

JJAEP Program (Reimbursement)**P-2020-21 Biennium**

Effective date 09/01/2019

Latest Revision 06/04/2019

I. GRANT DESCRIPTION.

- A. The Juvenile Justice Alternative Education Program (JJAEP) grant provides reimbursement to the juvenile board of a county with a population greater than 125,000 to operate a juvenile justice alternative education program subject to the approval of the Texas Juvenile Justice Department (TJJD). This program is designed to provide an educational setting for students that have been expelled from the public schools.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Assessment Instrument.** The assessment instrument selected by TJJD for assessing JJAEP student performance in the areas of reading and mathematics.
- B. **Discretionary Students.** Students who are expelled from a public school for an offense listed under Sections 37.007(b), (c), (f), or (i), 37.0052, or 37.0081, Texas Education Code, and in the school code of conduct as provided in the District of Innovation Plan according to Section 12A.003, Texas Education Code, subject to relevant Texas Education Agency administrative rules.
- C. **Grantee.** The juvenile board and/or juvenile probation department receiving funds under this grant.
- D. **Juvenile Justice Alternative Education Program (JJAEP).** Programs in counties with a population over 125,000 that are mandated to operate a JJAEP according to the requirements of Chapter 37, Texas Education Code, and programs in counties with a population between 72,000 and 125,000 that voluntarily operate a JJAEP.
- E. **Mandatory Students.** Students who are required to be expelled from public school for an offense listed under Texas Education Code Section 37.007(a), (d), or (e).
- F. **Other Students.** Students enrolled in a JJAEP who have not been expelled from a public school (e.g., court-ordered placement, etc.) and registered sex offenders under Texas Education Code Section 37.309.
- G. **Out of County students.** Students who reside in a county other than Grantee's county or who attend school in a district not located in Grantee's county.
- H. **Statewide Assessment Instruments.** The annual statewide assessments required under Chapter 39, Texas Education Code, which are used to demonstrate student performance in the areas of reading and mathematics [State of Texas Assessment of Academic Readiness (STAAR) and End of Course Examinations (EOCs)].

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Juvenile Justice Alternative Education Program is to reduce delinquency, increase juvenile accountability, and rehabilitate juveniles through a comprehensive, coordinated, community-based juvenile probation system.
- B. **Program Objective.** The objective of the JJAEP is to enable students to perform at grade level. The JJAEP shall provide an instructional program that results in a level of student academic achievement.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. the number of student entries and exits during the previous school year;
 2. the number of, and reason for, student entries and exits during the previous school year;
 3. the number of students who entered the program during the previous school year who were eligible for special education services;
 4. academic performance for students who exited the program during the previous school year, as measured by passing rates (to the next grade) and, if applicable, half-credits earned;

JJAEP Program (Reimbursement)**P-2020-21 Biennium**

Effective date 09/01/2019

Latest Revision 06/04/2019

5. assessment scores for mathematics and reading as measured by the TJJD-required pre-test and post-test scores, if applicable, for students who were enrolled for at least 75 school days and exited the program during the previous school year;
6. attendance rates for the entire length of enrollment for students who exited the program during the previous school year;
7. the number of new arrests or referrals that occurred during the entire length of enrollment for students who exited the program during the previous school year; and
8. the number of restraints by type (i.e., mechanical or personal) during the previous school year.

IV. PROGRAMMATIC COMPONENTS.

- A. Eligibility Requirements.** Prior to the release of any funds under the provisions of this grant, Grantee shall provide to TJJD a copy of the executed memorandum of understanding between Grantee and the independent school districts located in Grantee's county, in accordance with Texas Education Code Section 37.011(k), and a copy of the JJAEP school calendar per school year for the current grant period. Grantee shall ensure that the following eligibility requirements are met:
1. **Student Basic Eligibility Requirements.** Students eligible for JJAEP funding shall meet the following three requirements:
 - a. the student must have been expelled by the school district for a mandatory expulsion offense listed in Section 37.007(a), (d), or (e) of the Texas Education Code;
 - b. the school district must have notified the school district police department or local law enforcement (i.e., filed an offense report) regarding the alleged incident that is the basis of the expulsion; and
 - c. a law enforcement entity must have made a formal referral of the case to the juvenile court for juvenile offenders or forwarded the case to the criminal court prosecution intake for adult offenders or have completed an offense report on the incident.
 2. **Eligible Categories of Students.** Only students meeting the basic eligibility requirements under Section IV.A and who fall under one of the following categories may be funded during the regular school year.
 - a. **Students Under Juvenile Court Jurisdiction.** This category includes:
 - i. students pending a juvenile court disposition of their case; and
 - ii. students placed on deferred prosecution or court-ordered probation.
 - b. **Students Outside Juvenile Court Jurisdiction.** This category includes:
 - i. students 17 years of age or older who are expelled for conduct committed on or after their 17th birthday;
 - ii. students who are not placed on deferred prosecution or court-ordered probation for the conduct; and
 - iii. juveniles found by a court or jury to have not engaged in delinquent conduct or conduct indicating a need for supervision.
 - c. **Students Adjudicated for Other Offenses.** This category includes students expelled for mandatory offenses under Section 37.007(a), (d), or (e) of the Texas Education Code who have been adjudicated for or convicted of a lesser included offense, if the adjudication or conviction is based upon the conduct or incident for which the student was expelled.

