

Texas Administrative Code Chapter 344

Revised standards effective on February 1, 2018

The TJJJ Board has adopted changes to 37 TAC Chapter 344, relating to Employment, Certification, and Training. These changes will take effect on February 1, 2018. This document contains a summary of the changes and shows the marked-up text of the affected standards. To see the final text of Chapter 344 in its entirety without the mark-ups, please visit the [Resources page on the TJJJ website](#).

Rule #	Title of Rule	Summary of Key Revisions
344.100	Definitions	<ul style="list-style-type: none"> • Added definitions for the following terms: <i>Certification Exam</i>, <i>Certification Period</i>, <i>Community Activities Officer</i>, <i>Conviction</i>, and <i>Grace Period</i>. • Deleted definitions for the following terms: <i>Applicant</i>, <i>Board</i>, <i>Commission</i>, <i>Competency Examination</i>, <i>Mandatory Topics</i>, <i>One Year of Graduate Study</i>, <i>Training</i>, and <i>Youth Activities Supervisor</i>. • Added community activities officer to the list of positions included within the definition of <i>Certified Officer</i>. • Clarified that the definition of <i>Direct, Unsupervised Access</i> does not include interactions that are incidental and momentary. • Clarified that the definition of <i>Facility Administrator</i> applies to all juvenile justice facilities, not just secure facilities. • Made minor wording changes to the definitions of <i>Juvenile Justice Facility</i> and <i>Juvenile Justice Program</i> to align with definitions in other TJJJ rules. • Clarified that a <i>Juvenile Probation Department</i> consists of the governmental unit itself, rather than the physical offices and premises used by that governmental unit. • Removed a reference to being in good standing with TJJJ in the definition of <i>Juvenile Probation Officer</i>. • Added that the definition of <i>Juvenile Supervision Officer</i> does not include individuals who supervise juveniles in a juvenile justice program unless that program is a juvenile justice alternative education program operated by a department that also operates a juvenile justice facility.
344.110	Interpretation and Applicability	<ul style="list-style-type: none"> • Deleted the provision that made this entire chapter apply only to certifications granted after the effective date. The entire chapter will apply to all covered individuals (i.e., certified officers and certain non-certified personnel) regardless of when the person began employment or began providing services unless the chapter makes a specific exception. Such exceptions are included within the chapter for certain requirements relating to criminal history, education, and the certification exam. • Clarified that this chapter applies to all juvenile justice programs and facilities in Texas unless otherwise stated. • Clarified that all employment and education qualifications required by this chapter must have been completed before a person begins employment. • Clarified that the words “including” and “includes” mean that a non-exhaustive list will follow. • Deleted the paragraph about use of headings. • Moved the provision that exempts criminal history occurring before 9/1/03 to 344.400.
344.120	The Compliance Resource Manual and Implementation of Agency Policy	<ul style="list-style-type: none"> • REPEALED. • TJJJ has discontinued publication of compliance resource manuals.

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344.200	General Qualifications for Positions Requiring Certification	<ul style="list-style-type: none"> Added a requirement for juvenile probation officers and juvenile supervision officers to pass the certification exam and complete all training required by this chapter. Added minimum qualifications for the new community activities officer certification. Removed references to youth activities supervisors. Changed the scope of the standard to focus on qualifications for <i>certification</i>, rather than qualifications for employment.
344.202 (split off from 344.200)	General Qualifications for Facility Administrators	<ul style="list-style-type: none"> Clarified that a newly appointed facility administrator may obtain the required certification as a juvenile supervision officer after assuming the role as facility administrator, subject to the application deadlines in this chapter.
344.204 (new #) 344.500 (old #)	Education Requirements	<ul style="list-style-type: none"> Clarified that one year of graduate study means successful completion of at least 18 post-graduate credit hours. Clarified that if graduate study is used to meet certification requirements, it must have been at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board. Extended the education requirements for juvenile supervision officers to apply to community activities officers. Clarified that if a high school diploma is used to meet certification requirements, the diploma must have been issued by a high school accredited by a generally recognized accrediting organization or by a high school operated by the US Defense Department. Added a list of generally recognized accrediting organizations. Added a process for requesting TJJD to recognize an organization that is not on the list of generally recognized accrediting organizations. Removed home-school issued diplomas and certificates from the requirement to be validated by an evaluation service.
344.206 (NEW)	Validation Requirements for Foreign Diplomas	<ul style="list-style-type: none"> New standard. Requires the evaluation to be performed by an evaluation service that is a member of the National Association of Credential Evaluation Services. Requires the results of the evaluation to be sent directly to the employing department or facility. Allows the employing department or facility to require the applicant to pay any fees required for the evaluation.
344.208 (new #) 344.510 (old #)	Persons Not Subject to Minimum Educational Requirements	<ul style="list-style-type: none"> Clarified that a lapse of <i>employment</i> (rather than a lapse in certification) as a juvenile probation officer will result in the officer being required to meet all employment, certification, and training requirements. Updated a reference to state law.

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344.210	Work Experience	<ul style="list-style-type: none"> • Clarified that the one year of required full-time experience may be paid or unpaid. • Specified that one year of full-time experience means at least 1,500 hours in one or more eligible positions within 12 months, which do not have to be consecutive months. • Added a requirement for the department or facility to verify the dates of employment or volunteer service, the position held, and the total number of hours worked.
344.212 (new #) 344.520 (old #)	Verification of Education Requirements	<ul style="list-style-type: none"> • Clarified that it is the responsibility of the <i>department or facility to require proof</i> of educational attainment (rather than the applicant to provide proof).
344.220	Exemptions from Required Work Experience or Graduate Study	<ul style="list-style-type: none"> • Specifies that a “diligent effort” to employ an individual who meets the graduate study or work experience requirement means posting the position in at least two job posting sources for at least 20 days. • Added a prohibition on hiring the individual without written verification that TJJD has approved the exemption request. • Added a provision stating that facility administrators and chief administrative officers are not eligible for this exemption. • Deleted the requirement for the chief administrative officer to provide written notification to the juvenile board chair of each request for exemption.
344.230	Persons Who May Not Act as a Chief Administrative Officer, Facility Administrator, Juvenile Probation Officer, Juvenile Supervision Officer, or Community Activities Officer	<ul style="list-style-type: none"> • Added a reference to the relevant state law. • Added facility administrator and community activities officer to the list of capacities in which law enforcement or prosecution officials may not serve. • To more closely match the statute, clarified that law enforcement or prosecution officials may not be made responsible for supervising a juvenile <i>on probation</i> (rather than in a juvenile justice facility or program).
344.300	Criminal History Checks	<ul style="list-style-type: none"> • Clarified which individuals must receive a criminal history check. In addition to positions requiring or eligible for certification, this list now includes anyone who may have direct, unsupervised access to juveniles in a juvenile justice facility or program and who is: <ul style="list-style-type: none"> ○ an employee in a position not requiring or eligible for certification; ○ a volunteer or intern; or ○ an individual who provides goods or services under contract, except for employees of a public school district. • Clarified that the criminal history check must be <i>completed</i> (rather than initiated) before an individual begins employment or service provision. • Added that the department must <i>conduct</i> the check for contractors who require a criminal history check, rather than verify that the employer has conducted a check within the past two years.

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		<ul style="list-style-type: none"> Clarified that a juvenile’s attorney, family members, managing conservator, guardian, approved visitors, and any other individuals not specifically listed in the first bullet above do not require criminal history checks. Added a requirement for juvenile probation departments to maintain a FACT subscription for each individual in a position requiring a criminal history check for as long as the individual remains in such a position. Removed TJJD’s obligation to maintain a FACT subscription for certified officers.
344.302 (split off from 344.300)	Military History Checks	<ul style="list-style-type: none"> Replaced references to the DD-214 form with “separation or discharge documents.” Added a requirement for the department or facility to use information from the separation or discharge documents and any additional requested information to determine if the individual has a disqualifying history <i>before the individual begins employment or service provision</i>. Added a requirement for the department or facility to review the most recent separation or discharge documents when a currently employed certified officer returns from a period of active duty or is discharged.
344.310	Criminal History Searches for Positions Not Requiring Certification	<ul style="list-style-type: none"> REPEALED. Consolidated relevant information into 344.300, 344.312, and 344.400.
344.312 (replaces part of 344.310)	Criminal History Checks for Employees of Licensed Facilities or Programs	<ul style="list-style-type: none"> Added that employees of facilities or programs that are licensed in other states by agencies equivalent to the Texas Department of Family and Protective Services or the Texas Health and Human Services Commission are exempt from the background check requirements of this chapter. Clarified that the term “license” may include permits, certificates, registrations, or other forms of permission required by law.
344.320	Criminal History Checks for Position and Departmental Transfers	<ul style="list-style-type: none"> Made non-substantive wording changes and clarifications.
344.330	Criminal History Checks for Employees of Private Juvenile Justice Facilities	<ul style="list-style-type: none"> Clarified that the juvenile probation department must maintain a subscription to Fingerprint-Based Applicant Clearinghouse of Texas (FACT) records on behalf of the private facility for each person requiring a criminal history check Added a requirement for a private facility to notify the juvenile probation department within 10 calendar days after an individual subject to criminal history checks separates from employment, ceases to provide services, or transfers out of a position that requires criminal history checks. Added a requirement for the juvenile probation department to immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for a disqualifying offense for a person who is employed by or provides services at the private facility.

