. English Language Arts
 - B. Mathematics
 - C. Science
 - D. Social Studies
 - E. Self Discipline
 - F. G.E.D.
 - G. Additional courses

- II Behavior Management
 - A. Discipline Methodology
 - B. Behavior Management System
 - C. Security
 - D. Uniforms/Dress Code

- III Additional Programs
 - A. Extended day
 - B. Attendance & Truancy
 - C. Parents and Parenting
 - D. Community Service
 - E. Academic Boot Camp

- IV. Social and Psychological Services
 - A. Counseling
 - B. Psychological Counseling
 - C. Drug and Alcohol Programs
 - D. Social Services
 - E. Transition and Follow up Services

- V. Administration
 - A. Compliance
 - B. Curriculum
 - C. Reporting
 - D. Accounting

- VI. Personnel
 - A. Teachers
 - B. Administrators
 - C. Counselors and Case Workers
 - D. Teacher' Aides
 - E. Other

- VII. Support
 - A. Transportation
 - B. Recreation
 - C. Food Service
 - D. Library
 - E. Court Support

- VIII. Testing
 - A. TAKS
 - B. End of Course Exams
 - C. Pre and Post Testing
 - D. Student Evaluation
 - E. Program Evaluation
 - F. STAAR

- IX. Billing and Reporting
 - A. PEIMS
 - B. TJJJ and other requested Reports
 - C. School District Billing
 - D. Additional Funds

PROPOSAL

1. SPECIFICATIONS

- 1.1 **PURPOSE:** This Request for Proposal (RFP) is intended to invite organizations to satisfy the requirements of a Juvenile Justice Alternative Education Program as required under the Texas Education Code, Chapter 37.
- 1.2 **ISSUING OFFICE:** This RFP is issued for the Hidalgo County and the Hidalgo County Juvenile Board. The Board has designated Hidalgo County Chief Juvenile Probation Officer as its representative and contact for this RFP.
- 1.3 **STATEMENT OF PROBLEM:** The Hidalgo County Juvenile Board is charged with providing education to those students who have been expelled by one of the sixteen (16) school districts within the county. In the 2019-2020 school years, 49 students were mandatorily expelled and reported to the Hidalgo County Juvenile Probation Department (a copy of the program background is attached hereto as Exhibit "B"). It is unknown if this rate will increase or decrease in the following years. The vast majority of these children are in the 7th, 8th, 9th grades. They tend to be at least one grade level behind.

The Juvenile Board has two goals for the school project. First to educate the children, bringing their skills up to grade level; and second, to stop their delinquent conduct and/or misbehavior. The Board would like to make certain that the students improve and that they are able to reintegrate into the regular school once their term of expulsion expires. It is also hoped that the students will successfully complete their probation (formal or informal) and that they will not re-offend in the future.

- 1.4 **REGULATORY ENVIRONMENT:** The [Texas Juvenile Justice Department \(TJJD\)](#) has issued regulations for the operation and accountability of JJAEPs. These regulations appear at 37 TAC ' 348.101-348.112 (a copy is attached here to as Exhibit "D"). It is the intent of the Board that this program operates in conformity with those regulations. Therefore, regardless of the specifications and requirements set out here, if the regulations provide for more rigorous standards, then the regulatory standards, and not these, will apply. Projected start date of JJAEP Program is [January 1, 2021](#).
- 1.5 **PROPOSAL SUBMISSION:** Proposals must be submitted in the form provided herein and submitted in a scaled envelope properly identified. The proposal does not have to cover the entire population and may be addressed to an identifiable portion of this population. The proposal must reflect the necessary flexibility in the number of students within that identified population. Offerors are also cautioned that limitations on the population being served may prevent economies of scale which may affect cost competitiveness.

- 1.6 **FACILITY:** Proposals should describe the geographic location, type and size of the facility which will be used for the JJAEP. Facilities must include adequate classroom and administrative space to support the proposed number of students. Facilities should include a library, clinic, teacher workrooms, indoor and outdoor physical recreation areas, and food service areas. Facilities must comply with all applicable federal, state, county and city regulations.
- 1.7 **QUANTITIES:** The Hidalgo County Juvenile Board reserves the right to increase or decrease the number of students on the basis of actual expelled students.
- 1.8 **SERVICE DESCRIPTION:** Offerors shall submit complete data on each service set out in the Schedule of Services, fully describing how it will be provided. Failure to submit the above information with the sealed proposal may disqualify proposal.
- 1.9 **COOPERATIVE AGREEMENTS:** The Juvenile Board recognizes that no one organization may have all the expertise necessary for this undertaking and encourages offerors to form cooperative agreements to meet these needs. Any such agreement should be included with the proposal.
- 1.10 **REPRESENTATIVE:** The successful Offeror agree to send a personal representative with binding authority for the company to the Juvenile Board upon request to make adjustments and/or assist with coordination of all transactions as needed.
- 1.11 **QUALITY OF SERVICES:** The Juvenile Board reserves the right to determine the quality of the services, contracts, and companies offered.
- 1.12 **SIGNING OF PROPOSAL:** Failure to manually sign the proposal may be cause for rejection. Person signing proposal must show title or authority to bind their firm to a contract.
- 1.13 **TAXES:** The County is exempt from Federal Excise Tax, State Tax and Local Taxes. Do not include tax. If it is determined that tax was included, it will not be included in the tabulation of any awards. Tax exemption certificates will be furnished upon request.
- 1.14 **EEOC GUIDELINES:** During the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, color, national origin, age, religion, gender, marital or veteran status, or handicapping conditioning.
- 1.15 **GUARANTEED RATES:** All rates shall be guaranteed for 24 months beginning January 1, 2021. However, the County reserves the right to accept a guarantee of more than 24 months if it is in the County's best interest.
- 1.16 **ORDER OF RESPONSE:** The offeror shall reference its proposal in the same order as provided in the specifications. Any company seeking to provide services on a subcontract basis must respond to appropriate sections of these specifications and must meet all conditions or standards in these specifications.
- 1.17 **COSTS:** The proposal shall set out the cost per student per day. These costs may be on an incremental basis, based on the number of students. The proposal should price each of the extended day, parenting and Academic Boot Camp program separately. The proposal should also break out the cost of food service on a per student basis and transportation on a flat fee basis (per Month).
- 1.18 **ALL COSTS INCLUDED:** The cost per student per day should include the cost of all instructional materials. If the program is to adopt uniforms as a dress code and uniforms must be provided to the students who cannot otherwise afford them, this cost must be included in the per diem costs.

- 1.20 **GOALS:** The offeror is being asked to provide all services to meet the goals of this program. Unless the contract otherwise provides it will be the duty of offeror.
- 1.21 **REFERRALS:** The Juvenile Board shall require that all violations of law that occur at the JJAEP be referred to the Probation Department or to another law enforcement agency. All incidents that result in the injury to a child due to the conduct of staff must be referred to the Department of Protective and Regulatory Services for investigation.
- 1.22 **TERM OF CONTRACT:** The term of this Contract shall be from January 1, 2021 through December 31, 2021 unless sooner terminated or extended as herein provided. Three (3) additional one (1) year extensions may be granted through December 31, 2024.
- 1.23 **NUMBER OF COPIES OF THE PROPOSAL NEEDED:** The proposer shall provide the required copies of the proposal as specified on the cover sheet. No other distribution of the proposals will be made by the service provider. On each copy the offeror shall print or type his /her name and manually sign the Proposal.
- 1.24 **OFFICIALS NOT TO BENEFIT:** No County employee or elected official shall be admitted to any share or part of this contract, or to any benefit that may arise there from.
- 1.25 **REJECTION OF PROPOSALS:** Hidalgo County on recommendation of the Juvenile Board reserves the right to reject any and all proposals received as a result of this Request for Proposal or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of the County. The County does not intend to pay for the information solicited or obtained through any response.
- 1.26 **INCURRED COSTS:** Hidalgo County and/or the Juvenile Board is/are not liable for any cost incurred by the service provider prior to issuance of a contract.

2. REQUIREMENTS

2.1 REQUIREMENTS OF OFFERORS SUBMITTING PROPOSALS:

1. All offerors submitting proposals must have all necessary licenses issued by the State of Texas to perform those services and must be able to demonstrate a level of performance to meet the goals of this RFP.
2. The offeror must be qualified to do business in the state of Texas and be in good standing. Offeror may have no delinquent taxes owing to the State of Texas or the County of Hidalgo, or any political subdivision located therein except in the case of a good faith dispute with the taxing authority.
3. The offeror must have a general liability insurance policy, workers compensation insurance, auto liability insurance and professional liability insurance, with minimum limits as shown on Exhibit "C". Enclose proof of such insurance with your proposal.
4. The offeror must be able to demonstrate that it can successfully deal with both the education of students in these age groups and juvenile probationers or other troubled or "at risk" youth.
5. The offeror must show a willingness and ability to think creatively and to find effective ways of dealing with these students.

6. The offeror must have a willingness to commit to the specified levels of performance for service and quality.
7. The offeror must have an organization that can demonstrate the ability to deliver cost-effective service and effective teaching.

2.2 REQUIREMENTS OF PARTNERS OR ASSOCIATES OF OFFERORS SUBMITTING PROPOSALS:

1. All partners or associates of offerors submitting proposals must meet the requirements of 2.1-1, 2.1-2, 2.1-4, and 2.1-5 above and such other requirements applicable to its role.

3. ESSENTIAL ELEMENTS

3.1 OPERATING POLICY

1. The offeror must provide a written operating policy for each school program. The policy must set out specifically the method of operation of the Juvenile Justice Alternative Education Program (JJAEP) and must be included in the offer.
2. The offeror must clearly set out all assumptions on which the proposal is based, especially the number of students and the time that they will enter the program.
3. The program must operate at least 180 days a year and must be 7 hours a day.

3.2 CURRICULUM:

1. The offeror must set out a summary of the curriculum for each component or program at each grade level. The curriculum should include the scope and sequence of objectives within each component.
2. Curriculum must cover and focus on English Language Arts, Mathematics, Science, Social Studies, and Self Discipline. Self Discipline may be integrated into the program or may be taught as a separate course. The curriculum may, but is not required to, include additional courses of instruction so long as the focus of the curriculum is as set out above.
3. Curriculum for each subject area and for each student must be suitable for the child's age, grade and level of academic functioning and must be conducive to the student's successful reintegration into the appropriate placement in the student's home school district after the expulsion period has ended.
4. Curriculum must have a strong remedial element.
5. Curriculum must be successful enough to show improvement of individual educational performance and [TAKS, EOC, and STAAR testing](#).
6. Curriculum must have a plan for dealing with students with learning, physical and emotional disabilities.
7. The Board is looking for classroom oriented curriculum that prepares a student for return to the regular classroom. It may be supplemented with computer-assisted learning techniques and the use of workbooks.

8. The Offeror must provide a GED program to appropriate students.

3.3 BEHAVIOR MANAGEMENT:

1. The Offeror must set out its behavior management system and how it will be integrated into the curriculum.
2. The Offeror must set out its methods for enforcing discipline or sanctions and the procedures used to provide due process.
3. The offer must set forth its security plan including procedures for searching students and preventing contraband from coming into the school environment.
4. Offer must train personnel in a restraint technique recognized by TJJJ as appropriate for the use with juveniles.

3.4 ADDITIONAL PROGRAMS:

1. The Offeror may as an alternate provide an extended day program used as a sanction for truancy and for students returning for an additional term. It will include an early pick up, with at least two hours of additional programming and a Saturday program. Please set forth how that additional time will be utilized by the students.
2. Offeror may as an alternate provide additional programming to increase attendance and avoid truancy. Please set forth a description of that program.
3. The Offeror may as an alternate provide a program that includes parents and helps to train them in communication and discipline skills.
4. The Offeror may as an alternate include a community service component in the program. Set forth in the proposal how such a component will be integrated into the program.
5. The Offeror must set forth a plan for dealing with pregnant or parenting students.