JJAEP Program (Reimbursement)**P-2020-21 Biennium**

Effective date 09/01/2019

Latest Revision 06/04/2019

- d. **Students From Other Counties.** Out of County students are eligible for funding under this grant for a period of no more than 90 actual attendance days per student only if there are available funds and the following conditions are met:
 - i. the student meets the basic eligibility requirements found in Subsections IV.A.1. and 2;
 - ii. Grantee, the juvenile board in the county where the student resides, and the student's expelling school district have entered into a memorandum of understanding patterned after Texas Education Code Section 37.011(k);
 - iii. Grantee has provided TJJD with a copy of the executed memorandum of understanding; and
 - iv. Grantee has received written approval for funding of the particular student after submitting a completed *Out-of-County Student Form* [TJJD-JJAEP-005].
- e. **Ineligible Students.** A student becomes ineligible for funding on the earliest of the following dates:
 - i. the date of completion of the requirements of the juvenile court order or deferred prosecution agreement; or
 - ii. the end of the expulsion term.
- B. **Exemption Requests.** Grantee may make written funding requests for students who do not meet the eligibility requirements under Subsections IV.A.1. and 2. A funding request shall state the reasons why the student was expelled from the home school and why the student does not meet the eligibility requirements under Subsections IV.A.1. and 2. No student shall be funded without the express permission of TJJD. TJJD reserves the right to deny funding for any ineligible student.
- C. **Counties With Populations Between 72,000 and 125,000.** A Grantee in this category shall have notified TJJD in writing no later than August 1 in the previous fiscal year of its intent to apply for funds in order to be eligible to receive the initial lump sum payment described in the *State Financial Assistance Contract*. A Grantee in this category shall have its JJAEP implemented and fully operational by January 6 of each fiscal year for the current grant period. A program is fully operational when it is admitting students. If program operations have not begun by January, this grant will be terminated. If the grant is terminated under this Section, TJJD retains the right to request a refund of all funding provided to Grantee by TJJD under this grant.
- D. **Extended School Year Funding.** TJJD makes no express or implied representation or guarantee of future funding for extended year programs (i.e., summer school). TJJD may, at its discretion and according to guidelines developed by TJJD, fund students attending the JJAEP during the extended school year if funds from appropriations for this purpose are available at the end of the regular school year. If funding is available, Grantee may be eligible to receive payments for up to 35 days of operation during summer school for each year of the Contract period.

V. PROGRAMMATIC REPORTING.**A. Annual Reports.**

- 1. **Performance Measures Report.** A written report must be completed and submitted to TJJD no later than October 1 of each year that includes the data listed in III.C.1-8, an analysis of the JJAEP's effectiveness and any changes to be implemented as a result of the review.

B. Quarterly Reports. None.**C. Monthly Reports.**

- 1. **Monthly Attendance Roster.** On or before the 10th calendar day of the month, Grantee shall submit a monthly attendance roster detailing which students were in attendance, absent, or on inactive status at the JJAEP for every school day in the preceding month.

Summary of Grant Requirements

JJAEP Program (Reimbursement)**P-2020-21 Biennium**

Effective date 09/01/2019

Latest Revision 06/04/2019

2. **JJAEP Individual Student Data.** In accordance with TJJD administrative standards and as requested by TJJD, Grantee shall collect individual student data in a format specified by TJJD. The data shall be collected upon the student's admission to and exit from the JJAEP and entered by the last day of the reporting month. Grantee shall accumulate said information for all students admitted and exited in a given month and submit the data electronically to TJJD by the 10th calendar day of the following month
3. **Monthly Activity Report.** Grantee shall complete the *JJAEP Monthly Activity Report* [TJJD-JJAEP-004] on a monthly basis. The report shall be completed and submitted on or before the 10th calendar day of the month via TJJD's internet database and shall contain information for the preceding month.