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		<ul style="list-style-type: none"> Removed the requirement for the private facility to contact the referring criminal justice agency to follow up on any arrest for which a disposition has not been reported.
344.340	Criminal History Records Retention	<ul style="list-style-type: none"> REPEALED. TJJD verifies compliance with various criminal history requirements through the FACT system and not through hard-copy criminal history reports.
344.350 (NEW)	Background Checks	<ul style="list-style-type: none"> New standard. Requires departments and facilities to check TJJD’s certification system before extending an offer to hire to ensure that an applicant for a certification-eligible position: <ul style="list-style-type: none"> has not been designated as ineligible for certification by TJJD; has not had his or her certification revoked; is not currently under an order of active suspension issued by TJJD; is not currently ineligible to take the certification exam due to repeated failures to pass the exam.
344.400	Disqualifying Criminal History	<ul style="list-style-type: none"> Added a lifetime ban for individuals convicted of a “3(g)” felony offense. <ul style="list-style-type: none"> This ban will not affect officers who were certified before the date this revised standard takes effect unless the officer’s certification expires in the future. This ban will not affect individuals in non-certified positions who began providing services for the juvenile probation department before this revised standard takes effect unless there is a future break in service. Added a requirement for a juvenile probation department to notify TJJD in writing within 10 calendar days if the department receives notice that a person in a position requiring certification has been <i>arrested</i> for potentially disqualifying criminal conduct. Added a requirement for a juvenile probation department to notify TJJD in writing within 10 calendar days if the department receives notice that a person in a position requiring certification has been <i>convicted</i> for disqualifying criminal conduct.
344.410	Exemption or Variance for Disqualifying Criminal History	<ul style="list-style-type: none"> Added a requirement for the justification to be documented when a juvenile board grants an exemption allowing an individual with a conviction for a Class B misdemeanor to serve in certain non-certified positions.
344.500	Education Requirements	<ul style="list-style-type: none"> REPEALED. Renumbered as 344.204 and modified.
344.510	Persons Not Subject to Minimum Qualifying Educational Requirements	<ul style="list-style-type: none"> REPEALED. Renumbered as 344.208 and modified.
344.520	Verification of Education Requirements	<ul style="list-style-type: none"> REPEALED. Renumbered as 344.212 and modified.

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344.600	Training Hours Required for Certification	<ul style="list-style-type: none"> • Added that certification as a community activities officer requires a minimum of 40 hours of training, which must include the topics listed in 344.626. • Added that, to be eligible for credit, training must have been received within 18 months prior to the date the certification application is submitted. • Removed references to certification of youth activities supervisors.
344.610	Relevance of Training and Standardized Curriculum	<ul style="list-style-type: none"> • Added that individuals who are qualified by relevant knowledge, education, and/or experience may provide training on mandatory exam topics. Such individuals are not required to complete specialized training provided by TJJD or the employing department.
344.620	Mandatory Training Topics for Certification Exam for Juvenile Probation Officers	<ul style="list-style-type: none"> • Made several changes to the list of required topics, including: <ul style="list-style-type: none"> ○ added trauma-informed care as a topic; ○ added adolescent development and behavior as a topic; ○ added cultural competency as a topic; ○ added <i>risk and needs assessment</i> to the existing topic covering case planning and case management; ○ clarified that <i>prevention</i> is included in the topic that addresses identifying and reporting abuse, neglect, and exploitation; and ○ clarified that the topic covering the Prison Rape Elimination Act focuses on the purpose and goals of the Act.
344.622 (split off from 344.620)	Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers	<ul style="list-style-type: none"> • Clarified that successful completion of the certification exam is required before a juvenile supervision officer may count in any staff-to-juvenile ratio. • Removed the reference to youth activities supervisors. • Made several changes to the list of required topics, including: <ul style="list-style-type: none"> ○ added trauma-informed care as a topic; ○ added cultural competency as a topic; ○ clarified that <i>prevention</i> is included in the topic that addresses identifying and reporting abuse, neglect, and exploitation; ○ clarified that the topic covering the Prison Rape Elimination Act focuses on the purpose and goals of the Act; and ○ changed “adolescent physical development and exercise related health risks” to “adolescent development and behavior.”
344.624 (split off from 344.620)	Additional Training Requirements for Certification as a Juvenile Supervision Officer	<ul style="list-style-type: none"> • Removed the reference to youth activities supervisors. • Added verbal de-escalation policies, procedures, and practices as a topic. • Added resident-initiated separation as a topic. • Added searches of juveniles as a topic. • Clarified that the topic addressing behavior management must also include the juvenile discipline plan and safety-based seclusion. • Clarified that the topic addressing use of restraints must also cover TJJD’s standards on restraints, including prohibited techniques and criteria for use. • Clarified that the topic addressing department-specific policies for reporting abuse, neglect, and exploitation must also include prevention and identification. • Removed supervising residents in seclusion as a stand-alone topic. • Combined the topic covering resident supervision with the topic covering juvenile behavior observation and documentation. • Removed risk management from the topic addressing facility safety and security. • Removed cultural diversity as a topic. Cultural competency is now included in 344.622 as a mandatory exam topic.

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		<ul style="list-style-type: none"> • Clarified that the topic addressing fire drill procedures must also include the fire safety plan. • Clarified that the topic addressing emergency and evacuation procedures relates to <i>non-fire</i> emergencies. Also removed departmental security from this topic. • Clarified that the topic addressing medical and health services relates to referral of residents in need of medical, mental health, or dental services, as identified by staff or reported by residents. • Changed “recognizing and responding to medical and mental health needs of residents” to “recognizing and responding to mental health needs of juveniles.”
344.626 (NEW)	Required Training Topics for Community Activities Officers	<ul style="list-style-type: none"> • New standard. • Requires the following training to be eligible for the new community activities officer certification: <ul style="list-style-type: none"> ○ current certification in CPR, first aid, and (if applicable) personal restraint technique; ○ local policies related to preventing, identifying, and reporting abuse, neglect, and exploitation; ○ code of ethics and disciplinary procedures; ○ trauma-informed care; ○ verbal de-escalation policies, procedures, and practices; and ○ standards regarding the use of personal and mechanical restraints, including prohibited techniques and criteria for use.
344.630	On-the-Job Training	<ul style="list-style-type: none"> • Added that no more than 20 hours of on-the-job training (OJT) may be counted toward initial certification or renewal of certification for community activities officers. • Added a list of specific elements that must be included in the documentation of an OJT program in order for the training to count toward certification. • Removed the requirement for departments to use the OJT documentation format developed by TJJJ or an equivalent format. • Removed references to certification of youth activities supervisors.
344.640	Continuing Education Requirements for Maintaining Certification	<ul style="list-style-type: none"> • Reduced the number of continuing education hours required for juvenile probation officers from 80 to 60. • Added the following to the list of topics that juvenile supervision officers must receive during each certification period: <ul style="list-style-type: none"> ○ preventing, identifying, and reporting abuse, neglect, and exploitation; ○ verbal de-escalation policies, procedures, and practices; and ○ standards regarding the use of personal and mechanical restraints, including prohibited techniques and criteria for use. • Added that community activities officers must complete 40 hours of continuing education to maintain an active certification. • Added a list of five topics that community activities officers must receive during each certification period. • Added that the requirement for chief administrative officers and facility administrators to complete 20 hours of management-related topics does not apply to the certification period during which an individual is appointed as a chief administrative officer or facility administrator.

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Rule #	Title of Rule	Summary of Key Revisions
		<ul style="list-style-type: none"> Clarified that the amount of required continuing education does not change if an officer's certification becomes inactive and is later reactivated within the same certification period.
344.650	Non-Compliance with Training and Continuing Education Requirements	<ul style="list-style-type: none"> REPEALED. Failing to complete continuing education is generally redundant with failing to renew a certification, which is explained elsewhere within the chapter.
344.660	Approval and Review of Training and Continuing Education	<ul style="list-style-type: none"> Added that each training or continuing education event must meet the following criteria in order to be eligible to count toward certification: <ul style="list-style-type: none"> <i>relevant</i>, which means it is related to job responsibilities, the field of juvenile justice, or fields of study approved by TJJD; <i>organized</i>, which means it is based on documentation that includes specific learning objectives, training methods, and evaluation techniques; <i>planned</i>, which means it is scheduled and conducted in a predetermined location; and <i>evaluated</i>, which means participants are provided an opportunity to provide written feedback and/or participants are tested to measure the transfer of knowledge (applies only if the department or facility provides the training). Added that TJJD may, on a case-by-case basis, approve events for credit that do not meet the specific requirements outlined in this section. Added that juvenile probation departments and facilities may contact TJJD to request advance approval of a training or continuing education topic.
344.670	Training Methods and Limitations	<ul style="list-style-type: none"> Added that <i>any</i> training topic may be counted twice in a certification period. Added that <i>any</i> training topic may be counted up to four times in a certification period if an officer is concurrently employed by more than one department or facility or has transferred to a new department or facility within a certification period. Clarified that meetings, reviews of policy/procedure, and reviews of employment-related benefits are not eligible for training credit <i>unless they meet the requirements in 344.660</i>. Added that firearms training required under TAC §341.808 is not eligible for credit toward continuing education requirements. Clarified that juvenile probation officers and juvenile supervision officers may not count more than 20 hours of <i>pre-recorded</i> training in a certification period. Added that community activities officers may not count more than 20 total hours of video or web-based training, with no more than 10 of those hours from pre-recorded training. Removed the section relating to credit for correspondence courses. These are generally college courses, which are addressed elsewhere in this standard. Added that credit for college courses may be used toward requirements for <i>initial</i> certification, in addition to certification renewal.

