

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 344 Employment, Certification and Training

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Subchapter A Definitions and Applicability

§344.100 Definitions

Effective Date: 7/1/11

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

- (1) **Applicant**--An individual applying for certification as a juvenile probation officer, juvenile supervision officer or youth activities supervisor.
- (2) **Board**--The governing board of the Texas Juvenile Probation Commission.
- (3) **Certified Officer**--A juvenile probation officer or juvenile supervision officer who has met the minimum certification requirements and is currently certified by the Commission.
- (4) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for the oversight of the day-to-day operations of a single juvenile probation department for a county or a multi-county judicial district.
- (5) **Commission**--The Texas Juvenile Probation Commission.
- (6) **Competency Examination**--An examination or other assessment instrument required by any statute or Commission rule that governs an individual's certification as a juvenile probation officer or juvenile supervision officer.
- (7) **Continuing Education**--Courses, programs, or organized learning experiences required to maintain certification and to enhance personal or professional goals.
- (8) **Direct Unsupervised Access**--The ability to physically interact with juveniles in a juvenile justice program or facility without the accompanying physical presence of or constant visual monitoring by a certified officer or other authorized employee of the program or facility.
- (9) **Facility Administrator**--An individual designated by the chief administrative officer or governing board of a juvenile justice facility as the on-site program director or superintendent of a secure facility.
- (10) **Juvenile Justice Facility ("facility")**--A facility, including its premises and all affiliated sites, whether contiguous or detached, operated wholly or partly by or under the authority of the governing board, juvenile board or by a private vendor under a contract with the governing board, juvenile board or governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:
 - (A) A public or private juvenile pre-adjudication secure detention facility, including a short-term detention facility (i.e., holdover) required to be certified in accordance with Texas Family Code §51.12;
 - (B) A public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with Texas Family Code §51.125, except for a facility operated solely for children committed to the Texas Youth Commission; and
 - (C) A public or private non-secure juvenile post-adjudication residential treatment facility housing juveniles under juvenile court jurisdiction.
- (11) **Juvenile Justice Program ("program")**--A program or department operated wholly or partly by the governing board, juvenile board or by a private vendor under a contract with the governing board or juvenile board that serves juveniles under juvenile court jurisdiction or juvenile board jurisdiction. The term includes a juvenile justice alternative education program and a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court or juvenile board jurisdiction and a juvenile probation department.

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- (12) **Juvenile Probation Department ("department")**--All physical offices and premises utilized by a county or district level governmental unit established under the authority of a juvenile board to facilitate the execution of the responsibilities of a juvenile probation department enumerated in Title 3 of the Texas Family Code and Chapter 141 of the Texas Human Resources Code.
- (13) **Juvenile Probation Officer**--An individual whose primary responsibility and essential job function is to provide juvenile probation services and supervision duties authorized under statutory and agency administrative law that can only be performed by an active certified juvenile probation officer in good standing with the Commission.
- (14) **Juvenile Supervision Officer**--An individual whose primary responsibility and essential job function is the supervision of juveniles in a juvenile justice program or juvenile justice facility.
- (15) **Mandatory Topics**--Specified training topics mandated in the Commission's administrative standards designed to provide officers the essential skills and knowledge necessary for certification and to fulfill the duties and responsibilities of a certified officer.
- (16) **One Year of Graduate Study**--As described in Texas Human Resources Code §141.061(a)(3)(A), successful completion of at least 18 post-graduate credit hours in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the Commission at a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (17) **Training**--An organized, planned and evaluated activity designed to achieve specific learning objectives.
- (18) **Youth Activities Supervisor**--Regardless of title, an individual whose primary responsibility and essential job function is the supervision of juveniles strictly in a non-secure setting within a juvenile justice program or facility other than a juvenile justice alternative education program.

§344.110 Interpretation and Applicability

Effective Date: 1/1/10

- (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) **Conflicting Standards.** If a general provision contained in this chapter conflicts with a specific provision contained in another chapter of an administrative standard promulgated by the Commission, the specific language controls.
- (c) **Applicability.** The language contained herein applies to all certifications granted on or after the effective date of this chapter.
- (d) **Criminal History.** Any felony conviction, felony deferred prosecution, felony deferred adjudication, misdemeanor conviction, misdemeanor deferred prosecution, or misdemeanor deferred adjudication occurring before September 1, 2003 will not disqualify a certified officer who held an active certification on September 1, 2003.