3.5 SOCIAL AND PSYCHOLOGICAL SERVICES:

1. The offeror must set forth the type and extent of counseling services that will be available to the students. Every child should receive some form of counseling. Specifically describe the number of hours of counseling and the type, and the format (i.e., group or individual) each child shall receive, and how children will be identified for additional counseling needs. Counseling provided by the program should include anger management and impulse control.
2. In addition more professional psychological services may be needed. Offeror should design a plan for assessing when and under what circumstance additional professional psychological services may be needed. A specific plan for how to meet those needs and by what means must be set out in the proposal. These costs do not need to be included in the basic per diem cost, but should be set separately.
3. The offeror must set out a plan for providing a drug and alcohol abuse and prevention program and counseling. It must provide a criteria or methodology for identifying those students who are at greater risk and the additional services that will be provided to those students so identified.

4. The offeror must cover what additional social services and the extent to which they will be offered and made available to the students. A specific plan for how to meet those needs and by what means must be set out in the proposal.

3.6 ADMINISTRATION:

1. Administration must be familiar with all statutory, regulatory, record keeping and reporting requirements of a Juvenile Justice Alternative Education Program and keep the County and the Juvenile Board in compliance.
2. The Administration must provide for a system of curriculum and lesson plan oversight and development supervised by a certified teacher.
3. The Administration must have budget, audit and cost control systems in accordance with Generally Accepted Accounting Principles in place.
4. The offeror must accurately complete all reports required by the funding agreement between the Board and TJJJ. Offeror must report on a periodic basis all information requested by the Board.
5. The offeror must collect and report all PEIMS data and all other required data to all appropriate school districts.
6. Program should be successful enough to show a reduction in recidivism and violations of probation as compared to similar historical populations of Hidalgo County and should have a system and personnel to keep and track this information.
7. Program should be successful enough to show and improvement by substantially all students in educational performance and should have a system and personnel to keep and track this information. The goal should be to bring students up to grade level.

3.7 PERSONNEL:

1. A substantial portion of the faculty must have significant teaching experience or be otherwise qualified to teach those subjects they will be teaching. 25% of the faculty must be certified teachers. The offeror must set out its teacher to student ratio which may be **one (1) to sixteen (16) preferred; one (1) to twenty-four (24) maximum.**
2. There must be significant experience among teachers and other staff on dealing with “at risk” students, troubled youth and/or juvenile delinquents.
3. The offeror must have adequately trained counselors and caseworkers to meet the needs of the student population. The offeror must set out its caseworker to student ratio which may be **one (1) to twenty-five (25) preferred; one (1) to fifty (50) maximum.**
4. The offeror must have at least one certified Special Education Teacher for every 24 students who are certified as needing special education programs. There must be sufficient personnel trained to deal with children with learning, physical and emotional disabilities.
5. Offeror must set forth the operational staff to student ratio and how it is computed which may be **one (1) to eight (8) preferred; one (1) to twelve (12) maximum.**

6. There must be sufficient personnel to maintain the facilities in good repair and in safe condition and to be sufficiently clean and sanitary. The program may require students to participate in these functions and, if so, it must be addressed in the plan.
7. There must be sufficient personnel properly trained to maintain the safety and security of the students, faculty, and staff, keeping in mind the special needs and risks of the population being served. At least one person trained in CPR should be at the school during all times of operation.
8. The offeror must have a system of oversight and evaluating the effectiveness of personnel.
9. There must be significant experience among the administration personnel in the area of school finance, budgeting, and accounting.
10. There must be sufficient personnel to provide food service.

3.8 SUPPORT:

1. The proposal must set out a plan for transportation with a sufficient number and location of the pick up points to accommodate the number of students.
2. The program must provide for recreational activities and may also include such things as field trips and other events.
3. Offeror must provide for the maintenance of a library, including the acquisition of new materials.
4. The offeror must provide food service for the students. At a minimum lunch must be served.
5. The Offeror must provide such services as are requested in order to prosecute violations of law that occur on the JJAEP, including but not limited to truancy.

3.9 TESTING

1. There must be a program for administering the **TAKS, STAAR, & EOC tests**.
2. There must be a program for administering the end of course exams or tests.
3. The proposal must contain a program for testing the grade level and ability of students when they enter and exit the program.
4. The proposal must contain a program for evaluating student skills and behavior and must have a system of accountability to show whether or not the program is meeting the set goals.
5. The proposal should also include a program for self evaluation, program testing and follow up.

3.10 BILLING AND REPORTING:

1. The Offeror must set up a system for PEIMS and all other required data reporting.

2. The Offeror must set up a system of billing and accounting. The offeror must prepare all reports required by TJJJ in a timely fashion and all other reports requested by the Juvenile Board including monthly reports and a comprehensive annual report.
3. The proposal must provide a system of assessing each school district for students from that district for payment to the county auditor, if applicable.
4. The offeror should identify any additional funds from collateral sources that the program may qualify for and how it would undertake to receive those funds.

4. GENERAL PROVISIONS

4.1 SCOPE OF CONTRACT-REQUIREMENTS: Upon acceptance of a bid/proposal by Hidalgo County an Offeror shall be obligated, upon request, to enter into a formal contract with the County for the delivery of services and or the products at the stated prices, within the time specified, and in accordance with all Terms and Conditions, and General Provisions contained herein. The estimated ranges of the number of students are best estimates of Hidalgo County's needs for one (1) year. They represent a realistic estimate based on past information for purposes of securing a bid price. The numbers are not firm and are not hereby ordered or called for. Actual requirements will be students who are expelled and referred to the JJAEP, and no obligation to pay for any quantities shall be deemed to exist unless or until such referrals are issued.

(a) Hidalgo County is obligated to pay for such referrals above and to order all its requirements against this contract for which award has been made. Hidalgo County is not obligated to order services not covered by this contract and is free to secure those requirements from other sources in accordance with applicable purchasing statutes.

(b) Any order of a court ordering a student to attend Hidalgo County [Juvenile Justice Alternative Education Program \(JJAEP\)](#) shall be deemed a delivery order, when a copy is sent to offeror. All orders or referrals are subject to the terms and conditions of the contract. In the event of conflict between a referral or an order and the contract, the contract shall control.

(c) If the County's requirements do not result in orders in the quantities described as "ESTIMATED" in the Schedule, that fact shall not constitute the basis for an equitable price adjustment.

4.2 CHANGES: Hidalgo County may at any time, by written order, and without notice to the sureties, if any, make changes within the general scope of this contract in any one of the following:

1. Description of services to be performed.
2. Time of performance (i.e. hours of day, days of week, etc.)
3. Place of performance of the services.
4. Correction of errors of a general administrative nature or other mistakes, the correction of which do not affect the scope of the contract, or does not result in expense to the Contractor.

If any such change causes an increase or decrease in the cost of, or time required for, performance of any part of the work under this contract, whether or not changed by the order, the Hidalgo County may make an equitable adjustment in the contract price, the delivery schedule, or both, and shall modify the contract. The Contractor must submit any "proposal for adjustment" under this clause within 30 days from the date of receipt of the written order. If the Contractor's proposal includes the

cost of property made obsolete or excess by the change, Hidalgo County shall have the right to prescribe the manner of disposition of the property. Failure to agree to any adjustment shall be a dispute under the Disputes and Appeals clause. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

4.3 **COMPETITIVE PROPOSALS:** Proposals will be opened so as to avoid disclosure of contents to competing offerors, and kept secret during the process of negotiation. However, all proposals shall be open for public inspection after award except for trade secrets and confidential information contained in the proposals and identified as such.

(a) Proposals will be evaluated and award made on the basis of the following factors and respective weights:

<u>EVALUATION FACTOR</u>	<u>POINTS</u>
(i) Program/Curriculum	35
(ii) Cost	30
(iii) Personnel/Administration	15
(iv) Reputation /References	10
(v) Subjective Analysis	<u>10</u>
TOTAL:	<u>100</u>

(b) Negotiations may be conducted with responsible offerors who submit proposals as determined by Hidalgo County to be reasonably susceptible of being selected for award. All offerors will be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. Revisions to proposals may be permitted after submission and before award for the purpose of obtaining best and final offers.

- (i) Any oral negotiations must be confirmed in writing prior to award.
- (ii) Award may be made without negotiation of proposals with any offeror.

(c) Cost and/or Pricing Data may be required to be submitted with the proposal, if specified elsewhere in this RFP, or, during the process of any negotiations that may be conducted after receipt of proposals and prior to award.

4.4 **DISADVANTAGED BUSINESS ENTERPRISE POLICY:** Hidalgo County, its contractors, subcontractors and suppliers, as well as all vendors of goods, equipment, and services, shall not discriminate on the basis of race, color, religion, national origin, handicap, or sex in the award and/or performance of contracts. All vendors, suppliers, professionals, and contractors doing business, or anticipating doing business, with Hidalgo County shall support, encourage, and implement affirmative steps toward the goal of establishing equal opportunity for all of the citizens of Hidalgo County.

4.5 **OPTION TO RENEW:** This contract may be extended provided all terms and conditions, except for the contract period being extended or any price redetermination as authorized elsewhere in this contract, remain unchanged and in full force and effect. The option, if exercised, to be executed in the form of a Modification/Supplemental Agreement, to be issued not sooner than ninety days (90) prior to expiration of this contract, nor later than the final day of the contract period. This Option to Renew requires the mutual agreement of both parties. Refusal by either party to exercise this Option to Extend shall require this contract to expire on the original or mutually agreed date.

The normal extension period shall be in one (1) year increments. The total period of this contract, including all extensions as a result of exercising this option may not exceed a maximum combined period of four (4) years.

Exhibit "A-1"

PROGRAM BACKGROUND (2019-2020 DATA)

During the 2019-2020 school years, Hidalgo County operated a JJAEP which served an estimated 49 mandatorily expelled students from Hidalgo County School Districts. The total attendance from the 2019-2020 school years was 3,074 days. All of the students enrolled in the JJAEP met the enrollment criteria for the mandatorily expelled student. All of these students were properly referred to the Juvenile Probation Department and subsequently placed on court-ordered probation or deferred prosecution. (A JJAEP (P.O.) was assigned to monitor and supervise all mandatorily expelled students enrolled in the JJAEP). This P.O. would also serve as a liaison between the JJAEP, the department, and the County School Districts.

Hidalgo County School Districts entered into a Memorandum of Understanding (MOU) with the County JJAEP for the continued education of discretionarily expelled students. The following is a list of mandatory enrollments and days of attendance for school districts.

School Districts	Number of Days	Number of Students
Donna ISD	698	7
Edinburg ISD	100	4
La Joya ISD	0	0
McAllen ISD	112	2
P.S.J.A. ISD	44	1
Weslaco ISD	1767	26
Mercedes ISD	14	1
Mission ISD	399	7
Sharyland ISD	0	0
Progreso ISD	0	0
Edcouch ISD	0	0
Hidalgo ISD	0	1
TOTAL:	3074	49

Texas Juvenile Probation Commission
Title 37 Texas Administrative Code
Chapter 348. Juvenile Justice Alternative Education Programs

Subchapter A. Program Operations

348.100. Purpose. The purpose of this chapter is to establish minimum operational, programmatic, and educational standards for juvenile justice alternative education programs (JJAEP) in Texas.

<*> 348.001. Interpretation and applicability.

(a) Headings. The headings in this chapter are for convenience only and are not intended as a guide to the interpretation of the standards herein.

(b) Including. The word “including”, when following a general statement or term, is not to be construed as limiting the general statement or term to any specific item or manner set forth or to similar items or matters, but, rather, as permitting the general statement or term to refer also to all other items or matters that could reasonably fall within its broadest possible scope.

(c) Applicability. This chapter applies to JJAEPs operated under <*>37.011 of the Texas Education Code and who receive funds from the Texas Juvenile Probation Commission for the operation of a JJAEP. Furthermore, all standards requiring written policies and procedures are expected to be implemented and practiced.

(d) Compliance Resource Manual and Implementation of Agency Policy. The Commission may establish by administrative rule or other reasonable agency policy, the required guidelines, procedures, and documentation necessary to ensure compliance and verification of the standards set forth in this chapter.

<*> 348.102 Definitions. The words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

(1) Attendance Days—The actual number of instructional days a student is enrolled and in attendance at the JJAEP for a minimum of four (4) hours per day.

(2) Absent Days—The actual number of instructional days a student is enrolled and in attendance at the JJAEP for a minimum of four (4) hours per day.

(3) Commission—The Texas Juvenile Probation Commission.

(4) Exit Reason—The reason a student exits the JJAEP program. A student shall be accounted for in only one of the following categories:

(A) Completed program/returned to home school—Student’s term of expulsion has expired or has been terminated early by the home school district.