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		<ul style="list-style-type: none"> • Clarified that TJJD determines on a case-by-case basis whether training credit will be granted for a particular course and how many training hours will be approved for credit. • Increased the maximum training credit that may be granted for developing training curriculum from 10 hours to 20 hours. • Increased the maximum training credit that may be granted for time spent delivering training from 10 hours to 20 hours. • Added that credit for time spent <i>developing</i> training (in addition to time spent delivering training) is allowable only for certain topics.
344.680	Documentation	<ul style="list-style-type: none"> • Specified that documentation of training <i>used for certification</i> (rather than all training received) must be maintained <i>at a minimum until the end of the current certification period plus two years</i>. • Specified that training curricula are included as a type of training documentation. • Clarified that a juvenile probation department or facility must submit training records to another department or facility upon request if an officer obtains concurrent employment at the other department or facility.
344.700	Certification Exam	<ul style="list-style-type: none"> • Removed references to a certification exam for youth activities supervisors. • Specified that the juvenile probation department or facility that employs the individual taking the exam must either pay any required exam fee or require the individual to pay the fee. • Added that a score of 70% is required to pass the exam. • Added that individuals are allowed three attempts to pass the exam. If an individual has not passed the exam on the third attempt, he or she may not take the exam again until 180 days have elapsed and he or she has repeated training in all mandatory exam topics. • Added that individuals who are dismissed from the exam for cheating or otherwise failing to follow exam rules are not eligible to take the exam again. • Added a requirement for juvenile probation departments or facilities to notify TJJD within one day after an individual is dismissed from an exam for cheating or not following exam rules. • Removed references to the process for dissemination of exam scores. • Removed references to TJJD's responsibilities for retention of exam scores. • Changed the dates on which the requirement to pass the exam takes effect. <ul style="list-style-type: none"> ○ The exam for juvenile probation officers is required for individuals who began employment on or after 9/1/16 (rather than 9/1/11). ○ The exam for juvenile supervision officers is required for individuals who begin employment on or after 9/1/17 (rather than 9/1/12). • Added an exemption from the requirement to pass the exam for individuals whose certifications have expired if less than six months has elapsed between the date of expiration and the date the individual submits an application for the same certification. • Added a requirement for juvenile probation departments and facilities that proctor the certification exam to ensure the proctor complies with TJJD's proctoring agreement.

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344.800	Positions Requiring Certification	<ul style="list-style-type: none"> • Added that an individual who is employed by a juvenile justice program and whose position may require supervising juveniles in a non-secure setting within a juvenile justice program must maintain an active certification as a community activities officer unless the individual holds another TJJD certification or is providing professional services. • Removed the requirement that any individual, other than a certified physical education teacher, must be certified as a juvenile supervision officer if the individual participates in administering intensive physical activity in a juvenile justice alternative education program. Such individuals will now generally be required to maintain certification as community activities officers. • Added that any staff member whose position may require <i>temporarily</i> performing the duties of a juvenile probation officer must maintain an active certification as a juvenile probation officer. • Added that any staff member whose position may require <i>temporarily</i> performing the duties of a juvenile supervision officer must maintain an active certification as a juvenile supervision officer. • Clarified that supervisors in the direct chain of supervision over juvenile supervision officers must be certified <i>as a juvenile supervision officer and/or juvenile probation officer</i>. • Added that supervisors in the direct chain of supervision over community activities officers must be certified as a juvenile probation officer, juvenile supervision officer, and/or community activities officer.
344.802 (split off from 344.800)	Positions Eligible for Optional Certification	<ul style="list-style-type: none"> • Clarified that TJJD’s optional certifications are available only to individuals who meet the criteria for one of TJJD’s three certifications. • Removed staff responsible for supervising youth in a juvenile justice alternative education program from the list of optional certifications. Such staff will now be required to maintain a certification, as established by 344.800.
344.804 (split off from 344.800)	Dual Certification	<ul style="list-style-type: none"> • Clarified that individuals may hold more than one certification only if their job duties are consistent with <i>all certifications held</i>. • Added that an individual may not hold an active certification as a juvenile supervision officer and as a community activities officer unless the individual is concurrently employed by more than one department or facility. • Added that training received may be used for credit toward more than one type of certification if is relevant to each certification.
344.810	Eligibility for Certification	<ul style="list-style-type: none"> • REPEALED. • Redundant with §344.200 and other requirements of this chapter.
344.820	Length of Certification	<ul style="list-style-type: none"> • REPEALED. • Length of certification periods is now addressed in 344.862
344.830	Certification Renewal Period	<ul style="list-style-type: none"> • REPEALED. • Deadline for certification renewals and required information is now addressed in 344.864.
344.840	Certification Status	<ul style="list-style-type: none"> • REPEALED. • Renumbered as 344.866 and modified.

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Rule #	Title of Rule	Summary of Key Revisions
344.850	Continued Employment in a Position Eligible for Certification	<ul style="list-style-type: none"> • Clarified that an individual must remain employed in a position eligible for certification to maintain an active certification.
344.860	Certification Process	<ul style="list-style-type: none"> • Removed the requirements for certain specified individuals to review, approve, and/or submit each application. • Added that if an individual's application has not been submitted within the required time frame, he or she may not perform the duties of a certified officer or count toward any staff-to-juvenile ratios until the application has been approved by TJJD. • Clarified that part-time staff <i>are</i> allowed (rather than may be allowed) an additional 90 days to complete the required training. • Added that an application must include verification that the applicant currently meets the criminal history standards in this chapter. Deleted the requirement that the criminal history check must have been completed within 180 days prior to submission of the application. • Added that when a department or facility fails to respond within 14 calendar days to TJJD's request for additional information for an application, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio. • Clarified that when TJJD denies an application because it has decided a certification will not be granted, the individual may not be employed in any position requiring certification.
344.862 (NEW)	Expiration of Certification	<ul style="list-style-type: none"> • New standard. • States that a certification will <i>expire</i> (rather than become inactive) if a renewal application is not submitted before the end of the certification period plus any applicable grace period or extension. • Establishes that a certification period is the 24-month period that starts on the first day of the month following the officer's birth month and ends on the last day of the officer's birth month. • Clarifies that the first certification period also includes the time between the date of certification and the officer's next birth month. • Establishes a grace period for renewal applications that ends one month after the end of an officer's certification period.
344.864 (NEW)	Certification Renewal Process	<ul style="list-style-type: none"> • New standard (partially split off from 344.860). • Added that renewal applications must be submitted before the end of an officer's certification period. • Added that renewal applications may not be submitted earlier than 30 days before the end of an officer's certification period. • Added that an officer's certification expires if a renewal application is not submitted before the end of the certification period plus any applicable grace period or extension. • Added that when a department or facility fails to respond within 14 calendar days to TJJD's request for additional information for an application, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

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		<ul style="list-style-type: none"> • Added that a renewal application must include verification that the applicant currently meets the criminal history standards in this chapter. Deleted the requirement that the criminal history check must have been completed within 180 days prior to submission of the application. • Added that when TJJJ denies a renewal application because it has decided a certification renewal will not be granted, the individual may not be employed in any position requiring certification and may not perform the duties of a certified officer.
344.866 (new #) 344.840 (old #)	Certification Status	<ul style="list-style-type: none"> • Changed the definition of “inactive” to mean that an officer’s certification has not expired, but the officer is ineligible to perform the duties of a certified officer because: <ul style="list-style-type: none"> ○ the officer is no longer employed in a position that either requires or is eligible for certification; ○ the officer has been convicted of a disqualifying criminal offense; or ○ the officer’s application is determined by TJJJ to contain deliberately false or misleading information. • Added a status for “expired,” which means that an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension. • Deleted the “provisional” status, which allowed an extra 180 days to evaluate or verify an individual’s education credentials. • Clarified that the “suspended” status results in the officer no longer being eligible for employment in a position requiring certification. • Removed a statement that indicated the end date of suspensions is determined in a disciplinary hearing. • Clarified that the “revoked” status results in the officer not being eligible for any future certification. • Added a status for “voluntarily relinquished.”
344.868 (NEW)	Change from Inactive to Expired Certification	<ul style="list-style-type: none"> • New standard. • Establishes that all inactive certifications will expire on the date this standard takes effect if the deadline for submitting a renewal application has already passed.
344.870	Request for Extension of Renewal Deadline	<ul style="list-style-type: none"> • Removed the requirement for TJJJ to grant extensions of the renewal deadline in increments up to 90 days. • Clarified that the result of not satisfying all requirements necessary to maintain an active certification by the end of the extension period is <i>that the certification expires</i>.
344.874 (new #) 344.890 (old #)	Separation from Employment and Transfer from a Certified to a Non-Certified Position	<ul style="list-style-type: none"> • Added that a juvenile probation department or facility must notify TJJJ if a certified officer transfers to a position that does not require certification and that is not eligible for certification. • Changed the deadline for notifying TJJJ of separations and transfers from 10 working days to 10 calendar days. • Added that the juvenile probation department or facility must notify TJJJ as soon as possible but no later than one business day after an individual who is an authorized user of any TJJJ web-based computer application separates from employment.