§344.120 The Compliance Resource Manual and Implementation of Agency Policy

Effective Date: 1/1/10

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.

Subchapter B Qualifications for Employment

§344.200 General Qualifications for Employment

Effective Date: 7/1/11

- (a) **Juvenile Probation Officer.** To be eligible for employment as a juvenile probation officer, supervisor or chief administrative officer, an applicant shall:
 - (1) be at least 21 years of age;
 - (2) be of good moral character and have no disqualifying criminal history as described in this chapter;
 - (3) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
 - (4) possess the work experience or graduate study required in §344.210 of this chapter; and
 - (5) never have had any type of certification revoked by lawful authority of the Commission and not be currently under an order of suspension as described in §344.840(d) of this chapter.
- (b) **Juvenile Supervision Officer and Youth Activities Supervisor.** To be eligible for employment as a juvenile supervision officer or youth activities supervisor, an applicant shall:
 - (1) be at least 21 years of age;
 - (2) be of good moral character and have no disqualifying criminal history as described in this chapter;
 - (3) have acquired a high school diploma or equivalent; and
 - (4) never have had any type of certification revoked by lawful authority of the Commission and not currently be under an order of suspension as described in §344.840(d) of this chapter.
- (c) **Facility Administrator.** To be eligible for employment as a facility administrator, an applicant shall:
 - (1) meet the minimum requirements to become a juvenile probation officer as described in subsection (a) of this section; and
 - (2) maintain an active certification as a juvenile supervision officer.

§344.210 Work Experience

Effective Date: 1/1/10

- (a) In lieu of the graduate study requirement in §344.500(a)(2) of this chapter, an applicant for the position of juvenile probation officer shall have one year of experience in full-time case work, counseling, community or group work:
 - (1) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and
 - (2) that the Commission has determined provides the kind of experience necessary to meet this requirement.
- (b) Internships may be counted toward meeting one year's experience based on actual hours completed when the duties performed were related to the field of juvenile justice.

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§344.220 Exemptions from Qualifying Work Experience

Effective Date: 1/1/10

- (a) The juvenile board, chief administrative officer or designee shall submit to the Commission a request for exemption of the requirement of one year work experience or one year graduate study prior to the employment of an applicant who does not meet the requirements of this subsection.
- (b) The exemption request shall be made using the form provided by the Commission and shall document that diligent efforts were made to employ an applicant who meets the work experience requirement.
- (c) The chief administrative officer shall provide written notification to the chair of the juvenile board of a request for exemption under this section prior to employment of the applicant.
- (d) The Commission shall review and may approve or deny the request.

§344.230 Persons Who May Not Act as Chief Administrative Officers, Juvenile Probation Officers, Juvenile Supervision Officers or Youth Activities Supervisor

Effective Date: 7/1/11

A peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a chief administrative officer, juvenile probation officer, juvenile supervision officer or youth activities supervisor or be made responsible for supervising a juvenile in a juvenile justice facility or program.

Subchapter C Criminal History Searches

§344.300 Criminal History Searches for Positions Requiring Certification

Effective Date: 1/1/10

- (a) **Fingerprint Search.**
 - (1) Fingerprints shall be submitted through the Texas Department of Public Safety (DPS) Fingerprint Applicant Services of Texas (FAST) system.
 - (2) The juvenile board, chief administrative officer, facility administrator or designee shall initiate a fingerprint-based criminal history search through the FAST system prior to the first day of employment to confirm that the applicant has no disqualifying criminal history.
- (b) **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, known as the Fingerprint-based Applicant Clearinghouse of Texas (FACT), provides criminal history record information required for employment and certification and notifies the Commission and the chief administrative officer or designee of any disqualifying criminal conduct that may occur subsequent to the date of employment or certification.
- (c) **Military History.** Applicants with prior military experience shall provide a copy of the DD-214 Discharge Form for each tour of duty. In the event a DD-214 reflects character of service as anything other than honorable discharge, the juvenile probation department shall obtain release of information authorization from the applicant and shall request additional information from the appropriate governmental entity to determine whether the reason for discharge was the result of disqualifying criminal conduct.