(B) Completed program/term of probation expired—Student has returned to home school district due to expiration of probation order or term of probation placement in JJAEP ended.

(C) Completed program/term of placement ended—Student returned to home school district due to termination of expulsion status and probation status.

(D) GED Completion—Student has successfully tested and passed the high school equivalency examination.

(D) GED Completion—Student has successfully tested and passed the high school equivalency examination.

(E) Graduated—Student has completed all necessary requirements to receive a high school diploma.

(F) Left program Incomplete—Student has been terminated from the program due to:

- (i) a probation modification or revocation;
- (ii) an out-of home placement;
- (iii) being held in juvenile detention;
- (iv) being held in jail;
- (v) absconding (violation of conditions of release from detention or court order);
- (vi) being committed to the Texas Youth Commission;
- (vii) being committed to the Texas Department of Criminal Justice;
- (viii) being truant or a runaway.

(G) Other—A student who left program due to out of county move, death, medical reason, other non-delinquency reason or withdrew to enroll in another educational program that is not provided by the student's home district (i.e., expelling school).

(5) Inactive Status—Attendance status assigned to a student where the student is maintained as enrolled and not counted as absent or present from the JJAEP.

(6) Intensive Physical Activity—rigorous physical activity that involves rhythmic, repetitive physical activities that use large muscle groups with an increase in heart rate and respiration.

(7) JJAEP Staff—All full-time, part-time, temporary, seasonal employees and volunteers performing JJAEP related duties.

(8) Juvenile Justice Alternative Education Program (JJAEP)—An educational program operated by the juvenile board of a county to serve students pursuant to Chapter 37 of the Texas Education Code or student's under the jurisdiction of the juvenile court.

<*> 348.104. Program Administration and Organization.

(a) Policy.

(1) The JJAEP shall have written policies and procedures that govern all facets of the operation of the program.

(2) The JJAEP shall be operated according to current written policies and procedures which address personnel, administration, programming, training, and standards under this chapter.

(b) Truancy and Failure to Attend. The JJAEP shall have a written policies concerning truancy as defined under the >*>51.03(b)(2) of the Texas Family Code and failure to attend under <*>25.094 of the Texas Education Code. The policies shall, at a minimum, contain the following:

- (1) who is responsible for reporting truancy and failure to attend;
- (2) to what enforcement agency truancy and failure to attend are to be reported; and
- (3) the requirement to report truancy and failure to attend to the identified enforcement agency within two (2) school days.

(c) Performance Review. The juvenile board and the JJAEP administrator shall participate in an annual performance review of the JJAEP between the conclusion of the school year and prior to the beginning of the next school year to determine the effectiveness of the program.

(1) The review shall, at a minimum, include statistical information on the number of student program entries and exits, the reason for student entries and exits, student academic performance, attendance rates, assessment scores for math and reading, recidivism rates among students who exit the JJAEP, restraints, and the number of students with disabilities.

(2) Documentation of the review shall be maintained.

(d) Management Review. The JJAEP Administrator that oversees the daily functions of the JJAEP shall conduct an annual review of the overall operations of the JJAEP prior to the beginning of each school year.

(1) The review shall include, but is not limited to:

(A) safety and security

(B) inter-local cooperation; and

(C) the student code of conduct.

(2) Existing policies and procedures shall be reviewed to determine their continued relevance to the mission of the JJAEP.

(3) Documentation of the review shall be maintained.

(e) Required Staff. The JJAEP shall maintain the required administration, programmatic and supervision staffing as required by this section.

(1) Administration. The juvenile board or chief juvenile probation officer shall designate a JJAEP administrator.

(A) Qualifications. The JJAEP administrator shall, at a minimum hold a four-year degree from an accredited university and shall possess juvenile justice and/or education experience.

(B) Duties.

(i) The JJAEP administrator shall be responsible for the management of the JJAEP and shall ensure compliance with applicable laws and rules related to JJAEPs.

(ii) The JJAEP administrator shall ensure compliance with contractual provisions of all contracts with the Commission related to JJAEP.

(2) Instructional Staff. The JJAEP shall ensure adequate instructional staff are maintained to provide appropriate educational services to students while attending the JJAEP.

(A) The instructional staff for the JJAEP shall include, at a minimum, one Texas certified teacher.

(B) The JJAEP shall ensure the adequate number of special education teachers are maintained as required by federal law. A special education teacher shall meet the requirements of certification as required by the State Board for Educator Certification.

(C) Instructional staff shall, at a minimum, hold a four-year degree from an accredited university.

(D) Instructional staff to student Ratio. 1 to 16 preferred; 1 to 24 maximum.

(3) Caseworkers. The JJAEP shall ensure adequate caseworker staff are maintained.

(A) Caseworkers shall be either social workers, juvenile probation officers assigned to the JJAEP, counselors or other mental health professionals.

(B) Qualifications. All caseworkers shall meet the minimum professional requirements and shall be licensed or certified by the appropriate authority in their field.

(C) Caseworker Staff to Student Ratio. 1 to 25 preferred; 1 to 50 maximum.

(i) A minimum of one (1) caseworker shall be present during the operational hours of the JJAEP.

(ii) Any caseworker above the required one (1) shall be present at least four (4) hours of the JJAEP operational hours.

(iii) A substitute Caseworker is not required when the caseworker is absent for three (3) school days or less from a JJAEP. Alternative arrangements for a substitute caseworker are required if absence is more than three (3) days.

(iv) A caseworker who must leave the JJAEP site in order to complete a JJAEP related duty shall be considered present for ratio purposes.

(4) Supervision Staff/

(A) The JJAEP shall ensure adequate supervision staff are maintained. Supervision staff includes drill instructors, teacher aides, security personnel, caseworker aides, county employed juvenile supervision officers, and behavior management staff.

(B) Supervision staff shall, at a minimum, possess a high school diploma or Certificate of General Educational Development (GED).

(C) Any staff, excluding certified physical education teachers, who participates in the administration of intensive physical activity, shall be certified as a juvenile supervision officer under Chapter 344 of the Texas Administrative Code.

(D) County employed staff whose primary job function is supervision of JJAEP students may obtain certification as juvenile supervision officers.

(5) Operational Staff.

(A) Operational staff includes instructional staff, supervision staff, caseworkers, and JJAEP administrators.

(B) Operational Staff to Student Ratio. 1 to 8 preferred; 1 to 12 maximum.

(f) Verification Documentation.

(1) The JJAEP shall maintain a daily staff roster, staff sign-in sheet or other verification document that indicates all of the operational staff present in the program each day.

(2) The staff roster or sign-in sheet shall include, at a minimum, the date, the time of entry and exit, the staff member's full name and the staff member's position or title.

<*> 348.106. Personnel Administration.

(a) Personnel Policies.

- (1) Written policies and procedures shall be readily accessible to all JJAEP staff.
- (2) Documentation of acknowledgement of receipt of the policies and procedures by all staff shall be maintained in the staff personnel or training file.
- (b) Personnel Records. The JJAEP Administrator shall ensure that a personnel file is maintained for each employee or person working at the JJAEP who is included in any program ratio. The file shall, at a minimum, include:
 - (1) criminal history searches;
 - (2) Training records;
 - (3) applicable personnel actions;
 - (4) documentation of the employee's education transcripts; and
 - (5) applicable certification verification.
- (c) New Employee Orientation. All staff, including temporary, seasonal or substitute employees shall have orientation training prior to having sole contact with students.
 - (1) Orientation training shall occur within the first two weeks of employment.
 - (2) Documentation of new employee orientation training and agendas shall be maintained in the employee's personnel file or training file.
 - (3) Orientation training, at a minimum, shall include:
 - (A) safety and security procedures including, but not limited to, emergency exit drills and the JJAEP's safety disaster plan.;
 - (B) child abuse, neglect and exploitation identification and reporting as required by Chapter 358 of the Texas Administrative Code;
 - (C) incident reports;
 - (D) student code of conduct;
 - (E) behavior management program
 - (F) transporting students;
 - (G) crisis intervention;
 - (H) distribution of medication;
 - (I) sexual harassment;
 - (J) Personal Restraint policy
 - (K) student grievance procedures; and
 - (L) job descriptions including duties and responsibilities of the assigned position.

(d) Criminal History Searches. The criminal history searches described in this subsection shall apply to individuals who begin employment or service provision on and/ or after August 19, 2011.

(1) Fingerprint Search.

(A) Fingerprints shall be submitted through the Texas Department of Public Safety (DPS) Fingerprint Application Services of Texas (FAST) system.

(B) The juvenile board, chief administrative officer, JJAEP administrator or designee shall initiate a criminal history search prior to the first day of employment on all JJAEP staff.

(C) Continued employment shall be contingent upon the completion and review of the criminal history report as well as confirmation that the applicant has no disqualifying criminal history.

(2) Criminal History Clearinghouse. The Commission and the juvenile board or designee shall participate in the electronic clearinghouse and subscription service operated by the DPS. This service is known as the Fingerprint-Based Applicant Clearinghouse of Texas (FACT)

(3) Military History.

(A) When an applicant has prior military experience, the program or facility shall request from the applicant the long copy DD-214 to determine if the applicant has a disqualifying criminal history that martial law is not required to report to any state or federal criminal database.

(B) If the applicant does not have a long copy DD-214, the program or facility shall request the authorization of the applicant to obtain the document by completing the for SF-180 and submit said form to the corresponding address for the military branch found on the form.

(C) A copy of the log copy DD-214 shall be maintained in the applicant's confidential personnel file.

(4) Disqualifying Criminal History.

(A) An individual with the following criminal history shall not be eligible for continued employment or certification.

(i) a felony conviction against the laws of this state, another state, or the United States within the past ten (10) years;

(ii) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past then (10) years;

(iii) a current felony deferred adjudication, probation or parole;

(iv) a jailable misdemeanor conviction against the laws of this state, another state or the United States within the past five (5) years;

(v) a deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United states within the past five (5) years;

(vi) a current jailable misdemeanor deferred adjudication, probation or parole; or

(vii) the requirement to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure.

(B) The offense disposition date shall be used to determine applicable time frames.

(C) Variance of Disqualifying Criminal History. A variance under <*>349.200 of this title may not be requested for any class A misdemeanor or felony unless the person received a pardon based upon proof of innocence or the reversal of a finding of guilt by a trial or appellate court.

(5) Non-Certified Employees and Service Providers.

(A) Non-Licensed Service Providers. Departments who contract with a service provider that provides a significant portion of the JJAEP operations shall complete criminal history searches defined above for a service provider and adhere to <*>411.083 (b)(5)(A-D) of the Texas Government Code.

(B) State-Licensed Service Providers. The chief administrative officer or designee shall obtain documentation confirming that the provider's license is in good standing with licensing entity. The JJAEP shall not contract for services with a provider whose license is not in good standing.

(C) Independent School District Employees. The chief administrative officer or designee shall obtain documentation from the school district confirming that fingerprint-base criminal history searches of criminal information databases maintained by the Federal Bureau of Investigation and by the State of Texas have been completed prior to the date of hire.

(D) Employees of Contracted JJAEP Providers. The chief administrative officer or designee shall conduct the required criminal history searches and confirm that the applicant has no disqualifying criminal history prior to the date of hire.

(6) Criminal History Records Retention. A copy of the initial criminal history report or documentation confirming it was completed is required in this section and any reports reflecting subsequent criminal activity shall be maintained for monitoring purposes for the duration of an individual's employment. These records shall be maintained in accordance with the county's established records retention schedule after the monitoring purpose has been fulfilled.

(e) Research Programs.

(1) The juvenile board shall review proposals for research to ensure conformity with departmental policy.

(2) Departmental policy shall forbid student participation in medical, pharmacological, and cosmetic research programs.

(3) Students may voluntarily participate in approved research programs with the written consent of the student's parent, guardian or custodian. A student's non-participation shall not have adverse consequences on the student.