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Revised standards effective on February 1, 2018

Rule #	Title of Rule	Summary of Key Revisions
344.876 (NEW)	Duty to Keep Certified Officers' Addresses Current	<ul style="list-style-type: none"> • New standard. • Requires juvenile probation departments and facilities to ensure TJJD's certification system reflects the last known address of each certified officer employed by the department or facility.
344.878 (NEW)	Duty to Notify TJJD of Address Changes	<ul style="list-style-type: none"> • New standard. • Requires a certified officer who separated from employment with a department or facility to notify TJJD's certification office of all address changes occurring after separation from employment until the certification expires or is reactivated, revoked, or voluntarily relinquished.
344.880	Reactivation, Restoration, or Transfer of Certification Records	<ul style="list-style-type: none"> • Added that departments and facilities must request TJJD to restore an individual's certification record if the individual has an expired certification and is hired into a position requiring certification. • Added that an application for a new certification must be submitted when an individual with an expired certification has his or her record restored. • Added that an individual whose expired certification record is restored must complete all training requirements of this chapter. <ul style="list-style-type: none"> ○ If the certification was expired for less than six months, training received during the entire previous certification period may be used on the application. ○ If the certification was expired for six months or more, training received within the previous 18 months may be used on the application. • Added that an individual with an expired certification as a juvenile probation officer or juvenile supervision officer must pass the certification exam if he or she applies for the same type of certification six months or more after his or her certification expired. • Clarified that an officer with a reactivated certification may count all training received during the current certification period to meet continuing education requirements. • Clarified that an officer with a reactivated certification must complete all required continuing education hours <i>within the current certification period</i> (rather than within 180 days after employment).
344.884 (NEW)	Voluntary Relinquishment of Certification	<ul style="list-style-type: none"> • New standard. • Allows a certified officer to submit a notarized request to TJJD to voluntarily relinquish his or her certification for any reason. • Establishes that TJJD may accept or deny the request. • Establishes that TJJD solely determines whether an individual who has relinquished his or her certification is eligible for future certification. • Establishes that if an individual who relinquishes his or her certification seeks future certification, an initial certification application must be submitted.
344.890	Termination of Employment	<ul style="list-style-type: none"> • REPEALED. • Renumbered as 344.874 and modified.

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§344.860	Certification Process	§344.876	<u>Duty to Keep Certified Officers' Addresses Current</u>
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Subchapter A Definitions and Applicability

§344.100 Definitions

Effective Date: ~~7/1/11~~

When used in this chapter, the following words and terms, ~~when used in this chapter shall~~ have the following meanings, unless the 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.~~
- ~~(1) **Certification Exam**--an exam required by TJJD that is given to individuals hired as a juvenile probation officer or juvenile supervision officer that tests the individual's competency in certain topics.~~
- ~~(2) **Certification Period**--The 24-month period that starts on the first day of the month following the officer's birth month and ends on the last day of the officer's birth month. The first certification period also includes the time between the date of certification and the officer's next birth month. For example: An officer's birth date is June 5. The officer receives initial certification on August 10, 2018. The first certification period starts on August 10, 2018, and ends on June 30, 2021. The second certification period starts on July 1, 2021, and ends on June 30, 2023.~~
- ~~(3) **Certified Officer (Officer)**--A juvenile probation officer, or juvenile supervision officer, or community activities officer who has met the minimum certification requirements and is currently certified by TJJD, 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) **Community Activities Officer**--Regardless of title, an individual other than a juvenile probation officer or juvenile supervision officer whose position may require supervising juveniles in a non-secure setting within a juvenile justice program.~~
- ~~(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.~~
- ~~(6) **Continuing Education**--Courses, programs, or organized learning experiences required to maintain certification and to enhance personal or professional goals.~~
- ~~(7) **Conviction**--Any conviction or deferred adjudication for criminal conduct. A conviction does not include a juvenile adjudication.~~

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- (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. For purposes of this chapter, direct, unsupervised access does not include interactions that are incidental and momentary.
- (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 juvenile justice secure facility.
- (10) **Grace Period**--The one-month period following the end of an officer's certification period.
- (11) **Juvenile Justice Facility ("facility")**--A facility that serves juveniles under juvenile court jurisdiction and that is, including its premises and all affiliated sites, whether contiguous or detached, operated solely wholly or partly by or under the authority of the governing board or, 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 correctional juvenile post-adjudication residential treatment facility required to be certified in accordance with Texas Family Code §51.126. housing juveniles under juvenile court jurisdiction.
- (12) **Juvenile Justice Program ("program")**--A program or department that:
- (A) serves juveniles under juvenile court or juvenile board jurisdiction; and
- (B) is operated solely 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:
- (i) a juvenile justice alternative education programs; program and a
- (ii) non-residential programs that serves juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; jurisdiction and
- (iii) a juvenile probation departments. department.
- (13) **Juvenile Probation Department ("department")**--A governmental unit 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 221 441 of the Texas Human Resources Code.
- (14) **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 only by a an active certified juvenile probation officer in good standing with the Commission.
- (15) **Juvenile Supervision Officer**--An individual whose primary responsibility and essential job function is the supervision of juveniles in a:
- (A) juvenile justice program or juvenile justice facility; or
- (B) juvenile justice alternative education program operated by a department that also operates a juvenile justice facility.

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- (16) **Professional**--The following persons are considered professionals for purposes of this chapter:
- (A) teachers certified as educators by the State Board for Educator Certification, including teachers certified by the State Board for Educator Certification with provisional or emergency certifications;
 - (B) educational aides or paraprofessionals certified by the State Board for Educator Certification;
 - (C) health-care professionals licensed or certified under the following chapters of the Texas Occupations Code:
 - (i) Chapter 301 (nurses);
 - (ii) Chapter 155 (physicians);
 - (iii) Chapter 204 (physician assistants);
 - (iv) Chapter 256, Subchapter A (dentists); or
 - (v) Chapter 401 (speech-language pathologists and audiologists);
 - (D) mental health providers, as defined in Chapter 343 of this title;
 - (E) qualified mental health professionals, as defined in Chapter 343 of this title; and
 - (F) commissioned law enforcement personnel.
- (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.~~

(ab) **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 TJJD, ~~the Commission~~, the specific language controls.

(b) **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.

(c) **Applicability.**

(1) This chapter applies to all juvenile justice programs and facilities in this state unless expressly stated otherwise.

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- (2) ~~All provisions of this chapter apply regardless of the date an individual is hired or begins service provision unless expressly stated otherwise. The language contained herein applies to all certifications granted on or after the effective date of this chapter.~~
- (3) ~~All employment and education requirements in this chapter must have been completed prior to the date an individual begins employment in the position to which the requirements apply.~~

~~(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 Certification and Employment

~~§344.200 General Qualifications for Positions Requiring Certification Employment~~

~~Effective Date: 7/1/11~~

(a) ~~Juvenile Probation Officer.~~

~~To be eligible for certification employment as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative officer, an individual must: ~~applicant shall:~~~~

- ~~(1) be at least 21 years of age;~~
- ~~(2) be of good moral character; and~~
- ~~(3) have no disqualifying criminal history as described in this chapter;~~
- ~~(43) 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;~~
- ~~(54) possess the work experience or graduate study required in §344.210 of this title or graduate study required in §344.204 of this title; ~~chapter; and~~~~
- ~~(65) never have had any type of certification revoked by TJJD; lawful authority of the Commission and not be currently under an order of suspension as described in §344.840(d) of this chapter.~~
- ~~(7) complete the training required by this chapter; and~~
- ~~(8) pass the certification exam as required by §344.700 of this title.~~

(b) ~~Juvenile Supervision Officer and Youth Activities Supervisor.~~

~~To be eligible for certification employment as a juvenile supervision officer or youth activities supervisor, an individual must: ~~applicant shall:~~~~

- ~~(1) be at least 21 years of age;~~
- ~~(2) be of good moral character; and~~

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- (3) ~~have no disqualifying criminal history as described in this chapter;~~
- (43) ~~have acquired a high school diploma or its equivalent as specified in §344.204 of this title; and~~
- (54) ~~never have had any type of certification revoked by TJJD; lawful authority of the Commission and not currently be under an order of suspension as described in §344.840(d) of this chapter.~~
- (6) ~~complete the training required by this chapter; and~~
- (7) ~~pass the certification exam as required by §344.700 of this title.~~

(c) **Community Activities Officer.**

To be eligible for certification as a community activities officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- (5) never have had any type of certification revoked by TJJD; and
- (6) complete the training required by this chapter.

§344.202 General Qualifications for Facility Administrators

Effective Date:

~~(c) Facility Administrator.~~

To ~~serve be eligible for employment~~ as a facility administrator, an individual must: applicant shall:

- (1) ~~meet the minimum requirements to become a juvenile probation officer as described in subsection (a) of this section; and~~
- (12) obtain and maintain an active certification as a juvenile supervision officer in accordance with requirements of this chapter;-
- (2) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and
- (3) possess the work experience required in §344.210 of this title or graduate study required in §344.204(a) of this title.