§344.310 Criminal History Searches for Positions Not Requiring Certification

Effective Date: 1/1/10

- (a) Criminal history searches shall be conducted for all personnel providing services in juvenile justice facilities or programs who may have direct unsupervised access to juveniles in the facility or program. Prior to being granted access to juveniles in facilities or programs, criminal history searches shall be completed for the following:
- (1) **Non-Certified Staff.** The chief administrative officer or designee shall conduct criminal history searches in accordance with the requirements set forth in §344.300 of this chapter for staff employed full or part-time by a juvenile justice program or juvenile justice facility in positions that do not require certification.
 - (2) **Volunteers and Interns.** The chief administrative officer or designee shall conduct criminal history searches in accordance with the requirements set forth in §344.300 of this chapter for volunteers and interns who provide services in juvenile justice programs and facilities.
 - (3) **Service Providers.** Service providers include public or private vendors who provide goods and/or services for the operation, management or administration of juvenile probation services and juvenile justice programs and facilities.
 - (A) **Licensed Service Providers.** Programs or facilities licensed by the Texas Department of Family and Protective Services, Texas Department of State Health Services or other state agency are exempt from the requirement to provide documentation of criminal history searches for staff employed in the program or facility. The chief administrative officer or designee shall obtain documentation confirming that the provider's license is in good standing with the licensing entity. The facility or program shall not contract for services with a provider whose license is not in good standing.
 - (B) **Non-Licensed Service Providers.** The chief administrative officer or designee shall obtain documentation from the provider's employing entity confirming that fingerprint-based criminal history searches of criminal information databases maintained by the Federal Bureau of Investigation and by the state of Texas have been completed within two years prior to the date of the most recent contract for services.
- (b) Department policy shall prohibit direct unsupervised access to juveniles in a juvenile justice program or facility by any person with a disqualifying criminal history as described in §344.400 of this chapter.
- (c) The juvenile board may grant an exemption to subsection (b) of this section for personnel described in this subsection whose criminal history report reflects class B misdemeanor activity. Exemptions shall be reviewed and granted on a case-by-case basis.
- (d) The requirements of this section do not apply to the juvenile's attorney, family members or other individuals listed as a juvenile's approved visitors.
- (e) The criminal history searches described in this section shall apply to individuals who begin employment or service provision on or after January 1, 2010.

§344.320 Criminal History Searches for Position and Departmental Transfers

Effective Date: 1/1/10

- (a) Criminal history searches shall be completed by the employing juvenile justice program or facility in accordance with §344.300 of this chapter when:
- (1) an individual who was not previously certified accepts a position requiring certification; or
 - (2) a certified officer employed in a juvenile probation program or facility accepts simultaneous or subsequent employment in a program or facility operated by or under contract with a different department.

- (b) For individuals whose fingerprints are already in the Fingerprint Applicant Services of Texas (FAST) system, the searches may be conducted using the existing prints.

§344.330 Criminal History Searches for Secure Contract Facility Employees

Effective Date: 1/1/10

- (a) The juvenile probation department in the county in which a secure pre or post-adjudication facility registered by the Commission and operated by a private vendor under contract with a juvenile board is located shall conduct criminal history searches for facility applicants for certified and uncertified positions as required under §344.300 of this chapter.
- (b) The contract facility shall provide the juvenile board or designee with identifying information necessary to conduct the required criminal history searches.
- (c) The chief administrative officer or designee shall review the criminal history report and provide a copy of the report to a facility with whom they have a written agreement that:
- (1) specifically authorizes access to the information;
 - (2) limits the use of information to the purposes for which it is given;
 - (3) ensures the security and confidentiality of the information; and
 - (4) provides for sanctions if a requirement in paragraph (1), (2) or (3) of this subsection is violated.
- (d) The facility administrator or designee shall contact the referring criminal justice agency to obtain information regarding any arrest for which a disposition has not been reported.
- (e) The chief administrative officer or designee shall review the criminal history report to confirm that the applicant has no disqualifying criminal history.

§344.340 Criminal History Records Retention

Effective Date: 1/1/10

A copy of the initial criminal history report 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 as long as they are administratively valuable or in accordance with the county's established records retention schedule after the monitoring purpose has been fulfilled.