<*>348.108. Management Information System

(a) Data Collection. The JJAEP administrator shall ensure that statistical and programmatic data pertaining to each student admitted to a JJAEP are gathered, documented, maintained, and accurately reported to the Commission. The following is a list of data elements that are required:

(1) headquarter county;

(2) student's first name, middle name, last name;

(3) student's social security number

(4) date of birth;

(5) race;

- (6) gender;
- (7) PIEMS student ID;
- (8) Student's personal identification number (PID), if applicable;
- (9) Referral number;
- (10) Sequence number, if applicable;
- (11) Expulsion date;
- (12) Campus ID;
- (13) Expulsion offense;
- (14) Entrance date;
- (15) Grade level;
- (16) Math tested grade level;
- (17) Math standard score;
- (18) Reading tested grade level;
- (19) Reading standard score;
- (20) Special education, if applicable;
- (21) Special education type, if applicable;
- (22) Exit date;
- (23) Juvenile court disposition, if applicable;
- (24) Math tested grade level-exit;
- (25) Math standard score exit;
- (26) Reading tested grade level-exit;
- (27) Reading standard score-exit;
- (28) Expulsion ended, if applicable;
- (29) Probation ended, if applicable;
- (30) Total days attended;
- (31) Total days absent; and
- (32) Exit reason.

(b) Student Educational Data and Records. At a minimum, the following information shall be accurately documented and maintained in the case file for each student in the program.

- (1) current grade level;
- (2) notice of expulsion;
- (3) applicable court orders pacing student into JJAEP;
- (4) police offense report, if applicable;
- (5) entry and exit transition plans;
- (6) education records to include special education determination, appropriate special educational records, statewide assessment scores, and home language survey;
- (7) admission and exit testing data, if applicable;
- (8) physical exam, as required under <*>348.112(f) or this chapter;
- (9) documentation of regular education program review of student as required by <*>37.011(d) of the Texas Education Code;
- (10) date of admission;
- (11) number of attendance days;
- (12) number absence days;
- (13) date of release;
- (14) emergency notification contacts for the student;
- (15) special medical needs, if any, of the student;
- (16) student immunization records; and
- (17) medical release form.

<*>348.110. Curriculum.

(a) Required Courses. At a minimum, the JJAEP shall provide the following required courses at the JJAEP:

- (1) English language arts;
- (2) Mathematics;
- (3) Social studies;
- (4) Science;
- (5) High school equivalency program (GED); and
- (6) Self-discipline which may be integrated into the program and may include format instruction in drug awareness, anger management, impulse control and cognitive skills.

(b) Recommended Courses. The following courses are recommended to be provided to all students in attendance at the JJAEP:

- (1) like skills;
- (2) physical fitness;
- (3) vocational training; and
- (4) other electives.

(c) Curriculum Development. Programs shall have a strong accelerated component to their instruction for all required areas of instruction.

- (1) At least one certified teacher shall oversee the development and implementation of the curriculum in the JJAEP academic program.
- (2) The JJAEP Administrator shall assure that course instruction is consistent with the essential knowledge and skills of each subject of the foundation curriculum as defined under the rules of the State Board of Education <*>28.002(c) of the Texas Education Code.
- (3) The high school equivalency program (GED) curriculum must address the elements required to pass the GED test.
- (4) Program components may be integrated into the regular program curriculum.

<*>348.112. Program Requirements.

(a) Special Education. Students with disabilities who are placed in the JJAEP shall be afforded education services determined by a duly constituted admissions, review and dismissal committee to be appropriate for the student to receive a free and appropriate public education as defined by federal and state laws.

(b) English as a Second Language (ESL). English as a second language services and instruction shall be appropriate to address the needs of those students who speak English as a second language or who are non-English speaking.

(c) General Educational Development Test (GED). Scores on each GED test administered shall be certified by a GED examiner.

(d) Counseling. Counseling services shall be available to all students enrolled and in attendance at the JJAEP.

(e) Meals.

(1) Policies and procedures shall ensure the provision of a lunch meal for each student in attendance at the JJAEP on each school day.

(2) A student shall not be denied a lunch meal as a sanction or disciplinary measure.

(f) Medical.

(1) The JJAEP shall have a medical release on file for each student in accordance with <*>32.001 of the Texas Family Code signed by the student's parent, guardian or custodian.

(2) Screening.

(A) A JJAEP that has an intensive physical fitness component shall require a medical screening for each student performed by a licensed physician, licensed physician assistant a registered nurse or doctor of chiropractic. Medical screenings completed within one (1) calendar year prior to the student's participation in intense physical activity shall be accepted.

(B) No student shall be permitted to participate in a an intensive physical activity unless a licensed physician, licensed physician assistant, a registered nurse or doctor of chiropractic certifies in writing that the student has no physical limitations or conditions that would prohibit participation.

(C) In accordance with <*>142.005(a) of the Texas Human Resources Code, the JJAEP shall have written policies and procedures governing the storage, use and distribution of all medication to students. The policy shall specify which personnel are authorized to dispense medication to students.

(A) The student's parent, legal guardian or custodian shall provide a written request for the administration of the medication and the medication shall be in the original, properly labeled container.

(B) The JJAEP policies shall require that distribution of all medication be chronologically documented including the time administered, name of administrator, student's name, type of medication, and dosage.

(g) Physical Activity. A JJAEP that has an intensive physical activity component shall develop policies regarding extreme weather conditions. These policies shall address the following:

(1) Gradual acclimatization to hot weather;

(2) Student clothing for the various weather conditions;

(3) Temperatures and weather conditions in which activity outside is unallowable; and

(4) The provision of a water break to students every 30 minutes during the intensive physical activity period.

<*> 348.114. Student Attendance Accounting.

(a) The JJAEP administrator shall ensure that current attendance records for all students enrolled in the JJAEP are documented, maintained and accurately reported to the Commission.

(b) Aggregate attendance accounting.

(1) The program shall identify the expulsion category of each student enrolled on the student attendance records.

(2) A specific character on the student attendance record shall be used to identify a students' attendance, absence or inactive status.

(c) Student entry and exit accounting.

(1) The student's entry date is the first day the student is physically present at the JJAEP.

(2) A student's recorded withdrawal date shall represent the date in which the student is no longer enrolled in the program.

(3) The JJAEP shall maintain daily student sign-in sheets. The sign-in sheets shall be recorded daily and contain a student's printed name and signature.

(4) The time of entry or exit shall be noted on the student sign-in/sign-out sheet for a student who arrives late or leaves early on any school day.

(5) A student shall be considered present if in attendance for at least four hours of the school day.

(d) Inactive Status.

(1) A student shall be placed on Inactive Status as defined in <*>348.200 of this chapter. Inactive Status shall begin on the date noted on the verification documentation. The documentation shall be maintained in the student's file.

(2) A student shall be placed on Inactive Status if any of the following occur:

(A) is in juvenile detention or jail;

(B) is absent for a minimum of ten (10) consecutive school days;

(C) is a documented runaway; or

(D) has an extended illness or medical reason documented by a licensed physician or physician assistant.

(3) A student that is maintained on Inactive Status for 30 consecutive school days shall be withdrawn on the 31st day. A student shall not be maintained on Inactive Status for more than 30 consecutive school days.

<*>348.116. Inter-Local Cooperation.

(a) Parent, Guardian or Custodian.

(1) The JJAEP shall maintain written documentation of notification to a student's parent, guardian or custodian of the student's enrollment in and withdrawal from the JJAEP.

(2) Periodic progress reports shall be given to the student and the student's parent, guardian or custodian at a minimum of every 120 school days.

(b) School District.

(1) Student Entry and Exit Transition Plans.

(A) The JJAEP shall coordinate with the school district a written transition plan for entrance into the JJAEP.

(B) The JJAEP shall develop, provide and communicate to the school district a written exit transition plan. The exit transition plan shall inform the receiving school of the student's academic and behavioral improvements and provide the receiver information necessary for the student's continued success.

(C) The JJAEP shall provide the student's parent, guardian or custodian with a copy of the exit transition plan.

(D) Documentation of the entry and exit transition plans shall be maintained in each student's file.

(2) The JJAEP shall provide to each enrolled student's home school district the student's attendance records, grades, and transition plans as well as any other records upon the student's transition back to the home school. The JJAEP shall maintain documentation that the required information was provided to the home school upon the student's exit from the JJAEP.

(3) All students enrolled in the JJAEP shall take the statewide assessment as required under <*>39.023 of the Texas Education Code. The JJAEP shall have policies addressing the delivery of testing materials to and from the JJAEP and the provision of the statewide assessment to the students.

(c) Juvenile Probation Departments.

(1) The JJAEP and the local juvenile probation department shall cooperate in the coordination of providing needed social services for the students enrolled in the JJAEP.

(2) Local probation departments shall, at a minimum, provide information to the JJAEP regarding the probation status of the student, as well as the name of the student's probation officer.

(3) The JJAEP shall provide the local probation department with monthly attendance records of juvenile probationers enrolled in the JJAEP.

<*> 348.118 Physical Plant.

(a) The JJAEP shall conform to all applicable federal, state, and/or local ordinances and codes. Each JJAEP shall have on file the most recent inspections (i.e., health and fire) conducted by the local governmental authority having jurisdiction.

(b) The population of the JJAEP shall not exceed the rated capacity as determined by the local fire marshal. Each JJAEP shall maintain the documentation of the rated capacity of each classroom from the appropriate fire authority.

(c) The classroom space, fixtures and common areas shall be adequate to meet the programmatic requirements for each student enrolled and in attendance in the JJAEP.

<*>348.120. Security and Control.

(a) Security Plan. The JJAEP shall have a written plan that addresses security:

(1) Within the JJAEP;

(2) On the JJAEP campus;

(3) At JJAEP sponsored events off campus property; and

(4) During transportation of JJAEP students; if applicable.

(b) Transportation. Policies shall govern the use of motor vehicles to transport students enrolled in the JJAEP and address the following:

(1) Methods of transportation authorized;

(2) Security and supervision;

(3) authorized transport personnel;

(4) Emergency procedures;

(5) The requirement of auto liability insurance when transporting in personal vehicles; and

(6) Circumstances under which students will be allowed to drive a personal vehicle to the JJAEP campus.

(c) Emergency Situations.

(1) The JJAEP shall have written policies and procedures regarding emergency situations. Policies, at a minimum, shall address the following:

- (A) Emergency evacuation plans;
- (B) Assignment of staff responsibilities; and
- (C) Notification of emergency services.

(2) Emergency situations include, but are not limited to:

- (A) Fires;
- (B) Bomb threats;
- (C) Hazardous weather conditions; and
- (D) Riots.

(d) Medical Emergencies. The JJAEP shall have written policies and procedures addressing medical emergencies. At a minimum, the policies shall include provisions regarding the following:

- (1) when emergency medical assistance shall be called;
- (2) securing medical assistance and notification to appropriate staff and the parent, guardian, or custodian of the student involved; and
- (3) Documentation of the incident.

(e) Cardio-Pulmonary resuscitation (CPR) and First Aid. Each JJAEP shall have a minimum of two staff members on duty at all times certified in CPR and first aid. Proof of current certification shall be maintained in staff personnel or training files. Documentation shall reflect the day certification expires or the length of certification.

(f) Emergency Exit Drills. Unless otherwise required more frequently by local fire codes or ordinances, the JJAEP shall conduct two emergency exit drills during the school year. A minimum of one (1) of the emergency exit drills shall be conducted during the first half of the school year (August-December) and one (1) shall be conducted during the second half of the school year (January-June).

(1) Written documentation (i.e., fire drill log, etc.) of the emergency exit drills shall be maintained. Documentation shall include the date, time and staff involved in the emergency drill.

(2) JJAEP shall post emergency exit routes in all classrooms and common areas.

(g) JJEAP closure. The JJAEP shall have written policies and procedures addressing the cancellation of classes due to an emergency situation. The policy shall at a minimum address:

- (1) The cancellation of school due to in climate weather and/or emergency situations;
- (2) Who is the responsible party in making that decision; and
- (3) The methods in which the closure is to be communicated to the students and parents.

(h) Supervision.

(1) The JJAEP shall have a written policies and procedures that ensure students removed from the classroom for disciplinary purposes and placed in an unlocked isolation, administrative segregation, time-out, in school suspension or other disciplinary removals from the regular classroom, are under continuous visual supervision by a JJAEP staff member.

(2) Policies and procedures shall prohibit the use of electronic monitoring equipment as a substitute for staff's continuous visual supervision.

(i) Searches.

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(1) All students entering the JJAEP shall be subjected to a pat-down search or a metal detector screening on a daily basis.