§344.204500 Education Requirements

Effective Date: 1/1/10

(a) **Juvenile Probation Officer.**

- (1) To be eligible for certification as a juvenile probation officer, an individual ~~An applicant for employment as a juvenile probation officer~~ must meet the following educational requirements:
 - (A1) 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
 - (B2) have either:
 - (i) one year of graduate study at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; the Commission or
 - (ii) qualifying work experience as specified in §344.210 of this title. chapter.
- (2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.

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(b) **Juvenile Supervision Officer and Community Activities Officer.**

(1) To be eligible for certification as a juvenile supervision officer or community activities officer, an individual An applicant for employment as a juvenile supervision officer must meet one of the following educational requirements:

~~(1) possess a high school diploma;~~

(A) a diploma from a high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense. TJJD considers the following entities as generally recognized accrediting organizations:

(i) the Texas Education Agency or the equivalent agency in another state;

(ii) an entity approved by the Texas Private School Accreditation Commission; and

(iii) regional accreditation organizations such as:

(I) Middle States Association of Colleges and Schools;

(II) New England Association of Schools and Colleges;

(III) North Central Association of Colleges and Schools;

(IV) Northwest Accreditation Commission;

(V) Southern Association of Colleges and Schools; and

(VI) Western Association of Schools and Colleges;

(B2) a high school ~~general-equivalency certificate diploma~~ (e.g., GED) issued by the Texas Education Agency or equivalent agency in another state; ~~from a high school or issuing authority within the United States of America;~~

(C) a diploma or certificate of completion issued in a homeschool setting;

~~(D3)~~ a United States military record that indicates the education level received is equivalent to a United States high school diploma or ~~high school general-equivalency certificate; diploma;~~

~~(E4)~~ a foreign high school ~~or home schooling~~ diploma that meets the validation requirements established in §344.206 of this title; by the Commission; or

~~(E5)~~ ~~be granted~~ unconditional acceptance into ~~a an accredited~~ college or university accredited by an ~~accrediting~~ organization recognized by the Texas Higher Education Coordinating Board.

(2) A department or facility may attempt to establish that an entity not listed in paragraph (1)(A) of this subsection is a generally recognized accrediting organization by submitting supporting documentation to the TJJD certification office. Based on the documentation, TJJD will determine whether the entity is a generally recognized accrediting organization.

§344.206 Validation Requirements for Foreign Diplomas

Effective Date:

(a) A high school diploma issued by a foreign high school that does not meet the accreditation requirement in §344.204(b)(1) of this title must be accompanied by an evaluation of the diploma verifying that the high school education received is the substantial equivalent of a high school education received in the United States.

(b) The evaluation must be performed by an evaluation service that is a member of the National Association of Credential Evaluation Services.

(c) The department or facility may not accept the results of the evaluation unless the results are sent directly to the department or facility.

(d) The department or facility may require the individual who is seeking employment to initiate the evaluation and pay any required fees.

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§344.208510 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 employment as a juvenile probation officer certification since that date are shall not be subject to the minimum educational requirements set forth in Texas Human Resources Code §222.001 §141.061(a) and in this chapter.

~~(b)~~ A juvenile probation officer who experiences an ~~An~~ interruption or lapse of employment as a juvenile probation officer must certification under this section shall result in a requirement for the officer to meet all current applicable employment, certification, and training requirements.

§344.210 Work Experience

Effective Date: ~~1/1/10~~

(a) ~~To be eligible for certification as a juvenile probation officer, an individual who does not meet the graduate study requirement in §344.204 of this title must 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 paid and/or full-time unpaid 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, as determined by TJJD.

~~(b)~~ To meet the requirement for one year of full-time experience as required by this section, an individual must have worked at least 1,500 hours in one or more positions described by subsection (a) of this section in twelve months, which may or may not be consecutive months. Prior to hiring the individual, the department or facility must conduct and document a reference check to verify the dates of employment or volunteer service, the position held, and the total number of hours worked.

~~(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.

§344.212 Verification of Education Requirements

Effective Date:

A department or facility must require an applicant for a position requiring certification to provide the department or facility with official documentation that verifies the applicant meets the educational requirements for certification.

§344.220 Exemptions from Required Qualifying Work Experience or Graduate Study

Effective Date: ~~1/1/10~~

~~(a)~~ A department or facility may request an exemption from the requirement for one year of graduate study in §344.204 of this title or one year of full-time work experience in §344.210 of this title if the department or facility uses TJJD's certification system to:

- (1) submit the exemption request; and
- (2) document that diligent efforts were made to employ an individual who meets the graduate study or work experience requirement.

~~(b)~~ Posting the position in a minimum of two job posting sources for a minimum of 20 calendar days is considered to meet the diligent-effort requirement in subsection (a)(2) of this section.

~~(c)~~ The department or facility may not hire the individual as a juvenile probation officer without written verification that TJJD has approved the exemption request.

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- ~~(d) The exemption process described in this standard does not apply to appointment as a facility administrator or a chief juvenile probation officer.~~
- ~~(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 a Chief Administrative Officer, Officers, Facility Administrator, Juvenile Probation Officer, Officers, Juvenile Supervision Officer, Officers or Community Activities Officer Youth Activities Supervisor

Effective Date: ~~7/1/11~~

~~Pursuant to Section 222.004, Texas Human Resources Code, a 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, facility administrator, juvenile probation officer, juvenile supervision officer, or community activities officer youth activities supervisor or be made responsible for supervising a juvenile on probation in a juvenile justice facility or program.~~

Subchapter C **Criminal History and Background Checks Searches**

§344.300 Criminal History Checks Searches for Positions Requiring Certification Effective Date: ~~1/1/10~~

- ~~(a) Department or facility policy must 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 title.~~
 - ~~(b) A criminal history check as described in this section must be conducted for:
 - ~~(1) an individual in a position requiring certification or eligible for optional certification; and~~
 - ~~(2) an individual who may have direct, unsupervised access to juveniles in a juvenile justice facility or program and who is:
 - ~~(A) an employee in a position not requiring certification or eligible for optional certification;~~
 - ~~(B) a volunteer;~~
 - ~~(C) an intern; or~~
 - ~~(D) an individual who provides goods or services under contract, except as provided in subsection (c) of this section.~~~~~~
- ~~(c) A criminal history check as specified in this section is not required for employees of a public school district who:
 - ~~(1) provide services in a juvenile justice facility or program; and~~
 - ~~(2) have completed all criminal history checks required by the Texas Education Agency.~~~~

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- (d) Before any individual listed in subsection (b) of this section begins employment or service provision:
- (1) the department or facility must ensure the individual has electronically submitted fingerprints using Fingerprint Applicant Services of Texas (FAST) and verify that the department is able to subscribe to the individual's Fingerprint-Based Applicant Clearinghouse of Texas (FACT) record;
 - (2) the department must subscribe to that individual's record in FACT; and
 - (3) the department must use the information in FACT to determine if the individual has a disqualifying criminal history as specified in §344.400 of this title.
- (e) The department must maintain a FACT subscription for each individual in a position requiring a criminal history check for as long as the individual remains in such a position. This requirement applies regardless of the date employment or service provision began.
- (f) The requirements of this section do not apply to the juvenile's attorney, family members, managing conservator, guardians, individuals listed as a juvenile's approved visitors, or any other individual not listed in subsection (b) of this section.
- ~~(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.~~

§344.302 Military History Checks

Effective Date:

- ~~(a) If an individual who is subject to a criminal history check has prior military experience, the department or facility must review **Military History**. Applicants with prior military experience shall provide a copy of the applicant's most recent separation or discharge documents, DD-214 Discharge Form for each tour of duty.~~
- (b) In the event separation or discharge documents reflect a DD-214 reflects character of service that is as anything other than "honorable discharge" or "honorably discharged," the department or facility must:
- (1) attempt to juvenile probation department shall obtain release of information authorization from the applicant for the release of information; and
 - (2) shall request additional information from the appropriate governmental entity to determine whether the reason for discharge was the result of disqualifying criminal conduct.
- (c) Before an individual with prior military history begins employment or service provision, the department or facility must use the information described in subsections (a) and (b) of this section to determine if the individual has a disqualifying criminal history as specified in §344.400 of this title.
- (d) The department or facility must review the most recent separation or discharge documents as described in subsections (a) and (b) of this section when a currently employed certified officer returns from a period of active duty or is discharged from military service.

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~~§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.~~

§344.312 Criminal History Checks for Employees of Licensed Facilities or Programs

Effective Date:

- (a) Employees of facilities or programs that are licensed by the Texas Department of Family and Protective Services, the Texas Health and Human Services Commission, their successor agencies, or the equivalent agencies in other states are exempt from the requirements of §344.300 and §344.302 of this title. However, the chief administrative officer or designee must obtain documentation confirming that the license of the facility or program is in good standing with the licensing entity.
- (b) For purposes of this section, the term license includes a permit, certificate, approval, registration, or other form of permission required by law.