Subchapter D Disqualifying Criminal History

§344.400 Disqualifying Criminal History

Effective Date: 1/1/10

- (a) An individual with the following criminal history shall not be eligible for continued employment or certification:
- (1) a felony conviction against the laws of this state, another state, or the United States within the past ten (10) years;
 - (2) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past ten (10) years;
 - (3) a current felony deferred adjudication, probation or parole;
 - (4) a jailable misdemeanor conviction against the laws of this state, another state, or the United States within the past five (5) years;

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- (5) 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;
 - (6) a current jailable misdemeanor deferred adjudication, probation or parole; or
 - (7) 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) In addition to the criteria and time frames set forth in subsection (a) of this section, the applicant shall not be eligible for employment or certification until at least one year has elapsed since the completion of any period of incarceration, community supervision, or parole.
- (d) For eligible applicants with a prior criminal history, the department may consider a range of factors to determine the applicant's fitness to perform the duties and discharge the responsibilities of the position.

§344.410 Variance of Disqualifying Criminal History

Effective Date: 9/1/10

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.

Subchapter E Education Requirements for Employment and Certification

§344.500 Education Requirements

Effective Date: 1/1/10

- (a) **Juvenile Probation Officer.** An applicant for employment as a juvenile probation officer must meet the following educational requirements:
- (1) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
 - (2) have one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the Commission or qualifying work experience as specified in §344.210 of this chapter.
- (b) **Juvenile Supervision Officer.** An applicant for employment as a juvenile supervision officer must meet one of the following educational requirements:
- (1) possess a high school diploma;
 - (2) a general equivalency diploma from a high school or issuing authority within the United States of America;
 - (3) a United States military record that indicates the education level received is equivalent to a United States high school diploma or general equivalency diploma;
 - (4) a foreign high school or home schooling diploma that meets the validation requirements established by the Commission; or
 - (5) be granted unconditional acceptance into an accredited college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board.

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§344.510 Persons Not Subject to Minimum Qualifying Educational Requirements

Effective Date: 1/1/10

- (a) Individuals employed as juvenile probation officers prior to September 1, 1981 and who have maintained continuous certification since that date shall not be subject to the minimum educational requirements set forth in Texas Human Resources Code §141.061(a) and in this chapter.
- (b) An interruption or lapse of certification under this section shall result in a requirement for the officer to meet all current applicable employment, certification and training requirements.

§344.520 Verification of Education Requirements

Effective Date: 7/1/11

The applicant for employment as a juvenile probation officer, juvenile supervision officer or youth activities supervisor shall provide the department or facility with official documentation that verifies that the applicant meets the educational requirements for certification.

Subchapter F Training and Continuing Education

§344.600 Minimum Requirements for Certification

Effective Date: 7/1/11

- (a) An applicant for certification as a juvenile probation officer or juvenile supervision officer shall receive a minimum of 80 hours of training including training in mandatory topics described in §344.620 of this chapter prior to certification. Duties that may be performed by individuals hired as juvenile supervision officers or juvenile probation officers prior to their certification are described in applicable chapters of this title.
- (b) An applicant for certification as a youth activities supervisor shall receive a minimum of 56 hours of training, including training in the mandatory topics described in §344.620 of this chapter, prior to certification. Duties performed by individuals hired and not yet certified as youth supervision workers are described in applicable chapters of this title.

§344.610 Relevance of Training and Standardized Curriculum

Effective Date: 1/1/10

- (a) Training must be relevant to the knowledge and skills required in the performance of the officer's job duties to be considered for certification or continuing education credit.
- (b) Training in the mandatory topics shall be conducted by training providers who have received specialized training in the curriculum from the Commission or from the employing department.
- (c) The standardized curriculum provided by the Commission shall be used in the provision of training on the mandatory topics.
- (d) The Commission reserves the right to refuse to approve or grant credit for training hours that do not comply with this standard.