(2) Searches shall be conducted in accordance with written policies limited to certain conditions. The policies shall address:

(A) When a search is appropriate and/or required;

(B) Who is authorized to conduct the search?

(C) What types of searches are permissible?

(D) How the pat-down searches will be conducted; and

(E) What to do when contraband is found.

(3) Policies shall limit pat-down searches to be conducted only by staff of the same sex.

(4) Program written policies shall prohibit strip searches by JJAEP staff.

(j) Disciplinary Reports.

(1) Written policies and procedures shall require JJAEP staff to prepare a written disciplinary report for each incident occurring in the JJAEP that constitutes a major violation of the student code of conduct or JJAEP rules. The policies shall require that the written disciplinary report include the details of the incident, the violation that occurred, action taken by the staff member(s), the date and time of the incident and the outcome.

(2) the disciplinary report shall be forwarded to the JJAEP administrator within 24 hours or on the next working day. Documentation of a disciplinary report being forwarded to the JJAEP administrator shall be maintained. The documentation shall include the date and time the report was forwarded to the JJAEP administrator.

(k) Weapons. Only certified peace officers and certified juvenile probation officers acting in the scope of their authority may possess and carry weapons or chemical agents within the premises of the JJAEP.

(1) The JJAEP shall have a written policies that prohibit staff, other than a law enforcement officer acting in the scope of his or her official duty, from the possession of a weapon or chemical agent as defined by the <*>46.01 of the Texas Penal Code on the JJAEP premises or at a JJAEP sponsored event.

(2) Under <*>142.006 of the Texas Human Resources Code, certified juvenile probation officers are authorized to carry a firearm. A program's firearm prohibition policies, procedures, and practices shall address situations involving armed certified juvenile probation officers who either work at the JJAEP or who may be visiting, delivery or retrieving students.

<*> **348-122. Personal Restraint Definitions.** The following words and terms when used in this chapter shall have the following meanings unless otherwise expressly defined.

(1) Approved Personal Restraint Technique – A professional trained curriculum-based and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another

person's body movement without the use of mechanical restraints. The approved personal restraint technique shall be approved for use by the Commission.

(2) Approved Mechanical Restraint Devices—A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The approved mechanical restraint devices shall be approved by the Commission. The following are Commission approved mechanical restraint devices:

(A) Ankle Cuffs—Metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs;

(B) Anklets—Cloth or leather band designed to be fastened around the wrist to restrain free movement of the hands and arms;

(C) Handcuffs—Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;

(D) Plastic Cuffs—Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms or legs;

(E) Waist Belt—A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and

(F) Wristlets—A cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.

(3) Mechanical Restraint—the application of an approved mechanical restraint device which restricts or aids in the restriction of the movement of the whole or a portion of an individual's body to control physical activity.

(4) Personal Restraint—the application of physical force alone, restricting the free movement of the whole or a portion of an individual's body to control physical activity.

(5) Physical Escort—touching or holding a student with a minimum use of force for the purpose of directing the student's movement from one place to another. A physical escort is not considered a personal restraint.

(6) Protective Devices—professionally manufactured devices used for the protection of students or staff that do not restrict the movement of a student. Protective devices are not considered mechanical restraint devices.

(7) Restraint—Application of an approved personal; restraint technique, an approved mechanical restraint device, or chemical restraint to an individual to restrict the individual's freedom of movement or to modify the individual's behavior.

<*> 348.124. Mechanical Restraint. Mechanical restraints shall only be used by certified juvenile probation or certified juvenile supervision officers in the manner defined under chapters 341 and 343 of this title.

<*>348-126. Requirements. The use of Restraints shall be governed by the following criteria:

(1) Restraints shall only be used by JJAEP staff certified in the use of the approved personal restraint technique;

(2) Prior to participating in any restraint, JJAEP staff shall be trained in the use of the JJAEP's specific verbal de-escalation policies, procedures and practices.

- (3) Prior to participating in a personal restraint JJAEP staff shall have received training in the restraint used and have demonstrated competency in the use of that restraint used by the JJAEP;
- (4) Restraints shall only be used in instances of threat of imminent self-injury, injury to others, or serious property damage;
- (5) Restraints shall only be used as a last resort;
- (6) Only the amount of force and type of restraint necessary to control the situation shall be used;
- (7) Restraints shall be implemented in such a way as to protect the health and safety of the student and others;
- (8) Restraints shall be terminated as soon as the student's behavior indicates that the threat of imminent self-injury, injury to others, or serious property damage has subsided;
- (9) Restraints shall be administered in a manner specific or consistent to the approved personal restraint technique adopted by the JJAEP; and
- (10) JJAEP staff shall be re-trained in the approved personal restraint technique at least every 365 calendar days.

<*>348.128. Prohibitions. Restraints that employ a technique listed below are prohibited:

- (1) Restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) Restraints that deprive the student of basic human necessities including restroom privileges, water, food and clothing;
- (3) Restraints that are intended to inflict pain;
- (4) Restraints that place a student in a prone or supine position with sustained or excessive pressure on the back, chest or torso;
- (5) Restraints that place a student in a prone or supine position with pressure on the neck or head;
- (6) Restraints that obstruct the airway or impair the breathing of the student including a procedure that places anything in, on , or over the student's mouth or nose;
- (7) Restraints that interfere(s) with the student's face;
- (8) Restraints that obstruct the view of the student's face;
- (9) Any technique that does not require the monitoring of the student's respiration and other signs of physical distress during the restraint; and
- (10) Percussive or electrical shocking devices.

<*>348.130. Documentation. All restraints shall be fully documented and the documentation maintained. Written documentation regarding the use of restrains shall require, at a minimum:

- (1) name of student;
- (2) staff member(s) name and title(s) who administered the restraint;
- (3) date of the restraint;

- (4) duration of the restraint including notation of the time the restraint began and ended;
- (5) location of the restraint;
- (6) description of preceding activities;
- (7) behavior which prompted the initial and the continued restraint of the student;
- (8) type of restraint applied;
- (A) specific type of personal restraint hold applied; and
- (B) any type of mechanical restraint device(s) applied.
- (9) efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (10) whether or not any injury occurred during the restraint and the description of the injury

<*>348.132. Serious Incidents. All JJAEP programs shall adhere to the serious incident requirements set forth in chapters 350 and 358 of this title.

<*> 348.134 Abuse, Exploitation and Neglect.

(a) All JJAEP programs shall adhere to the abuse, exploitation and neglect requirements set forth in chapters 350 and 358 of this title.

(b) All JJAEPs shall have a zero tolerance policies and practices regarding sexual abuse in accordance with the Prison Rape Elimination Act of 2003 that provides for administrative and/or criminal disciplinary sanctions.

<*>348.136. Student Code of Conduct.

(a) Adoption.

(1) The JJAEP student code of conduct shall be adopted by the juvenile board and shall describe and define in writing the JJAEP's behavior management system.

(2) The JJAEP administrator shall be provided to each student and the student's parent, guardian or custodian upon admittance into the JJAEP.

(b) Notice. The JJAEP student code of conduct shall be provided to each student and the student's parent, guardian or custodian upon admittance into the JJAEP.

(1) The student code of conduct shall be reviewed with each student and the student's parent, guardian or custodian and shall be translated if necessary to ensure understanding of the content by all parties.

(2) A signed acknowledgment of receipt of the student code of conduct by the student and their parent, guardian or custodian, shall be maintained in each student's file,

(3) JJAEP staff shall be provided a copy of the student code of conduct.

(A) Annually, JJAEP staff shall sign an acknowledgement of receipt of the student code of conduct. This acknowledgement shall be maintained in the staff's personnel file.

(c) Discipline and sanctions. The JJAEP student code of conduct shall detail the sanctions and disciplinary procedures that may be applied to students for particular behaviors. Disciplinary procedures shall be carried out promptly and all students shall be afforded due process protections. The student code of conduct shall include, but not be limited to, the following:

- (1) prohibited behaviors and conduct;
- (2) disciplinary consequences for prohibited behaviors and conduct;
- (3) description of circumstance that will allow removal from the classroom; and
- (4) circumstance under which a JJAEP student may be placed into another education setting.

(d) Prohibited Sanctions. The following sanctions shall be prohibited in the JJAEP and their prohibition shall be clearly noted in the student code of conduct:

- (1) corporal punishment, physical abuse, humiliating punishment or hazing;
- (2) deprivation of food and water;
- (3) one student sanctioning another; or
- (4) expulsion from a JJAEP

(e) Dress Code. The JJAEP student code of conduct may require a reasonable dress code or uniforms for students in attendance.

(f) Grievance Procedures. Student grievance procedures shall be explained fully in the student code of conduct. The student code of conduct shall clearly state the process by which a student may file a grievance and how a grievance will be handled.

(1) Procedures and practices shall facilitate student complaints of mistreatment or complaints of programmatic issues and shall ensure students are protected against retaliation in any form.

(2) Grievance procedures shall ensure that each student is afforded at least one level of appeal on all grievance complaints.

(3) A copy of each grievance submitted by a student shall be provided to the student's parent, guardian or custodian within two (2) school days of submission.

(g) Sexual Abuse. The JJAEP shall have written policies and procedures regarding the Prison Rape Elimination Act of 2003. Policies, at a minimum, shall address the following information:

- (1) prevention and intervention;
- (2) methods of minimizing risk of sexual abuse;
- (3) reporting sexual abuse and assault; and
- (4) treatment and counseling.

<*>348.138. Waiver or Variance to Standards. Unless expressly prohibited by another standard, the juvenile board or chief administrative officer may make an application for waiver and the juvenile board may make an application for variance of any standard or standards adopted by the Commission in accordance with <*>349.200 of this title.

Subchapter B ACCOUNTABILITY.

<*>348.200. Mission of Program. Academically, the mission of the JJAEP shall be to allow students to perform at grade level. The JJAEP shall provide an instructional program that result in a level of student academic progress in the areas of reading and math. The mission statement shall be located in the program's policies and procedures manual and/or student code of conduct.

<*>348.202. Annual Performance Evaluation. A JJAEP's performance indicators shall be based primarily on non-academic and academic performance indicators. In evaluating a JJAEP, the Commission may consider other factors, including but not limited to, the recidivism rate of its students, classroom behaviors measured through a standardized methodology, total number of course credits earned and total number of courses passed.

(1) Non-Academic Indicator. Average rate of attendance for all JJAEP students shall not be less than seventy-five percent of the total number of student attendance days for the school year.

(2) Academic Indicator. The JJAEP shall use the assessment instrument as selected by the Commission in assessing student performance in the areas of reading and mathematics. The pre-and post-testing instruments shall be valid for measuring performance improvement for an individual student for a period of 90 school days or longer.

(A) Pre-Tests. Every student that will be enrolled in a JJAEP for 90 or more school days shall be assessed during the admission period. The pre-test shall be administered to appropriate JJAEP students no more than 15 school days after the student is enrolled in the JJAEP.

(B) Post-Tests. Post-tests shall evaluate the change in academic performance of the student while in attendance at the JJAEP in the areas of reading and mathematics. A JJAEP is not required to administer a post-test to:

(i) those students whose exit reasons are "incomplete" or "other" as defined by <*> 348.102 of this chapter.

(ii) Students who are not enrolled in a JJAEP for at least 90 instructional days.

(C) Passage rates in the statewide assessment as required under Chapter 39 of the Texas Education Code shall be used to demonstrate performance in the areas of reading and math. Performance of students who were enrolled for a period of 90 days or longer at the time the instrument was administered shall be compared to the students' previous performance on the same instrument.

(3) Re-Contact Rate. The rate of subsequent contact with the juvenile probation department.

(4) Establishment of Benchmarks. A benchmark analysis shall be conducted on each indicator over a three-year period. Thereafter, JJAEP benchmark computation and methodology shall be re-assessed every five years.

<*>348.204. Assessment Reliability and Safeguards.

(a) Written policy of the JJAEP shall describe the safeguards it will use to maintain the integrity of the assessment process so that all student scores reflect actual student progress.

(b) The JJAEP shall ensure that the on-site assessment process provides valid assessment test scores that have not been tainted.

(c) JJAEP policies and procedures, at a minimum, shall include the following:

(1) Maintaining the tests in a secure setting (e.g., locked file cabinet) so that staff and students do not have access to the instrument except while the test is being administered during the actual testing time;

(2) Staff are prohibited from releasing copies of the test; and

(3) Staff are prohibited from teaching the specific questions on the test.