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§344.320 Criminal History ~~Checks Searches~~ for Position and Departmental Transfers

Effective Date: ~~1/1/10~~

- (a) ~~The employing department or facility must complete a criminal Criminal-history check searches shall be completed by the employing juvenile justice program or facility~~ in accordance with §344.300 and §344.302 of this ~~title chapter~~ when:
- (1) an individual who was not previously certified accepts a position requiring certification; or
 - (2) a certified officer employed ~~by a department in a juvenile probation program~~ or facility accepts simultaneous or subsequent employment ~~at a department in a program~~ or facility operated by or under contract with a different ~~juvenile board, department.~~
- (b) For individuals ~~with a record in the Fingerprint-Based Applicant Clearinghouse of Texas (FACT) whose fingerprints are already in the Fingerprint Applicant Services of Texas (FAST) system,~~ the searches may be conducted using the existing ~~fingerprints, prints.~~

§344.330 Criminal History ~~Checks Searches~~ for ~~Employees of Private Juvenile Justice Facilities 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.~~

The following provisions apply when a private juvenile justice facility is operating under contract with a governmental entity as required by Texas Family Code §51.12.

- ~~(1)~~ The juvenile probation department serving the county where the private facility is located is responsible for performing the checks and subscribing to the Fingerprint-Based Applicant Clearinghouse of Texas (FACT) as required under §344.300 of this title for the private facility.
- ~~(2)~~ The department and the private facility must have a written agreement that:
 - ~~(A)~~ authorizes the private facility to have access to information resulting from the criminal history checks;
 - ~~(B)~~ limits the private facility's use of the information to the purpose for which it is given;
 - ~~(C)~~ requires the private facility to ensure the confidentiality of the information; and
 - ~~(D)~~ provides for sanctions if the private facility violates a requirement in subparagraphs (B) or (C) of this paragraph.
- ~~(3b)~~ The private contract facility must shall provide the following information to the department in writing: juvenile board or designee with
 - ~~(A)~~ identifying information necessary for the department to conduct the required criminal history checks as required by this chapter; and searches.
 - ~~(B)~~ notification within 10 calendar days after an individual subject to criminal history checks separates from employment, ceases to provide services, or transfers out of a position that requires criminal history checks.
- ~~(4e)~~ The chief administrative officer or designee of the juvenile probation department serving the county where the private facility is located must notify the private facility in writing of the results of each initial criminal history check and each check required for renewal of certification. 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;

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- ~~(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.~~
- (5) The department must immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for a disqualifying offense for an individual who is employed by or provides services at the private facility.
- ~~(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.~~

§344.350 Background Checks

Effective Date:

- (a) Before making an offer of employment for a position eligible for certification under this chapter, a department or facility must verify that the applicant:
 - (1) has not been designated as ineligible for certification by TJJD;
 - (2) has not had his/her certification revoked;
 - (3) is not currently under an order of active suspension issued by TJJD; and
 - (4) is not currently ineligible to take the certification exam due to repeated failures to pass the exam as described in §344.700 of this title.
- (b) The verification must be completed using TJJD's certification system.

Subchapter D Disqualifying Criminal History

§344.400 Disqualifying Criminal History

Effective Date: 4/1/10

(a) Applicants for Certification.

An individual with the following criminal history is not eligible for initial certification or initial employment in a position requiring certification:

- (1) deferred adjudication or conviction for a felony listed in Texas Code of Criminal Procedure Article 42A.054 (formerly known as "3(g) offenses" under Article 42.12) or a substantially equivalent violation against the laws of another state or the United States, regardless of the date of disposition;
- (2) deferred adjudication or conviction for a felony other than those referenced in paragraph (1) of this subsection or a substantially equivalent violation against the laws of another state or the United States within the past 10 years;

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- ~~(3) deferred adjudication or conviction for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States within the past five years; or~~
- ~~(4) current requirement to register as a sex offender under Texas Code of Criminal Procedure Chapter 62.~~

(b) Individuals Employed in a Position Requiring Certification.

An individual with the criminal history described in subsection (a) of this section is not eligible for continued employment in a position requiring certification unless a variance has been granted in accordance with §344.410 of this title.

(c) Other Individuals Subject to Criminal Background Checks.

An individual with the criminal history described in subsection (a) of this section is not eligible to serve in a position listed in §344.300(b)(2) of this title unless an exemption has been granted in accordance with §344.410 of this title.

- ~~(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;~~
 - ~~(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.~~

(d) General Provisions.

- ~~(1b) The date of conviction or order of deferred adjudication is offense disposition date shall be used to determine when applicable time periods expire. frames.~~
- ~~(2e) Regardless of the time periods 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 must have ~~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.~~
- ~~(3) If a department receives notification of an arrest for potentially disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJD's certification office in writing of the alleged offense no later than 10 calendar days after receiving notice of the arrest.~~
- ~~(4) If a department receives notification of a conviction for disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJD's certification office in writing of the offense no later than 10 calendar days after receiving notice of the conviction.~~

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- (5) Subsection (a)(1) of this section does not apply to officers certified before the effective date of this section unless the certification expires.
- (6) Subsection (a)(1) of this section does not apply to individuals in a position listed in §344.300(b)(2) of this title who began service provision before the effective date of this section with no break in service after that date.
- (7) Any conviction occurring before January 1, 2010, will not disqualify an individual in a position listed in §344.300(b)(2) of this title who began employment or service provision before January 1, 2010, with no break in service after that date.
- (8) 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.

§344.410 Exemption or Variance ~~for~~ Disqualifying Criminal History

Effective Date: ~~9/1/10~~

- (a) In accordance with §349.200 of this title, the juvenile board may request a ~~A~~ variance to §344.400(b) of this title under §349.200 of this title. Such a variance may not be requested for a felony or any Class A misdemeanor conviction or deferred adjudication, 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.
- (b) The juvenile board may grant an exemption to §344.400(c) of this title for individuals described in §344.300(b)(2) of this title whose criminal history report reflects a Class B misdemeanor conviction or deferred adjudication. Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.

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;~~

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- ~~(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.~~

§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 **EF** Training and Continuing Education

§344.600 Training Hours Required Minimum Requirements for Certification

Effective Date:

7/1/11

- ~~(a) To be eligible for certification, an individual must have received the following number of training hours: An applicant for certification as a juvenile probation officer or juvenile supervision officer
 - ~~(1) shall receive a minimum of 80 hours of training, including training in mandatory topics described in §344.620 of this title, for certification as a juvenile probation officer;~~
 - ~~(2) a minimum of 80 hours of training, including training in topics described in §344.622 and §344.624 of this title, for certification as a juvenile supervision officer; or~~
 - ~~(3) a minimum of 40 hours of training, including training in topics described in §344.626 of this title, for certification as a community activities officer, 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) To be eligible for credit, training must have been received within 18 months prior to the date the application for certification is submitted to TJJD.~~
- ~~(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.~~

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§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 ~~qualify be considered~~ for certification or continuing education credit.
- (b) Training in the mandatory exam topics ~~listed in §344.620 and §344.622 of this title must shall~~ be conducted by training providers who:
 - (1) ~~have successfully completed TJJJ-sponsored received specialized~~ training for trainers in the curriculum; ~~or from~~
 - (2) ~~are qualified by relevant knowledge, education, and/or experience to train the topic. the Commission or from the employing department.~~
- (c) The standardized curriculum provided by ~~TJJJ must the Commission shall~~ be used in the provision of training on the mandatory exam topics ~~listed in §344.620 and §344.622 of this title.~~
- (d) ~~TJJJ may The Commission reserves the right to~~ refuse to ~~approve or~~ grant credit for training hours that do not comply with this section. standard.

§344.620 Mandatory Training Topics for Certification Exam for Juvenile Probation Officers Required Training for Certification

Effective Date: ~~7/1/11~~

- (a) ~~Mandatory Topics.~~ Successful completion of ~~the certification a competency exam based on the following topics~~ is required prior to performing the duties of a certified juvenile probation officer ~~and for certification.~~
- (b) ~~Juvenile Probation Officer.~~ The certification exam for juvenile probation officers is based on the following mandatory training topics:
 - (1A) ~~role Role~~ of the probation officer;
 - (2B) ~~risk and needs assessment, case Case~~ planning, and case management;
 - (3C) ~~recognizing Recognizing~~ and supervising youth with mental health issues;
 - (4D) ~~officer Officer~~ safety and mechanical restraints;
 - (5E) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
 - (6F) ~~legal Legal~~ liabilities;
 - (7G) ~~dispositional recommendations and courtroom Courtroom~~ proceedings ~~and presentation~~;
 - (8H) ~~TJJJ code Code~~ of ethics ~~and, TJJJ~~ disciplinary ~~and revocation hearing~~ procedures;
 - (9I) ~~preventing, identifying, Identifying~~ and reporting abuse, neglect, and exploitation;
 - (10J) ~~purpose and goals of the~~ Prison Rape Elimination Act; ~~and~~
 - (11K) ~~suicide Suicide~~ prevention and intervention; ~~;~~
 - (12) trauma-informed care;
 - (13) adolescent development and behavior; and
 - (14) cultural competency.