§344.620 Required Training for Certification

Effective Date: 7/1/11

- (a) **Mandatory Topics.** Successful completion of a competency exam based on the following topics is required prior to performing the duties of a certified officer and for certification.
- (1) Juvenile Probation Officer.
 - (A) Role of the probation officer;
 - (B) Case planning and management;
 - (C) Recognizing and supervising youth with mental health issues;
 - (D) Officer safety and mechanical restraints;
 - (E) Texas Family Code and related laws;
 - (F) Legal liabilities;
 - (G) Courtroom proceedings and presentation;
 - (H) Code of ethics, disciplinary and revocation hearing procedures;
 - (I) Identifying and reporting abuse, neglect, and exploitation;
 - (J) Prison Rape Elimination Act; and
 - (K) Suicide prevention and intervention.
 - (2) Juvenile Supervision Officer and Youth Activities Supervisor.
 - (A) Juvenile rights;
 - (B) Texas Family Code and related laws;
 - (C) Identifying and reporting abuse, neglect, and exploitation;
 - (D) Prison Rape Elimination Act;
 - (E) Suicide prevention and intervention;
 - (F) Legal liabilities;
 - (G) Recognizing and supervising youth with mental health issues;
 - (H) Adolescent physical development and exercise related health risks;
 - (I) HIV/AIDS and other communicable diseases; and
 - (J) Code of ethics, disciplinary and revocation procedures.
- (b) **Additional Requirements for Juvenile Supervision Officer and Youth Activities Supervisor Certification.**
- (1) Prior to providing resident supervision, all juvenile supervision officers shall receive training and maintain current certification in:
 - (A) Cardiopulmonary Resuscitation (CPR);
 - (B) First Aid; and
 - (C) A Personal Restraint Technique approved by the Commission.
 - (2) Juvenile supervision officers and youth activities supervisors working in juvenile justice facilities shall receive training in the following additional topics for certification:
 - (A) Behavior observation and recording;
 - (B) Behavior management;
 - (C) Risk management, safety and security;

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- (D) Medical and health services;
- (E) Departmental security, emergency and evacuation procedures;
- (F) Facility's suicide prevention plan;
- (G) Department procedures for reporting abuse, neglect and exploitation;
- (H) Recognizing and responding to medical and mental health needs of residents;
- (I) Supervising residents in seclusion;
- (J) Facility's fire drill procedures;
- (K) Grievance procedures;
- (L) Confidentiality of information;
- (M) Cultural diversity;
- (N) Use of restraints; and
- (O) Transportation.

§344.630 On-the-Job Training

Effective Date: 7/1/11

- (a) A juvenile justice program or juvenile justice facility may implement a structured on-the-job training program for use in meeting certification and continuing education requirements as described in §344.620 of this chapter.
- (b) The training program shall utilize the format developed by the Commission or an equivalent format developed by the department to document the provision of on-the-job training.
- (c) The chief administrative officer, facility administrator or designee shall select staff, based on experience, qualifications and/or education, to provide on-the-job training.
- (d) A maximum of 40 hours of on-the-job training provided in accordance with this section may be used to meet the certification or continuing education requirement in a given reporting period.
- (e) Youth activities supervisors have a maximum of 30 hours of on-the-job training that may be applied toward the initial certification and 40 hours toward the continuing education requirement in a given reporting period.

§344.640 Continuing Education Requirements for Maintaining Certification

Effective Date: 1/1/10

- (a) A juvenile probation officer or juvenile supervision officer shall complete a minimum of 80 hours training every 24 months in topics related to the officer's job duties and responsibilities in order to maintain an active certification:
 - (1) For juvenile supervision officers, this training shall include the facility's suicide prevention plan and requirements necessary to maintain certification in CPR, First Aid and personal restraint technique approved by the Commission.
 - (2) For chief administrative officers and facility administrators, this training shall include a minimum of 20 hours of management topics.
- (b) A maximum of 20 hours of training credit that exceeds the minimum requirement in a specific reporting period may be applied to the next reporting period.
- (c) Documentation of the required continuing education shall be submitted to the Commission through the Commission's automated certification information system within 24 months of the initial certification date and every 24 months thereafter based on the officer's birth month.

§344.650 Non-Compliance with Training and Continuing Education Requirements

Effective Date: 1/1/10

- (a) Failure to comply with §344.640 of this chapter shall result in the following:
 - (1) the officer's certification shall be placed on inactive status;
 - (2) the officer shall be restricted from performing the duties of a certified officer; and
 - (3) the officer shall be ineligible for salary adjustment funding from the Commission.
- (b) The officer's certification will be returned to active status upon receipt of documentation that the required continuing education has been completed.

