

JJAEP Discretionary

W-2022-23 Biennium

Effective date 09/01/2021

Latest Revision 04/27/2020

I. GRANT DESCRIPTION.

- A. The Juvenile Justice Alternative Education Program (JJAEP) Discretionary grant is a competitive grant intended to assist counties with a population below 125,000 in the basic operation of a JJAEP, subject to the approval of the Texas Juvenile Justice Department (TJJD), and to provide for program enhancement to JJAEPs in counties with a population of 125,000 or more. The JJAEP provides an educational setting for students who have been expelled from public schools.
- B. **Grant Term.** This grant is in effect for up to two years, beginning on the date indicated on the original grant award notice provided to Grantee and ending on August 31 of the current biennium. The Grant may be renewed for up to two additional two-year terms.

II. GRANT SPECIFIC DEFINITIONS.

A. Attendance Category.

1. **Discretionary Students.** Students who are expelled from a public school for an offense described in Section 37.007, 37.0052, or 37.0081, Texas Education Code, or in the school code of conduct as provided in the District of Innovation Plan according to Section 12A.003, Texas Education Code, as one for which a student "may be" expelled.
2. **Mandatory Students.** Students who are expelled from public school for an offense described in Section 37.007, Texas Education Code as one for which a student "shall be" expelled.
3. **Non-Expelled Students.** Students, including those required to register as a sex offender, who have not been expelled from a public school but who have been enrolled in a JJAEP as provided by Section 37.309, Texas Education Code.
4. **Out-of-County Students.** Students who reside in a county other than Grantee's county or who attend a public school in a school district not located in Grantee's county.

- B. **Grantee.** The juvenile board and/or juvenile probation department receiving funds under this grant.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the JJAEP 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 performance measures listed in 37 TAC Section 348.200(e).

IV. PROGRAMMATIC COMPONENTS.

A. Program Oversight.

1. *The Juvenile Justice Alternative Education Program Proposal* submitted by Grantee is incorporated by reference into the requirements of this grant. Grantee shall provide services as established within the grant requirements and Grantee's proposal. TJJD shall provide program oversight to ensure that grant funds are appropriately and efficiently expended.
 2. Grantee shall operate the JJAEP as an educational setting for students expelled from the local independent school districts that enter into a joint Memorandum of Understanding (MOU) each school year during the grant period.
- B. **Release of Funds.** In accordance with 37 TAC Section 348.400, TJJD will not release funds under the provisions of this grant until TJJD has received the current student code of conduct, a copy of the JJAEP school calendar for the current school year, and a copy of the executed memorandum of understanding as required by 37 TAC Section 348.200.

C. Attendance Category Requirements.

1. **Mandatory and Discretionary Students.** These students are only eligible for JJAEP attendance if the following requirements are met:
 - a. the student was expelled by the school district for an expulsion-eligible offense;
 - b. the school district notified the school district police department or local law enforcement (i.e., made a report) regarding the alleged incident that is the basis of the expulsion; and
 - c. a law enforcement entity:
 - i. completed an offense report;
 - ii. made a formal referral of the case to the juvenile court if the person was a child; or
 - iii. forwarded the case to the criminal court prosecution intake if the person was an adult.
2. **Non-Expelled Students.** These students are only eligible if there is a court order placing them in the JJAEP. If registered sex offenders, they are only eligible if there is an adjudication for a registerable sex offense under Chapter 62, Code of Criminal Procedure, and the decision on the requirement to register has not been deferred.
3. **Out-of-County Students.** These students are only eligible for JJAEP attendance if the following requirements are met:
 - a. The student is eligible for placement in a JJAEP under one of the other categories;
 - b. 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 Section 37.011(k), Texas Education Code; and
 - c. Grantee has provided TJJD with a copy of the executed memorandum of understanding.

V. FINANCIAL COMPONENTS.

- A. **Allowable Expenditure of Funds.** Grantee may expend 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.** Any expenditures not authorized in Section V.A are unallowable under this grant, including all unallowable costs set out in the Contract.
- C. **Financial Match Requirements.** In order to receive funding under this grant, Grantee shall provide funding to the JJAEP in an amount at least equivalent to the match amount required in the JJAEP Discretionary Grant in the 2012-2013 biennium. The match requirement is met only with funds directly related to the operation of the JJAEP and/or to program enhancement. In-kind contributions, which are items donated or contributed to the project from a source other than Grantee, may be considered toward the financial match requirement. Examples of in-kind contributions include but are not limited to personnel, classroom space, and supplies that benefit the project.