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§344.622 Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers

Effective Date:

- (a) In addition to the training requirements listed in §344.624 of this title, successful completion of the certification exam is required before a juvenile supervision officer may provide supervision of juveniles and count in any staff-to-juvenile ratio.
- (b2) ~~Juvenile Supervision Officer and Youth Activities Supervisor.~~ The certification exam for juvenile supervision officers is based on the following mandatory training topics:
- (1A) juvenile Juvenile-rights;
 - (2B) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
 - (3G) preventing, identifying, Identifying and reporting abuse, neglect, and exploitation;
 - (4D) purpose and goals of the Prison Rape Elimination Act;
 - (5E) suicide Suicide-prevention and intervention;
 - (6F) legal Legal-liabilities;
 - (7G) recognizing Recognizing and supervising youth with mental health issues;
 - (8H) adolescent Adolescent physical-development and behavior; exercise related health risks;
 - (9I) HIV/AIDS and other communicable diseases; and
 - (10J) TJJD code Code-of ethics; and TJJD disciplinary and revocation-procedures; ;
 - (11) trauma-informed care; and
 - (12) cultural competency.

§344.624 Additional Training Requirements for Certification as a Juvenile Supervision Officer

Effective Date:

(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:~~

To be eligible for certification, juvenile supervision officers must:

- (1) receive training and maintain current certification in the following areas:
- (A) cardiopulmonary resuscitation Cardiopulmonary Resuscitation-(CPR);
 - (B) first aid; First Aid; and
 - (C) the personal restraint technique used by the department or facility; and A Personal Restraint Technique approved by the Commission.
- (2) receive training in each of the following topics as it relates to the duties of a juvenile supervision officer:
- (A) suicide prevention policies, including the suicide prevention plan in residential facilities;
 - (B) the policies of the facility or program related to preventing, identifying, and reporting abuse, neglect, and exploitation;
 - (C) verbal de-escalation policies, procedures, and practices;
 - (D) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use;

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- (E) resident supervision, including juvenile behavior observation and documentation requirements;
 - (F) behavior management, including the juvenile discipline plan and safety-based seclusion;
 - (G) resident-initiated separation;
 - (H) facility safety and security policies;
 - (I) referral of residents in need of medical, mental health, or dental services, as identified by staff or reported by residents;
 - (J) fire safety plan, including fire drill procedures;
 - (K) non-fire emergency and evacuation procedures;
 - (L) recognizing and responding to mental health needs of juveniles;
 - (M) juvenile grievance procedures;
 - (N) confidentiality of juvenile information;
 - (O) transportation of juveniles; and
 - (P) searches of juveniles.
- ~~(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;~~
 - ~~(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.~~

§344.626 Required Training Topics for Community Activities Officers

Effective Date:

To be eligible for certification, community activities officers must:

- (1) receive training and maintain current certification in:
 - (A) cardiopulmonary resuscitation (CPR);
 - (B) first aid; and
 - (C) the personal restraint technique used by the department, if the department authorizes community activities officers to use personal restraints; and

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(2) receive training in the following topics:

- (A) the policies of the department related to preventing, identifying, and reporting abuse, neglect, and exploitation;
- (B) TJJD code of ethics and TJJD disciplinary procedures;
- (C) trauma-informed care;
- (D) verbal de-escalation policies, procedures, and practices; and
- (E) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.

§344.630 On-the-Job Training

Effective Date: ~~7/1/14~~

- (a) To be eligible for credit toward initial certification and renewal of certification, documentation of an on-the-job training program must include the following elements, at a minimum: 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.~~
 - (1) name and signature of the trainee;
 - (2) name and signature of the trainer(s);
 - (3) signature of the supervisor/administrator;
 - (4) training topics;
 - (5) number of training hours for each topic; and
 - (6) dates the topics were explained to the trainee, practiced by the trainee, and demonstrated by the trainee.
- ~~(be) The chief administrative officer, facility administrator or designee shall select staff. Staff members who provide on-the-job training must be qualified to do so based on knowledge, education, and/or experience. experience, qualifications and/or education, to provide on-the-job training.~~
- ~~(cd) For juvenile probation officers and juvenile supervision officers, a A maximum of 40 hours of on-the-job training provided in accordance with this section may be used to meet the initial certification or continuing education requirement in a certification given reporting period.~~
- ~~(d) For community activities officers, a maximum of 20 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification 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) To maintain an active certification:
 - (1) a juvenile probation officer must complete 60 hours of continuing education within the certification period;
 - (2) a juvenile supervision officer must complete 80 hours of continuing education within the certification period; and

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- (3) a community activities officer must complete 40 hours of continuing education within the certification period.
- (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:~~
- (b) For juvenile supervision officers, continuing education received during each certification period must this training shall include:
- (1) the facility's suicide prevention policies, including the suicide prevention plan in residential facilities; and
 - (2) training requirements necessary to maintain current certification in CPR, first aid, First Aid and the approved personal restraint technique; approved by the Commission.
 - (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
 - (4) verbal de-escalation policies, procedures, and practices; and
 - (5) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.
- (c) For community activities officers, continuing education received during each certification period must include:
- (1) training necessary to maintain current certification in CPR and first aid;
 - (2) training necessary to maintain current certification in the department's personal restraint technique, if the department authorizes community activities officers to use personal restraints;
 - (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
 - (4) verbal de-escalation policies, procedures, and practices; and
 - (5) standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.
- (d2) For chief administrative officers and facility administrators, continuing education must this training shall include a minimum of 20 hours of management topics. This requirement does not apply to the certification period during which an individual is appointed as a chief administrative officer or facility administrator.
- (eb) A maximum of 20 hours of continuing education training credit that exceeds the minimum requirement in a certification specific reporting period may be applied to the next certification reporting period.
- (fe) Documentation of the required continuing education must shall be submitted to TJJD the Commission through TJJD's the Commission's automated certification information system no later than the last day of the certification period, within 24 months of the initial certification date and every 24 months thereafter based on the officer's birth month.
- (g) Requirements in subsection (a) of this section also apply in cases in which an officer's certification becomes inactive but is later reactivated within the same certification period.

§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.~~

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§344.660 Approval and Review of Training and Continuing Education Topics

Effective Date: 1/1/10

- (a) To be eligible for credit, training or continuing education must be:
- (1) relevant, which means it is related to job responsibilities, the field of juvenile justice, or fields of study approved by TJJD;
 - (2) organized, which means it is based on documentation that includes specified learning objectives, training methods, and evaluation techniques; and
 - (3) planned, which means it is scheduled and conducted in a predetermined location.
- (b) To be eligible for credit, training or continuing education provided by the department or facility must:
- (1) meet the criteria in subsection (a) of this section; and
 - (2) be evaluated, which means participants are provided an opportunity to provide written feedback and/or participants are tested (written or demonstrated) to measure the transfer of knowledge.
- (c) TJJD may, on a case-by-case basis, approve events for credit that do not meet the requirements in subsection (a) or (b) of this section.
- (d) **Approval of Training Topics.** ~~All certification Training and continuing education topics must training shall~~ be approved by TJJD in order to count toward the requirements of this chapter. A department or facility may request advance approval of a training or continuing education topic by contacting the TJJD certification office. 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.
- (e) **Review of Topics.** ~~A juvenile probation department or facility may request a review of TJJD's the Commission's decision not to not approve a topic for certification credit. In support of the request, the juvenile probation department or facility must shall describe how the topic relates to the job duties and responsibilities of the officer. TJJD 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) **Limitations** ~~Limits~~ on Topics.
- (1) **Repetitive Training.**
 - (A) ~~Credit will not be granted more than twice in a certification period shall not be allowed for training that is duplicative in nature, except as noted in subparagraph (B) of this paragraph.~~
 - (B) ~~If an officer is concurrently employed by more than one department or facility or has transferred to a new department or facility within a certification period, credit for a training topic may be granted up to four times in a certification period, 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.**

~~A review of the policies and procedures of the department or facility is not eligible for credit unless Credit for policy and procedure review shall be allowed when documentation reflects that the review meets the requirements in §344.660(a) of this title. was part of a structured training event.~~
 - (3) **Meetings/Staff Meetings.**

~~Meetings are not considered a training activity unless supporting documentation indicates that all or part of the meeting meets the requirements in §344.660(a) of this title. If only a portion of the meeting meets the requirements in §344.660(a) of this title, credit may be awarded only for that portion of the meeting.~~

~~(43) **Review of Employee Benefits, Human Resources Training.**~~

~~A review of employment-related Training on employment related-benefits and plans is not eligible for credit shall not be accepted for certification purposes unless:~~

~~(A) the officer is a supervisor and the review training relates to supervisory duties or the training is being provided as part of a formal leadership development program; and~~

~~(B) the review meets the requirements in §344.660(a) of this title.~~

~~(5) **Firearms Training.**~~

~~Training required under §341.808 of this title relating to carrying a firearm in the course of an officer's official duties is not eligible for credit toward continuing education requirements in this chapter.~~

(b) **Limitations on Training Methods.**

~~The hour limitations in this section apply to training received within a certification period. 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.~~

~~(12) **Video or Video-Conferencing and Web-Based Training for Juvenile Probation Officers and Juvenile Supervision Officers.**~~

~~For juvenile probation officers and juvenile supervision officers, a maximum Credit for a combined total of 40 hours of any combination of the following types of training may be eligible for credit: of video conferencing and web-based training methods may be applied toward certification and continuing education requirements.~~

~~(A) interactive, web-based training, such as live webinars;~~

~~(B) video conferencing; and~~

~~(C) pre-recorded training, which may account for no more than 20 hours of the total.~~

~~(2) **Video or Web-Based Training for Community Activities Officers.**~~

~~For community activities officers, a maximum of 20 hours of any combination of the following types of training may be eligible for credit:~~

~~(A) interactive, web-based training, such as live webinars;~~

~~(B) video conferencing; and~~

~~(C) pre-recorded training, which may account for no more than 10 hours of the total.~~

~~(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.~~

~~(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.~~

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~~(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.~~

~~(37) College Courses.~~

~~A maximum of Up to 40 hours of continuing education may be eligible for credit may be applied for successful completion of one or more a three-hour college courses course in a topics topic relevant to the officer's job duties. A course must be 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. TJJD determines on a case-by-case basis whether credit is granted for the course and the number of hours approved for credit.~~

(c) Limitations on Credit for Development and Delivery of Training.