§344.660 Approval and Review of Training Topics

Effective Date: 1/1/10

- (a) **Approval of Training Topics.** All certification and continuing education training shall be approved by the Commission. Training that is not applicable to the duties of a certified officer shall not be applied to the individual's certification or continuing education requirements.
- (b) **Review of Topics.** A juvenile probation department may request a review of the Commission's decision to not approve a topic for certification credit. In support of the request, the juvenile probation department shall describe how the topic relates to the job duties and responsibilities of the officer. The Commission may request additional documentation to evaluate the appropriateness of the topic.

§344.670 Training Methods and Limitations

Effective Date: 1/1/10

- (a) **Limits on Topics.**
 - (1) **Repetitive Training.** Credit shall not be allowed for training that is duplicative in nature unless the training is required to maintain certification, such as for CPR or First Aid, or is required to maintain an understanding of the officer's job duties and responsibilities. Topics listed in §344.620 of this chapter are exempt from this limitation.
 - (2) **Review of Policy and Procedure.** Credit for policy and procedure review shall be allowed when documentation reflects that the review was part of a structured training event.
 - (3) **Human Resources Training.** Training on employment related benefits and plans shall not be accepted for certification purposes unless the officer is a supervisor and the training relates to supervisory duties or the training is being provided as part of a formal leadership development program.
- (b) **Limitations on Training Methods.** The limits in this subchapter apply to continuing education credits earned in a given 24 month period.
 - (1) **Correspondence Courses.** A maximum of 40 hours of continuing education credit may be earned for the successful completion of correspondence courses provided by recognized criminal justice organizations or accredited colleges or universities. Correspondence courses may not be used to meet the requirement for training in the mandatory training topics.
 - (2) **Video-Conferencing and Web-Based Training.** Credit for a combined total of 40 hours of video conferencing and web-based training methods may be applied toward certification and continuing education requirements.
 - (3) **Video Training.** A maximum of 20 hours of video training that is part of a structured training program may be applied to certification or continuing education requirements.
 - (4) **Training Hours for Curriculum Development.** A maximum of 10 hours of credit in a given continuing education period may be allowed for the development of training curriculum.

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- (5) **Training Providers.** Training providers may claim actual training time up to a maximum of 10 hours for the provision of training. The credit under this section is allowed only for the provision of training in topics listed in §344.620 of this chapter.
- (6) **Meetings/Staff Meetings.** Meetings shall not be considered a training activity unless supporting documentation indicates that all or part of the meeting was designated solely for the purpose of training.
- (7) **College Courses.** Up to 40 hours of continuing education credit may be applied for successful completion of a three-hour college course in a topic relevant to the officer's job duties and that is provided by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board and approved by the Commission. Classes for which less than three hours of college credit is earned may be considered for continuing education credit. If approved, continuing education hours will be based on the number of classroom hours.

§344.680 Documentation

Effective Date: 1/1/10

Documentation of all training received shall be maintained in the department or facility's files for monitoring purposes. Documentation may include sign-in sheets, agendas, certificates of completion, correspondence from the instructor, registration receipts, and/or exam results. The chief administrative officer or designee shall, upon request, submit training records to a juvenile probation department in which an officer has obtained subsequent employment.

Subchapter G Competency Examination

§344.700 Competency Examination Requirement

Effective Date: 7/1/11

- (a) A juvenile probation officer, juvenile supervision officer or youth activities supervisor shall pass the competency exam prescribed by the Commission in order to be eligible for certification.
- (b) A juvenile probation officer, juvenile supervision officer or youth activities supervisor shall complete the mandatory training required in §344.620(a)(1) or (2) of this chapter prior to attempting the competency exam.
- (c) The Commission shall establish a plan for the administration of the examination, including any required fees.
- (d) The Commission shall determine the satisfactory level of performance.
- (e) Scores shall be sent electronically or by other means established by the Commission to the examinee and the chief administrative officer or designee upon completion of the exam.
- (f) The Commission shall maintain a record of competency examination results.
- (g) The requirements of this subchapter apply to applicants for positions requiring certification who begin employment as:
 - (1) a juvenile probation officer on or after September 1, 2011; or
 - (2) a juvenile supervision officer or youth activities supervisor on or after September 1, 2012.