<*>348.206. Performance Reports.

(a) Each biennium the commission shall provide statistical and performance data for each mandatory JJAEP. Performance data will indicate if the JJAEPs are impacting the measures being utilized in the evaluation.

(b) The JJAEP administrator shall provide the juvenile board, chairman of the board of trustees or superintendent of each school district that participates in a mandatory JJAEP and the regional education service center representing the area served by the mandatory JJAEP with a copy of the report.

(c) The report will examine changes in the following factors:

(1) Academic achievement in reading and mathematics as assessed by the statewide assessment for students enrolled at least 90 days;

(2) Academic achievement as assessed by the pre-and post-assessment instrument in the areas of reading and mathematics for students enrolled at least 90 school days;

(3) The average rate of attendance for all JJAEP students;

(4) Percent of students who complete the program and return to their home school, graduate or complete their GED while in the program;

(5) Percent of students who have a subsequent referral to the juvenile probation department one (1) year after leaving the JJAEP; and

(6) Pre and Post JJAEP attendance rates and disciplinary referrals.

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 348 Juvenile Justice Alternative Education Programs

Subchapter A. Purpose, Definitions, and Applicability		§348.210	Student Attendance Accounting
§348.100	Purpose	§348.212	Inter-local Cooperation
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§348.104	Interpretation and Applicability	§348.216	Safety, Security, and Emergency Response
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§348.200	Program Administration and Organization	§348.222	Abuse, Neglect, and Exploitation
§348.202	Personnel Administration	§348.224	Student Code of Conduct
§348.204	Data Collection and Case File Information	Subchapter C. Accountability	
§348.206	Curriculum	§348.300	TJJD Performance Reports
§348.208	Program Requirements	Subchapter D. Funding	
		§348.400	Funding for JJAEPs

Subchapter A Purpose, Definitions, and Applicability

§348.100 Purpose

Effective Date: 8/1/18

This chapter establishes minimum operational, programmatic, and educational standards for juvenile justice alternative education programs in Texas.

§348.102 Definitions

Effective Date: 8/1/18

When used in this chapter, the following words and terms have the following meanings unless the context clearly indicates otherwise.

- (1) **Absent Days**--The actual number of instructional days a student enrolled in the JJAEP is not in attendance for a minimum of four hours.
- (2) **Attendance Days**--The actual number of instructional days a student enrolled in the JJAEP is in attendance for a minimum of four hours.
- (3) **Community Activities Officer**--Has the meaning assigned by [§344.100 of this title](#).
- (4) **Inactive Status**--Attendance status assigned to a student in which the student remains enrolled but is not counted as absent or present.
- (5) **Intensive Physical Activity**--Rigorous physical activity that involves rhythmic, repetitive physical movement that uses large muscle groups and results in an increase in heart rate and respiration. This term does not include activities required as part of a physical education class.
- (6) **JJAEP Administrator**--A juvenile probation department employee designated by the chief administrative officer or governing board of a juvenile probation department as the person responsible for the overall management of the JJAEP.
- (7) **JJAEP Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the juvenile probation department's case management system to TJJD.
- (8) **JJAEP Staff Member**--Any full-time, part-time, temporary, or seasonal employee or volunteer performing JJAEP-related duties.

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- (9) **Juvenile Justice Alternative Education Program (JJAEP)**--An educational program operated by the juvenile board designated to serve students pursuant to [Chapter 37, Education Code](#).
- (10) **Juvenile Probation Department (Department)**--Has the meaning assigned by §344.100 of this title.
- (11) **Juvenile Probation Officer**--Has the meaning assigned by [§344.100 of this title](#).
- (12) **Juvenile Supervision Officer**--Has the meaning assigned by §344.100 of this title.
- (13) **Sending School District**--The school district that sends the notice of expulsion and/or documentation needed for a student to enroll in a JJAEP.
- (14) **TJJD**--Texas Juvenile Justice Department.

§348.104 Interpretation and Applicability

Effective Date: 8/1/18

- (a) **Use of the Words “Including” and “Includes.”**

When used in this chapter, the words “including” and “includes” are to be understood as introducing a non-exhaustive list, unless the context clearly indicates otherwise.
- (b) **Applicability.**

This chapter applies to JJAEPs operated under [Section 37.011, Education Code](#).
- (c) **Records Retention.**

For purposes of this chapter, any standard that requires documentation to be maintained but does not specify the length of the retention period means at least two years past the end of the school year in which the student exited the JJAEP unless the local records retention schedule specifies a longer retention period.
- (d) **Policies and Procedures.**

Any policy or procedure required by this chapter must be established by the juvenile board that is responsible for the operation of the JJAEP.
- (e) **Parent Notifications.**
 - (1) Any requirement in this chapter for the JJAEP to provide a notice to a student's parent, guardian, or custodian applies only if:
 - (A) the student is under 18 years of age; or
 - (B) the student is 18 years of age or older and:
 - (i) has provided written consent;
 - (ii) the student has a disability and has authorized the parent, guardian, custodian, or other designated individual to receive the notification under a supported decision-making agreement, as referenced in [Chapter 1357, Estates Code](#);
 - (iii) the student is a dependent student as defined in [Section 152 of the Internal Revenue Code](#) and the notice relates to education services; or
 - (iv) the notification is one that the parent would have received under the Individuals with Disabilities Education Act before the student reached 18 years of age.
 - (2) Any notifications provided under paragraph (1)(B) of this subsection to a parent, guardian, or custodian without the written consent of a student who is at least 18 years of age must also be provided to the student.

§348.106 Waivers and Variances

Effective Date: 8/1/18

Unless expressly prohibited by another TJJD standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with [§349.200 of this title](#).

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Subchapter B Program Operations

§348.200 Program Administration and Organization

Effective Date: 8/1/18

(a) **Mission of the JJAEP.**

- (1) Academically, the mission of the JJAEP shall be to enable students to perform at grade level.
- (2) The mission statement must be located in the JJAEP's policies and procedures manual and in the student code of conduct.

(b) **Policies and Procedures.**

- (1) The JJAEP must:
 - (A) have written policies and procedures that govern all aspects of the operation of the program, including personnel, administration, programming, training, and any other program requirement included in this chapter;
 - (B) be operated according to the written policies and procedures; and
 - (C) submit the written policies and procedures to TJJD for review and comment at the following times:
 - (i) no later than October 1 of each year; and
 - (ii) upon request from TJJD.
- (2) The written policies and procedures must be readily accessible to every JJAEP staff member.

(c) **Memorandum of Understanding.**

- (1) The juvenile board must annually enter into a memorandum of understanding with each participating school district. The memorandum of understanding must address the items listed in [Section 37.011\(k\), Education Code](#).
- (2) The memorandum of understanding must be submitted to TJJD annually no later than October 1.

(d) **Research Studies and Experimentation.**

The JJAEP must adhere to requirements established by [§341.200 of this title](#) regarding research studies and experimentation involving students in JJAEPs.

(e) **JJAEP Performance Review.**

The juvenile board and the JJAEP administrator must conduct an annual performance review of the JJAEP between the conclusion of the school year and the beginning of the next school year to determine the effectiveness of the program.

- (1) The information reviewed must include:
 - (A) the number of student entries and exits during the previous school year;
 - (B) the reason for student entries and exits during the previous school year;
 - (C) the number of students who entered the program during the previous school year who were eligible for special education services;
 - (D) student academic performance as measured by passing rates and, if applicable, half-credits earned for students who exited the program during the previous school year;
 - (E) attendance rates for the entire length of enrollment for students who exited the program during the previous school year;

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- (F) assessment scores for mathematics and reading as measured by the TJJD-required pre-test and post-test scores, if applicable, for students who exited the program during the previous school year;
 - (G) the number of new arrests or referrals that occurred during the entire length of enrollment for students who exited the JJAEP during the previous school year; and
 - (H) the number of restraints by type (i.e., mechanical or personal) during the previous school year.
- (2) A written report must be completed that includes the data listed in paragraph (1) of this subsection, an analysis of the JJAEP's effectiveness, and any changes to be implemented as a result of the review.
 - (3) The report must be submitted to TJJD no later than October 1.

(f) **JJAEP Management Review.**

The JJAEP administrator must conduct an annual review of the overall operations of the JJAEP before the beginning of each school year.

- (1) The review must include an assessment of the following topics and identify any needed changes:
 - (A) safety and security;
 - (B) inter-local cooperation; and
 - (C) the student code of conduct.
- (2) Existing policies and procedures must be reviewed and assessed to determine their continued relevance to the mission of the JJAEP.
- (3) Documentation of the review must be maintained.

(g) **Required Staff Members.**

(1) **JJAEP Administrator.**

The juvenile board or chief juvenile probation officer must designate a JJAEP administrator. The JJAEP administrator must:

- (A) hold a bachelor's degree from a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- (B) possess juvenile justice experience and/or education experience;
- (C) ensure compliance with all applicable laws and rules related to JJAEPs; and
- (D) ensure compliance with provisions of all contracts with TJJD related to JJAEPs.

(2) **Instructional Staff Members.**

- (A) The JJAEP must maintain a ratio of at least one instructional staff member for every 24 enrolled students. Instructional staff members include only:
 - (i) teachers who are certified, are highly qualified, and/or meet the teaching requirements of the organization providing education services at the JJAEP;
 - (ii) certified educational aides; and
 - (iii) substitute teachers.
- (B) The instructional staff members for the JJAEP must include at least one teacher certified by the State Board for Education Certification (SBEC).
- (C) The JJAEP must provide at least the minimum number of special education teachers required by federal law.

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- (D) A special education teacher must be certified as a special education teacher by SBEC or be eligible to work as a special education teacher prior to obtaining certification, as allowed by SBEC.
 - (E) Upon entry into the JJAEP, substitute teachers who are not JJAEP staff members must be provided the JJAEP student code of conduct and JJAEP policies and procedures that directly affect their duties and sign an acknowledgment of receipt.
- (3) **Caseworkers.**
- (A) A caseworker must be a social worker, juvenile probation officer assigned to the JJAEP, counselor, or other mental health provider, as defined in [Chapter 355 of this title](#).
 - (B) Caseworkers must meet the minimum professional requirements and be licensed or certified by the appropriate licensing board in their field.
 - (C) The JJAEP must maintain a ratio of at least one caseworker for every 50 enrolled students.
 - (i) At a JJAEP with 50 or fewer enrolled students, the caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (ii) At a JJAEP with 51–100 enrolled students, one caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The second caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (iii) At a JJAEP with 101–150 enrolled students, two caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The third caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (iv) At a JJAEP with 151–200 enrolled students, three caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The fourth caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (v) At a JJAEP with more than 200 enrolled students, the number of caseworkers required to be present during all operational hours of the JJAEP follows the same pattern set forth in clauses (i)–(iv) of this subparagraph.
 - (vi) A substitute caseworker is not required when a caseworker is absent for three or fewer consecutive school days. A substitute caseworker is required if an absence is more than three consecutive school days.
 - (vii) A caseworker who must leave the JJAEP site to complete a JJAEP-related duty is considered present for purposes of calculating the ratio.
- (4) **Supervision Staff Members.**
- (A) The JJAEP must ensure an adequate number of supervision staff members are present during all operational hours.
 - (B) Supervision staff members include drill instructors, educational aides, security personnel, juvenile supervision officers, juvenile probation officers, community activities officers, and behavior management staff.
 - (C) Any staff member, excluding a certified physical education teacher, who participates in the administration of intensive physical activity must be a:
 - (i) juvenile supervision officer;
 - (ii) juvenile probation officer; or

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- (iii) community activities officer who has received training in adolescent development and behavior, as required by [§341.402 of this title](#).
- (D) Except for professionals as defined in [§344.100 of this title](#) who are providing services in their professional capacity, any staff member whose position may require supervising or transporting JJAEP students must be:
 - (i) certified by TJJD as a juvenile probation officer, juvenile supervision officer, or community activities officer; or
 - (ii) otherwise authorized to perform the duties of a certified juvenile probation officer, community activities officer, or juvenile supervision officer under [§§341.400, 341.402, 343.428, 343.622, or 355.428](#) of this title, as applicable.
- (5) **Operational Staff Members.**
 - (A) Operational staff members include instructional staff members, supervision staff members, caseworkers, and JJAEP administrators.
 - (B) The JJAEP must maintain a ratio of at least one operational staff member for every 12 enrolled students.
- (h) **Verification Documentation.**
 - (1) The JJAEP must maintain a daily staff member roster, staff sign-in sheet, or other verification document that identifies each of the operational staff members who are present in the JJAEP each day.
 - (2) The staff member roster, sign-in sheet, or other verification document must include the date, the time of entry and exit, the staff member's full name, and the staff member's position or title. Electronic records are acceptable for documenting whether staff members are present or absent.