D. **Other Periodic Reports.** See General Grant Requirements.

VI. **PROGRAMMATIC MONITORING.**

- A. **On-site Monitoring Visits.** See General Grant Requirements.
- B. **Unannounced On-site Monitoring Visits.** See General Grant Requirements.
- C. **Desk Audits.** See General Grant Requirements.
- D. **Other.** None.

VII. **APPLICABLE LAW, POLICY, AND PROCEDURE.** Grantee shall comply with the following applicable state laws, federal laws, standards, policies, and procedures as they currently exist or as amended or renumbered and enacted and effective during the term of this Contract:

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections, Chapters 341-359**

B. **General Statutes.**

1. **Federal Law.** See General Grant Requirements.
2. **State Law.** See Also General Grant Requirements.
 - a. **Texas Education Code, Title 2, Public Education.**
 - i. Chapter 37, Discipline; Law and Order.
 - b. **Texas Family Code, Title 3, Juvenile Justice Code.**
 - c. **Texas General Appropriations Act.**
 - d. **Texas Government Code, Title 7, Intergovernmental Relations.**
 - i. Chapter 783 – Uniform Grant and Contract Management Act.

VIII. **FINANCIAL COMPONENTS.**

A. **Allowable Expenditure of Funds.**

1. The Grantee may expend any funds received under this grant only for those costs that are reasonable, necessary, and directly related to the creation and ongoing operation of a JJAEP as contained in the General Grant Requirements.

B. **Unallowable Expenditure of Funds.** See General Grant Requirements. In addition, any expenditures not authorized in Section VIII.A. are unallowable under this grant, including but not limited to the following:

JJAEP Program (Reimbursement)**P-2020-21 Biennium**

Effective date 09/01/2019

Latest Revision 06/04/2019

1. In addition, any expenditures not authorized in Section VIII.A. are unallowable under this grant including, but not limited to:
 - a. under-recovery of costs under grant agreements;
 - b. medical equipment and services including payments to intended recipients of health services;
 - c. costs of idle facilities;
 - d. staff salary raises or bonuses;
 - e. any residential placement including pre-adjudication secure detention facilities, short-term secure detention facilities (i.e., holdover), and post-adjudication secure correctional facilities;
 - f. organization costs;
 - g. taxes; and
 - h. termination costs.

C. **Financial Match Requirements.** None.

D. **Funding Adjustments.**

1. **Reduction of Grant Payments.** See General Grant Requirements.
2. **Unexpended Balances.** None.
3. **Overpayments.** See Also General Grant Requirements. In the event an overpayment is discovered through any means, TJJD may deduct the amount of the overpayment from the next scheduled payment under this grant.
4. **Refund Due.** See General Grant Requirements.
5. **Disaster Compensation.** TJJD may, at its discretion, compensate a JJAEP program funded under this grant for missed mandatory student attendance days in which disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.

E. **Timely Expenditure of Grant Funds.** None

F. **Audits.** See General Grant Requirements.

G. **Financial Assurances.** See Also General Grant Requirements.

1. All students for whom JJAEP grant funds were collected were eligible for funding as defined in Section IV (A) of this grant.
 - a. Actual student attendance days reported on the *JJAEP: Monthly Attendance Voucher* [TJJD-JJAEP-001] are verifiable and in agreement with Grantee's monthly attendance roster.
 - b. The amount of funds received is reconciled with reported student attendance days and unearned funds have been refunded to TJJD.

H. **Service Provider.** See General Grant Requirements.

IX. **FINANCIAL REPORTING.**

A. **Annual Reports.** None.

Summary of Grant Requirements

JJAEP Program (Reimbursement)

P-2020-21 Biennium

Effective date 09/01/2019

Latest Revision 06/04/2019

- B. **Quarterly Reports.** None.
- C. **Monthly Reports.** Grantee shall complete the *Attendance Voucher* [TJJD-JJAEP-001] and submit it to TJJD on or before the 10th calendar day of the month following the month for which reimbursement is claimed.
- D. **Other Periodic Reports.** Grantee shall complete the *JJAEP Cost Report* in the format and timeframe required by TJJD.

X. FINANCIAL MONITORING.

- A. **Annual Monitoring.** See General Grant Requirements.
- B. **Periodic Monitoring.** See General Grant Requirements.