Subchapter H Certification

§344.800 Positions Requiring Certification

Effective Date: 4/1/14

- (a) Individuals required to maintain an active certification are the following:
- (1) chief administrative officers;
 - (2) facility administrators;
 - (3) supervisors in the direct chain of command over juvenile probation officers or juvenile supervision officers;
 - (4) juvenile probation officers;
 - (5) juvenile supervision officers;
 - (6) youth activities supervisors; and
 - (7) any staff, excluding certified physical education teachers, who participates in the administration of intensive physical activity in a Juvenile Justice Alternative Educational Program (JJAEP).
- (b) In addition to requiring certification of the individuals in subsection (a) of this section, TJJD offers certification for the following:
- (1) quality assurance officer;
 - (2) juvenile probation or supervision officer trainer; or
 - (3) staff member responsible for supervision of youth in a JJAEP.
- (c) Youth activities supervisors, juvenile supervision officers, and juvenile probation officers may hold more than one certification by TJJD if they meet all criteria required for certification and employment for the positions and their job description is consistent with a youth activities supervisor, juvenile supervision officer, or juvenile probation officer as defined in §344.100 of this chapter.

§344.810 Eligibility for Certification

Effective Date: 1/1/10

To be eligible for certification, an individual must:

- (1) be twenty-one years of age or older;
- (2) have achieved the level of education required for the certification, or been granted an exemption from this requirement;
- (3) be of good moral character and have no disqualifying criminal history as described in this chapter;
- (4) not be currently under an order of suspension issued under the lawful authority of the Commission;
- (5) never have had any type of certification revoked by lawful authority of the Commission;
- (6) have satisfactorily completed all pre-service training required by the Commission;
- (7) have passed the competency examination as required by the Commission; and
- (8) be employed by a governmental unit or a public or private vendor under contract with a governmental unit.

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§344.820 Length of Certification

Effective Date: 1/1/10

The Commission may issue a non-expiring certification to individuals who meet the eligibility requirements under this chapter.

§344.830 Certification Renewal Period

Effective Date: 1/1/10

The employing juvenile justice program or facility shall submit, within 24 months of the initial certification date and every 24 months thereafter based on the officer's birth month, documentation that:

- (1) the officer has completed the continuing education requirements in §344.640 of this chapter, and
- (2) the criminal history search requirements in §344.300 of this chapter have been met.

§344.840 Certification Status

Effective Date: 7/1/11

- (a) **Active.** An officer shall be required to maintain an active certification in order to perform the duties of a juvenile probation officer, juvenile supervision officer or youth activities supervisor. The individual and the employing department shall ensure that all requirements under this chapter are met in order to maintain the certification in active status. An active certification status requires that the officer shall have:
 - (1) no disqualifying criminal history as described in §344.400 of this chapter;
 - (2) no current suspension or revocation of certification under the lawful authority of the Commission; and
 - (3) met the continuing education requirements set forth in §344.640 of this chapter.
- (b) **Inactive.** An officer's certification shall be placed on inactive status in the event that the certification application is found to have a defect or flaw, the officer fails to meet reporting requirements or is no longer employed by a juvenile probation department. An individual whose certification is inactive is not eligible to perform the duties of a certified officer or to receive salary adjustment funds from the Commission. The juvenile probation department shall submit documentation through the Commission's automated certification system that an officer has completed all reporting requirements in accordance with §344.830 of this chapter in order to reactivate the officer's certification.
- (c) **Provisional.** The Commission may issue a provisional certification for a period not to exceed 180 calendar days to an individual whose educational credentials require evaluation or verification. During the provisional certification period, the officer may perform the duties of a certified officer. In the event that the education validation is denied or is not validated within the 180 calendar day period, the individual is no longer eligible to perform the duties of a juvenile probation officer, juvenile supervision officer or youth activities supervisor.
- (d) **Suspended.** An officer who is currently under an order of suspension is not eligible for certification by the Commission and shall not perform the duties of a certified officer. A suspension order shall be in effect until the date determined in the disciplinary hearing held by the Commission. In the event of suspension for failure to pay child support under §232.003 of the Texas Family Code, the suspension shall remain in effect until the Commission receives an order staying or vacating the suspension.
- (e) **Revoked.** An officer who has had a certification revoked by lawful authority of the Commission is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer or youth activities supervisor.