§348.202 Personnel Administration

Effective Date: 8/1/18

(a) Personnel Records.

The JJAEP administrator must have access to a personnel file for each employee or person working at the JJAEP who is included in any program ratio. The file must include verification that any required certifications are current.

(b) Training Records.

For each employee or person working at the JJAEP who is included in any program ratio, the JJAEP program administrator must have access to documentation verifying that the individual has completed all training required by this chapter.

(c) New Employee Orientation.

All staff members expected to work at the JJAEP for six weeks or longer must receive an orientation training prior to having direct, unsupervised access to students.

- (1) Orientation training must occur within the first two weeks of the staff member's employment.
- (2) Documentation of completion of orientation training and agendas must be maintained, including staff signatures on training sign-in sheets.
- (3) Orientation must include training on:
 - (A) safety and security procedures, including emergency exit drills and the JJAEP's disaster safety plan;
 - (B) identification and reporting of serious incidents and child abuse, neglect, and exploitation as required by [Chapter 358 of this title](#);

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- (C) writing incident reports;
- (D) student code of conduct;
- (E) behavior management program;
- (F) transporting students;
- (G) crisis intervention, including how to report suicidal ideation or behavior;
- (H) distribution of medication;
- (I) restraint policy;
- (J) student grievance procedures; and
- (K) job descriptions, including duties and responsibilities of the assigned position.

(d) **Criminal History and Background Checks.**

The criminal history and background check requirements and criminal history standards established by [Chapter 344, Subchapters C and D, of this title](#) apply to a JJAEP.

§348.204 Data Collection and Case File Information

Effective Date: 8/1/18

(a) **Data Collection and Reporting.**

(1) **JJAEP EDI Extract.**

- (A) Unless an alternate data entry system has been approved by TJJD, the JJAEP administrator or designee must ensure that:
 - (i) statistical and programmatic data for each student, as required by the JJAEP Electronic Data Interchange (EDI) Specifications, are accurately documented and entered into the juvenile probation department's automated case management system; and
 - (ii) the JJAEP EDI Extract is submitted to TJJD no later than the 10th calendar day of each month following the reporting period.
- (B) TJJD staff must discuss any proposed changes to the JJAEP EDI Specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications.

(2) **JJAEP Monthly Activity Report.**

The JJAEP administrator or designee must ensure the JJAEP Monthly Activity Report is submitted in the required format to TJJD no later than the 10th calendar day of each month following the reporting period via TJJD's Internet database.

(b) **Student Educational Records.**

The following information must be documented and maintained in the case file for each student in the program:

- (1) grade level upon entry to the JJAEP;
- (2) notice of expulsion;
- (3) court order(s) placing the student into the JJAEP;
- (4) police offense report, if applicable;
- (5) entry and exit transition plans;
- (6) education records, to include:

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- (A) special education determination;
 - (B) appropriate special education records;
 - (C) scores on assessments required by the Texas Education Agency; and
 - (D) home-language survey;
- (7) admission and exit testing data, if applicable;
 - (8) pre-participation physical evaluation, if required under [§348.208 of this title](#);
 - (9) documentation of regular reviews of academic progress as required by [Section 37.011\(d\), Education Code](#);
 - (10) date of admission;
 - (11) number of attendance days;
 - (12) number of absent days;
 - (13) date of release;
 - (14) emergency notification contacts;
 - (15) special medical needs, if any;
 - (16) immunization records; and
 - (17) medical release form.

§348.206 Curriculum

Effective Date: 8/1/18

(a) Required Courses and Additional Areas of Study.

- (1) At a minimum, the JJAEP must provide the following courses at the JJAEP:
 - (A) English language arts;
 - (B) mathematics;
 - (C) social studies; and
 - (D) science.
- (2) The JJAEP must provide the following additional areas of study:
 - (A) high school equivalency program; and
 - (B) self-discipline, which may be integrated into the program and may include topics such as drug awareness, anger management, impulse control, and cognitive skills.

(b) Curriculum Development.

- (1) A teacher certified by the State Board for Educator Certification must oversee the development and implementation of the educational curriculum.
- (2) The JJAEP administrator must ensure that course instruction is consistent with the essential knowledge and skills of each subject of the foundation curriculum as defined by the rules of the State Board of Education.
- (3) The high school equivalency program curriculum must address the elements required to pass the topics tested: English, mathematics, science, and social studies. High school equivalency program components may be integrated into the regular educational curriculum.
- (4) The JJAEP must offer an accelerated component for each required area of instruction to support credit recovery at the high school level and to regain academic and social skills at the elementary and middle school levels.

(a) **Special Education.**

- (1) The JJAEP, in collaboration with the sending school district, must ensure that a student with a disability who receives special education services is provided educational services that will support the student in meeting the goals identified in the individualized education program established by a duly constituted admission, review, and dismissal (ARD) committee, in accordance with [Section 37.004, Education Code](#), and federal requirements.
- (2) The following ARD committee documentation must be maintained for each special education eligible student:
 - (A) the most recent full and complete ARD meeting paperwork;
 - (B) the manifestation determination ARD meeting paperwork; and
 - (C) the most recent evaluation of eligibility for special education services.

(b) **English as a Second Language (ESL).**

- (1) The JJAEP, in collaboration with the sending school district, must ensure that a student who is non-English speaking or who speaks English as a second language is provided ESL services and instruction appropriate to address his or her needs, as determined by a language proficiency assessment committee (LPAC).
- (2) Documentation of LPAC determinations must be maintained.

(c) **Section-504-Eligible Students.**

- (1) The JJAEP must ensure, in collaboration with the sending school district, that a student who is eligible for services under Section 504 of the Rehabilitation Act of 1973 is provided services and instruction appropriate to address his or her needs, as determined by a Section 504 committee.
- (2) Documentation of Section 504 eligibility determinations must be maintained.

(d) **Standardized Testing Protocols.**

- (1) JJAEP policies and procedures must describe the safeguards the JJAEP will use to maintain the integrity of the standardized testing process and confidentiality of test results.
- (2) JJAEP policies and procedures must include the following requirements:
 - (A) tests must be maintained in a secure setting (e.g., a locked file cabinet) so that staff and students do not have access to the test except while the test is being administered;
 - (B) staff are prohibited from making copies of the test;
 - (C) staff are prohibited from teaching the specific questions on the test; and
 - (D) unauthorized persons are prohibited from receiving test results, whether hard copy or electronic.
- (3) For statewide standardized tests, the JJAEP must adhere to all testing protocols required by the Texas Education Agency.
- (4) The JJAEP must administer the standardized test selected by TJJD to measure progress in reading and mathematics for students who will be enrolled in the JJAEP for at least 75 school days.
 - (A) The pre-test must be administered within 15 days after the student's enrollment.
 - (B) The post-test must be administered no sooner than 60 days after the student's enrollment.

(e) **Counseling.**

Counseling services (individual or group) must be available to all students in attendance at the JJAEP.

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(f) **Meals.**

- (1) Written policies and procedures must require that each student in attendance at the JJAEP is provided a lunch meal on each school day.
- (2) A student may not be denied a lunch meal as a disciplinary measure.

(g) **Medical.**

(1) **Authorization to Consent to Treatment.**

The JJAEP must have on file for each student:

- (A) an authorization to consent to medical treatment in accordance with [Section 32.001, Family Code](#), signed by the student's parent, guardian, or custodian; or
- (B) documentation indicating the parent, guardian, or custodian has refused to sign.

(2) **Medication Administration.**

The JJAEP must have written policies and procedures governing the administration of medication to students. The policies and procedures must:

- (A) specify which personnel are authorized to dispense medication to students;
- (B) identify requirements for the storage, use, and distribution of all medication provided to students;
- (C) require the student's parent, guardian, or custodian to provide a written request for the administration of the medication;
- (D) specify that the JJAEP will not accept medication unless it is in the original, properly labeled container; and
- (E) require that distribution of all medication be documented, including the date/time administered, name of the person who administered, student's name, type of medication, and dosage.

(h) **Programs that Include Intensive Physical Activity.**

(1) **Weather-Related Policies.**

A JJAEP that has an intensive physical activity component must develop written policies and procedures regarding extreme weather conditions. These policies and procedures must address the following:

- (A) gradual acclimatization to hot weather;
- (B) student clothing for various weather conditions;
- (C) specific criteria for temperature and humidity level and other weather conditions that indicate when outside activity is not allowed; and
- (D) the provision of a water break to students at least once every 30 minutes during the intensive physical activity period.

(2) **Pre-Participation Physical Evaluation.**

- (A) A student may not participate in intensive physical activity unless the student has received a pre-participation physical evaluation performed by a Texas-licensed:
 - (i) physician;
 - (ii) physician assistant;
 - (iii) advanced practice registered nurse; or
 - (iv) doctor of chiropractic.

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- (B) The pre-participation physical evaluation must have been completed within one calendar year prior to the student's participation in intensive physical activity.
- (C) The pre-participation physical evaluation must indicate whether or not the student has any temporary or permanent physical limitations or conditions that would limit or prohibit participation in intensive physical activity.
- (D) The JJAEP must adhere to the limitations or prohibitions noted in the pre-participation physical evaluation report.

§348.210 Student Attendance Accounting

Effective Date: 8/1/18

(a) **Administrator's Responsibility.**

The JJAEP administrator must ensure that attendance records for all students enrolled in the JJAEP are accurately documented, maintained, and reported to TJJD.

(b) **Aggregate Attendance Accounting.**

- (1) The expulsion category of each student enrolled must be recorded on the student attendance records.
- (2) A specific character on the student attendance record must be used to identify a student's status as present, absent, or inactive.

(c) **Student Entry and Exit Accounting.**

- (1) The student's recorded entry date is the first day the student is physically present at the JJAEP.
- (2) A student's recorded withdrawal date is the first school day on which the student is no longer enrolled in the program. The withdrawal date cannot be a date on which the student was present.
- (3) The JJAEP must maintain daily student sign-in sheets that contain each student's printed name and signature.
- (4) The time of entry or exit must be noted on the student sign-in or sign-out sheet for a student who arrives late or leaves early on any school day.
- (5) During the regular school year, a student must be present for at least four hours of the school day for it to qualify as an attendance day.

(d) **Inactive Status.**

- (1) A student must be placed on inactive status if he or she:
 - (A) is in juvenile detention and is not permitted to attend the JJAEP;
 - (B) is in jail;
 - (C) is a documented runaway;
 - (D) is absent for a minimum of four consecutive school days due to an illness or other medical reason documented by a licensed physician, physician assistant, or advanced practice registered nurse; or
 - (E) is absent for a minimum of 10 consecutive school days, which may roll over to the start of the next semester attended by the student.
- (2) Inactive status begins on the date the event resulting in placement on inactive status begins, as noted on the verification documentation. The documentation must be maintained in the student's file. If verification documentation is not provided, inactive status may not begin until the 11th consecutive school day of absence.
- (3) A student who is maintained on inactive status for 30 consecutive school days must be withdrawn on the 31st day of inactive status. A student may not be maintained on inactive status for more than 30 consecutive school days, which may roll over to the start of the next semester attended by the student.

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(e) Reporting Absences.

The JJAEP must have written policies and procedures that specify which staff member is responsible for reporting absences to the sending school district, which must occur at least once per week.

§348.212 Inter-local Cooperation

Effective Date: 8/1/18

(a) Parent, Guardian, or Custodian.

- (1) Progress reports must be given to the student and the student's parent, guardian, or custodian a minimum of once every 120 school days.
- (2) Except in cases where a parent, guardian, or custodian withdraws a student, the JJAEP must notify the student's parent, guardian, or custodian in writing of the student's withdrawal from the JJAEP prior to the withdrawal date unless the date is not known prior to the withdrawal. The JJAEP must maintain this documentation.

(b) School District.

(1) Student Entry and Exit Transition Plans.

- (A) For each student, the JJAEP must coordinate with the sending school district to develop a written transition plan for entrance into the JJAEP.
- (B) For each student, the JJAEP must develop a written exit transition plan, provide the plan to the receiving school district, and maintain written verification that the plan was sent. The exit transition plan must include all information regarding courses in progress or completed, current grades for courses in progress, and number of attendance days and absent days.
- (C) The JJAEP must provide the student and the parent, guardian, or custodian with a copy of the exit transition plan.

(2) Student Assessment.

All students enrolled in the JJAEP must take the statewide assessment as required under [Section 39.023, Education Code](#). The JJAEP must have policies and procedures addressing:

- (A) the delivery of testing materials to and from the JJAEP if the assessment is administered on-site; and
- (B) the administration of the statewide assessment to the students.

(c) Juvenile Probation Departments.

- (1) The JJAEP and the local juvenile probation department must jointly coordinate the provision of needed social services for the students enrolled in the JJAEP.
- (2) Local juvenile probation departments must provide to the JJAEP information regarding the probation status of each student and the name of the student's juvenile probation officer.
- (3) The JJAEP must provide the local juvenile probation department with monthly attendance records of juvenile probationers enrolled in the JJAEP.

§348.214 Physical Plant

Effective Date: 8/1/18

- (a) The JJAEP must conform to all applicable federal, state, and local ordinances and codes. Each JJAEP must have on file the most recent inspections (i.e., health and fire) conducted by the local governmental authority having jurisdiction.
- (b) The number of occupants in the JJAEP may not exceed the rated capacity as determined by the appropriate fire authority. The JJAEP must maintain documentation from the appropriate fire authority for the rated capacity of each classroom and for the entire building.

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- (c) The classroom space and common areas must be adequate to meet the programmatic requirements for each student enrolled and in attendance in the JJAEP, including sufficient seating and desks or tables.
- (d) All fixtures, including any emergency lighting, must be in working order.
- (e) Repairs must be made promptly to all furniture, equipment, and fixtures currently in use that are not in safe working order.

§348.216 Safety, Security, and Emergency Response

Effective Date: 8/1/18

(a) Security Plan.

The JJAEP must have a written plan that addresses security:

- (1) within the JJAEP building(s);
- (2) on the JJAEP campus;
- (3) at JJAEP-sponsored events that take place off campus property; and
- (4) during transportation of JJAEP students; if applicable.

(b) Transportation.

The JJAEP must have written policies and procedures that govern the use of motor vehicles to transport students enrolled in the JJAEP. The policies and procedures must address the following:

- (1) authorized methods of transportation;
- (2) security and supervision requirements;
- (3) authorized transport personnel;
- (4) procedures for responding to emergencies while transporting students;
- (5) a requirement to possess appropriate auto liability insurance when transporting students in personal vehicles, if allowed; and
- (6) circumstances under which a student is allowed to drive a personal vehicle to the JJAEP campus.

(c) Emergency Situations.

The JJAEP must have written policies and procedures regarding emergency situations. The policies and procedures must address the following:

- (1) emergency evacuation plans;
- (2) assignment of staff responsibilities;
- (3) notification of emergency services; and
- (4) procedures for specific emergency situations, including:
 - (A) fire;
 - (B) bomb threat;
 - (C) hazardous weather conditions;
 - (D) active shooter event; and
 - (E) riot.

(d) Medical Emergencies.

The JJAEP must have written policies and procedures addressing medical emergencies. The policies and procedures must address the following:

- (1) obtaining medical assistance;
- (2) when emergency medical services must be called;
- (3) notification to appropriate staff and to the parent, guardian, or custodian of the student involved; and
- (4) documentation of the incident.

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(e) **Cardiopulmonary Resuscitation (CPR) and First Aid.**

Each JJAEP must have at least two staff members certified in CPR and first aid on duty and in close proximity to the students at all times when students are present at the JJAEP campus. Proof of current certification must be maintained in personnel or training files. Documentation must reflect the day certification expires.

(f) **Emergency Exit Drills.**

The JJAEP must conduct at least two emergency exit drills during the school year unless local fire codes or ordinances require these drills more frequently. At least one drill must be conducted during the first half of the school year (August–December) and at least one drill must be conducted during the second half of the school year (January–June).

- (1) Written documentation (e.g., fire drill log) of the emergency exit drills must be maintained. Documentation must include the date, time, and staff involved in the emergency drill.
- (2) The JJAEP must post emergency exit routes in all classrooms and common areas.

(g) **JJAEP Closure.**

The JJAEP must have written policies and procedures addressing the cancellation of classes due to an emergency situation. The policies and procedures must:

- (1) address the cancellation of classes due to inclement weather and/or emergency situations;
- (2) identify the individual responsible for making the decision to cancel classes; and
- (3) specify the method(s) by which the closure is to be communicated to the students and their parents, guardians, or custodians.

(h) **Supervision upon Removal from a Classroom.**

- (1) The JJAEP must have written policies and procedures that ensure students removed from the classroom for disciplinary reasons and placed in isolation, administrative segregation, time-out, in-school suspension, or any other location are under continuous visual supervision by a JJAEP staff member.
- (2) Policies and procedures must prohibit:
 - (A) use of a locked room for disciplinary removals; and
 - (B) the use of electronic monitoring equipment as a substitute for continuous visual supervision.

(i) **Searches.**

- (1) All students entering the JJAEP must be subjected to a pat-down search or a metal detector screening on a daily basis.
- (2) Searches must be conducted in accordance with written policies and procedures. The policies must:
 - (A) address:
 - (i) when a search is appropriate and/or required;
 - (ii) who is authorized to conduct the search;
 - (iii) what types of searches are permissible;
 - (iv) how pat-down searches will be conducted, if applicable; and
 - (v) what to do when contraband is found;
 - (B) if pat-down searches are used, require that the staff member conducting a pat-down search is the same gender as the student unless an exception is approved and documented by the JJAEP administrator; and
 - (C) prohibit strip searches and anal and genital body cavity searches.

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(j) **Disciplinary Reports.**

- (1) Written policies and procedures must require JJAEP staff to prepare a written disciplinary report for each incident occurring in the JJAEP that constitutes a major violation of the student code of conduct or of JJAEP rules. The policies must require that the written disciplinary report include:
 - (A) details of the incident;
 - (B) violation(s) that occurred;
 - (C) action(s) taken by the staff member(s);
 - (D) date and time of the incident; and
 - (E) discipline imposed, if any.
- (2) The disciplinary report must be sent to the JJAEP administrator no later than the next school day. Documentation that shows the date and time the disciplinary report was sent to the JJAEP administrator must be maintained.

§348.218 Restraint Requirements

Effective Date: 8/1/18

- (a) The JJAEP must adhere to the restraint requirements set forth in [Chapter 341, Subchapter G, of this title](#), except as noted in subsection (b) of this section.
- (b) Personal restraints may be used by any JJAEP staff member trained in the approved personal restraint technique in accordance with training requirements set forth in Chapter 341, Subchapter G, of this title.

§348.220 Serious Incidents

Effective Date: 8/1/18

The JJAEP must adhere to the requirements related to serious incidents set forth in [Chapter 358 of this title](#).

§348.222 Abuse, Neglect, and Exploitation

Effective Date: 8/1/18

- (a) The JJAEP must adhere to the requirements related to abuse, neglect, and exploitation set forth in [Chapter 358 of this title](#).
- (b) The JJAEP must have zero-tolerance policies and practices regarding sexual abuse, as defined in Chapter 358 of this title, that provide for administrative and/or criminal disciplinary sanctions.

§348.224 Student Code of Conduct

Effective Date: 8/1/18

(a) **Adoption.**

- (1) The JJAEP student code of conduct must be adopted annually by the juvenile board and must describe and define in writing the JJAEP's behavior management system.
- (2) The JJAEP administrator must:
 - (A) conduct an annual review of the student code of conduct after the conclusion of each school year and before the beginning of the next school year; and
 - (B) no later than October 1 of each year, submit to TJJD documentation verifying the review was completed.

(b) **Notice to Students, Parents, and Staff.**

- (1) The JJAEP student code of conduct must be provided to each student and to the student's parent, guardian, or custodian upon the student's entry into the JJAEP.

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- (2) The student code of conduct must be reviewed with each student and the student's parent, guardian, or custodian and must be translated if necessary to ensure understanding of the content by all parties.
- (3) Acknowledgment of receipt of the student code of conduct signed by the student and by his/her parent, guardian, or custodian must be maintained in each student's file.
- (4) No later than the first day of each school year, each JJAEP staff member must sign an acknowledgement that he/she has read and understands the student code of conduct. This acknowledgement must be maintained in the staff's personnel file.
- (5) The student code of conduct must be readily accessible to every JJAEP staff member.

(c) **Discipline and Sanctions.**

The student code of conduct must include the following:

- (1) prohibited conduct described as minor violations and major violations and the corresponding disciplinary consequences available for each violation;
- (2) a description of the disciplinary process, including safeguards designed to promote consistent application of the process;
- (3) circumstances that will allow a student's removal from the classroom with staff supervision;
- (4) circumstances under which a student may be placed into another educational setting;
- (5) due-process procedures; and
- (6) a prohibition on one student sanctioning another student.

(d) **Prohibited Sanctions.**

- (1) The following sanctions are prohibited in the JJAEP, and their prohibition must be noted in the student code of conduct:
 - (A) corporal punishment, physical abuse, humiliating punishment, and hazing;
 - (B) physical exercises imposed for discipline or intimidation, except as allowed under paragraph (2) of this subsection;
 - (C) deprivation of food and water; and
 - (D) expulsion from the JJAEP.
- (2) Physical exercise may be used for discipline only if:
 - (A) the JJAEP operates an intensive physical activity program;
 - (B) the JJAEP has established written policies and procedures that include limitations on the types of physical activity that may be used for discipline; and
 - (C) the physical exercise does not cause bodily duress (i.e., physical punishment to the body).

(e) **Dress Code.**

The student code of conduct may establish a dress code or require uniforms for students in attendance.

(f) **Grievance Procedures.**

The student code of conduct must state:

- (1) which issues are grievable and not grievable;
- (2) the process by which a student may submit a grievance;
- (3) the method(s) by which students may obtain and submit a grievance without the assistance or permission of staff;

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- (4) that retaliation by staff against a student for submitting a grievance is prohibited;
 - (5) that the student will receive a written response within five school days after submitting the grievance;
 - (6) that, upon request, a student's parent, guardian, or custodian will be provided a copy of a grievance submitted by the student, including the response;
 - (7) the deadline for submitting an appeal of the initial response, which must be no earlier than five school days after the student receives the initial response; and
 - (8) that the student will receive a written response within 10 school days after submitting an appeal.
- (g) **Sexual Abuse.**

The student code of conduct must include information relating to the JJAEP's zero-tolerance policy for sexual abuse. The information provided must address the following:

- (1) prevention and intervention;
- (2) methods of minimizing the risk of sexual abuse;
- (3) reporting sexual abuse and assault; and
- (4) treatment and counseling.

Subchapter C Accountability

§348.300 TJJJ Performance Reports

Effective Date: 8/1/18

- (a) TJJJ completes a JJAEP performance assessment report as required by the General Appropriations Act (GAA). The report addresses factors identified by the GAA. TJJJ provides each JJAEP administrator and each chief administrative officer with a copy of the report.
- (b) At mandatory JJAEPs (i.e., JJAEPs whose operation is required by law), the JJAEP administrator must provide a copy of the report to the juvenile board and to the superintendent of each school district that participates in the JJAEP.

Subchapter D Funding

§348.400 Funding for JJAEPs

Effective Date: 8/1/18

- (a) Funding for JJAEPs is provided in accordance with requirements in the General Appropriations Act.
- (b) TJJJ will not release funds to a JJAEP until it has received the following:
 - (1) memorandum of understanding with completed signature page(s), as required by [§348.200 of this title](#);
 - (2) student code of conduct for the current school year; and
 - (3) school calendar.
- (c) TJJJ will not release funds to a JJAEP whose school calendar is not in compliance with [Section 37.011\(f\), Education Code](#), unless an application for a waiver has been approved by TJJJ.