§344.850 Employment by a Governmental Unit

Effective Date: 7/1/11

A juvenile probation officer, juvenile supervision officer or youth activities supervisor with a certification issued by the Commission under this chapter shall be employed by a governmental unit or a private provider under a contract with a governmental unit to maintain active status. The Commission shall place the officer's certification on inactive status upon receiving notification from the governmental unit of the individual's resignation or termination from employment.

§344.860 Certification Process

Effective Date: 7/1/11

- (a) **Submission of Applications.** All certification applications shall be submitted through the Commission's automated certification information system.
- (1) Chief Administrative Officers. The juvenile board or designee shall review the certification documentation and approve in writing the submission of the certification application for a chief administrative officer prior to submission of the application to the Commission.
 - (2) Facility Administrators. The juvenile board or the chief administrative officer shall review the certification documentation and approve in writing the submission of the certification application for a facility administrator prior to submission of the application to the Commission.
 - (3) Juvenile Probation Officer. The chief administrative officer or designee shall submit the certification application for a juvenile probation officer.
 - (4) Juvenile Supervision Officer and Youth Activities Supervisor. The chief administrative officer, facility administrator, or designee shall submit the certification application for a juvenile supervision officer or youth activities supervisor.
- (b) **Timeline for Submission.** The certification application shall be submitted to the Commission no more than 180 calendar days from the date of initial employment.
- (1) An individual whose application for certification has not been submitted within this time frame:
 - (A) shall not perform the duties of a certified officer; and
 - (B) shall not count toward the program's staff to child ratios.
 - (2) An extension of up to 90 days may be allowed for part time staff who have not completed the required training.
- (c) **Valid Criminal History Searches.** Criminal history searches shall have been completed within 180 days prior to submission of the initial certification or certification renewal application. Dates of return shall be included in the application.
- (d) **Approval of Applications.** The Commission shall review information contained in an application to determine certification eligibility. The Commission shall reserve the right to request additional information or documentation. The juvenile probation department will be notified of certification decisions through the Commission's automated certification information system. Any officer whose application is denied shall not perform the duties of a certified officer.
- (e) **Training Documentation.** The juvenile probation department shall utilize the Commission's training and tracking system or an equivalent automated system to document training and continuing education received by certified officers. Training information shall be included in the certification application and submitted through the Commission's automated certification system.

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§344.870 Requests for Extension

Effective Date: 1/1/10

- (a) The Commission may grant an extension in the event of an unexpected extended absence from employment to allow a certified officer additional time to obtain training necessary to maintain active certification status.
- (b) Approved extensions will be granted in increments up to 90 calendar days from the date the certification renewal information was due. Additional time may be requested in special circumstances such as leave under the Family Medical Leave Act (FMLA) or worker's compensation leave.
- (c) An officer whose absence is due to leave for military duty will be granted an extension for an amount of time equal to the period of military leave up to a maximum of 24 months.
- (d) An officer who does not satisfy all requirements necessary to maintain active status within the extension period shall not perform the duties of a certified officer or receive salary adjustment funds from the Commission.

§344.880 Transfer or Reactivation of Certification

Effective Date: 7/1/11

- (a) The employing juvenile justice program or facility shall request through the Commission's automated certification system that an officer's certification be transferred or reactivated when an officer is hired who is:
 - (1) currently certified and employed in another juvenile justice program or facility; or
 - (2) returning from inactive status.
- (b) The request for transfer shall include verification that all criminal history searches have been completed in accordance with §344.300 of this chapter.
- (c) The department shall include documentation in the officer's personnel file to confirm that training required to maintain certification has been completed within the required time frames.
 - (1) The juvenile board, chief administrative officer, facility administrator, or designee shall forward a copy of the officer's training records to the employing program or facility upon request.
 - (2) The officer shall provide documentation of any additional training received during a period of inactive certification.
 - (3) Training required to reactive certification shall be completed within 180 days of employment.

§344.890 Termination of Employment

Effective Date: 1/1/10

The juvenile board, chief administrative officer, or designee shall notify the Commission of the resignation or termination of individuals employed in positions requiring certification within 10 working days of the date of their separation from employment. Upon receipt of notice, the Commission shall place the certified officer's certification on inactive status.