- (1) A training provider may claim a maximum of 20 hours in a certification period for the time spent delivering training.
- (2) An individual who develops training curriculum may claim a maximum of 20 hours in a certification period for the time spent developing the curriculum.
- (3) Credit under this subsection is allowed only for the topics listed in §§344.620, 344.622, 344.624, and 344.626 of this title.

§344.680 Documentation

Effective Date: ~~1/1/10~~

- (a) Documentation of all training used for certification must received shall be maintained in the department or facility's files for monitoring purposes until the end of the current certification period plus two years, at a minimum. This retention requirement does not supersede any requirement in any other rule, statute, or local policy that requires a longer retention period.
- (b) Documentation may include training curricula, sign-in sheets, agendas, certificates of completion, correspondence from the instructor, registration receipts, and/or exam results.
- (c) The chief administrative officer or designee shall, upon Upon request, a department or facility must submit training records to a juvenile probation department or facility in which an officer has obtained subsequent or concurrent employment.

Subchapter FG **Certification Exam Competency Examination**

§344.700 Certification Exam Competency Examination Requirement

Effective Date: ~~7/1/11~~

- (a) To be eligible for certification as a A juvenile probation officer or, juvenile supervision officer, an individual must or youth activities supervisor shall pass the certification competency exam required by TJJD, prescribed by the Commission in order to be eligible for certification.
- (b) Before taking the exam, the individual must A juvenile probation officer, juvenile supervision officer or youth activities supervisor shall complete the mandatory training required in §344.620(a)(1) or (2) or §344.622 of this title, as applicable, chapter prior to attempting the competency exam.
- (c) The Commission shall establish a plan for the administration of the examination, including any required fees.

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- ~~(c) The department or facility employing the individual must either pay any required exam fee or require the individual to pay the fee.~~
- ~~(d) A score of 70% or higher is required to pass the exam. The Commission shall determine the satisfactory level of performance.~~
- ~~(e) An individual is allowed three attempts to pass the exam, except as provided in subsections (f) and (g) of this section.~~
- ~~(f) An individual who has not passed the exam after three attempts may not take the exam again until:
 - ~~(1) 180 days have elapsed since the date the individual last took the exam; and~~
 - ~~(2) the individual has repeated the training topics required in §344.620 or §344.622 of this title after the date the individual last took the exam. Credit toward certification is granted only for the training hours in those topics that are completed after the date the individual last failed the exam.~~~~
- ~~(g) An individual who is dismissed from an exam for cheating or otherwise failing to follow exam rules provided by TJJD is not eligible to take the exam again or be certified. If an individual is dismissed for cheating or otherwise failing to follow exam rules provided by TJJD while taking the exam at a department or facility, the department or facility must notify TJJD's certification office in writing within one business day.~~
- ~~(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.~~
- ~~(hg) Except as provided in subsection (i) of this section, the requirements of this subchapter apply to individuals who: applicants for positions requiring certification who begin employment as:
 - ~~(1) do not currently hold a certification as a juvenile probation officer and who begin employment as a juvenile probation officer on or after September 1, 2016; 2011; or~~
 - ~~(2) do not currently hold a certification as a juvenile supervision officer and who begin employment as a juvenile supervision officer or youth activities supervisor on or after September 1, 2017. 2012.~~~~
- ~~(i) This subchapter does not apply to an individual whose certification has expired if less than six months has elapsed between the date of the expiration and the date the individual submits an application for the same certification.~~
- ~~(j) A department or facility that proctors the certification exam must ensure the proctor complies with TJJD's proctoring agreement.~~

Subchapter **GH** Certification

§344.800 Positions Requiring Certification

Effective Date: 4/1/14

- ~~(a) Individuals required to maintain an active certification are the following:~~
- ~~(a1) Chief administrative officers must maintain an active certification as a juvenile probation officer.;~~
- ~~(b2) Facility administrators must maintain an active certification as a juvenile supervision officer.;~~
- ~~(c3) Supervisors in the direct chain of supervision command-over juvenile probation officers must maintain an active certification as a juvenile probation officer. -or~~
- ~~(d) Supervisors in the direct chain of supervision over juvenile supervision officers must be certified as a juvenile probation officer and/or juvenile supervision officer.~~

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- ~~(e) Supervisors in the direct chain of supervision over community activities officers must maintain an active certification as one or more of the following: juvenile probation officer, juvenile supervision officer, or community activities officer.;~~
- ~~(f4) Juvenile probation officers, including any staff member whose position may require temporarily performing the duties of a juvenile probation officer, must maintain an active certification as a juvenile probation officer.;~~
- ~~(g5) Juvenile supervision officers, including any staff member whose position may require temporarily performing the duties of a juvenile supervision officer, must maintain an active certification as a juvenile supervision officer.;~~
- ~~(h) An individual who is employed by a juvenile justice program and whose position may require supervising juveniles in a non-secure setting within a juvenile justice program must maintain an active certification as a community activities officer, except as noted in subsection (i) of this section.~~
- ~~(i) Juvenile probation officers and juvenile supervision officers, as defined by this chapter, do not require certification as a community activities officer.~~
- ~~(j) Nothing in this chapter is intended to require professionals who are providing services in their professional capacity to obtain certification from TJJD. For purposes of this chapter, providing services in a professional capacity is not considered supervising juveniles.~~
- ~~(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).~~

§344.802 Positions Eligible for Optional Certification

Effective Date:

- ~~(a) The following individuals may be certified as a juvenile probation officer, juvenile supervision officer, and/or community activities officer if they meet the criteria for certification: In addition to requiring certification of the individuals in subsection (a) of this section, TJJD offers certification for the following:
 - ~~(1) quality assurance staff; and officer;~~
 - ~~(2) trainers of individuals in positions requiring certification juvenile probation or supervision officer trainer; or~~
 - ~~(3) staff member responsible for supervision of youth in a JJAEP.~~~~
- ~~(b) The individuals listed in subsection (a) of this section are the only individuals other than those listed in §344.800 of this title who may be certified by TJJD.~~

§344.804 Dual Certification

Effective Date:

- ~~(a) Individuals 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 each certification and employment for the positions and their job duties are description is consistent with all certifications held, except as noted in subsection (b) of this section. a youth activities supervisor, juvenile supervision officer, or juvenile probation officer as defined in §344.100 of this chapter.~~
- ~~(b) An individual may not hold an active certification as a juvenile supervision officer and as a community activities officer unless the individually is concurrently employed by more than one department or facility.~~
- ~~(c) Training received may be used for credit toward more than one type of TJJD-issued certification if the topic is relevant to each certification sought or held.~~

§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.

§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.

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~~(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 Continued Employment in a Position Eligible for Certification by a Governmental Unit

Effective Date: 7/1/14

~~(a) To maintain an active certification under this chapter, a certified officer must A juvenile probation officer, juvenile supervision officer or youth activities supervisor with a certification issued by the Commission under this chapter shall be employed:~~

- ~~(1) by a governmental unit or by a private provider under a contract with a governmental unit; and~~
- ~~(2) in a position eligible for certification to maintain active status.~~

~~(b) Upon receiving notification from the employer of the individual's resignation, termination from employment, or transfer into a position not eligible for certification, TJJD places 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: 7/1/14

(a) Submission of Applications.

All certification applications must be submitted through TJJD's certification system. ~~shall be submitted through the Commission's automated certification information system.~~

- ~~(1) Chief Administrative Officers--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.~~

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(b) Training Record.

The department or facility must use TJJD's certification system to record training received by individuals seeking certification.

(cb) ~~Deadline Timeline~~ for Submission of Application.

The certification application must shall be submitted to TJJD the Commission no more than 180 calendar days after from the date of initial employment.

(1) An individual whose application for certification has not been submitted within this time frame:

(A) may shall not perform the duties of a certified officer; and

(B) may shall not count toward any staff-to-juvenile ratio; and the program's staff-to-child ratios.

(C) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after the application has been approved by TJJD.

(2) Part-time staff are allowed an additional 90 days to complete. An extension of up to 90 days may be allowed for part-time staff who have not completed the required training.

(de) Valid Criminal History Checks, Searches.

A certification application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

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.

(ed) Approval of Applications.

(1) TJJD reviews The Commission shall review information contained in an application to determine eligibility for certification-eligibility.

(2) TJJD may request The Commission shall reserve the right to request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio. The juvenile probation department will be notified of certification decisions through the Commission's automated certification information system.

(f) Denial of Certification.

Any individual officer whose application is denied because TJJD has determined a certification will not be granted may shall not perform the duties of a certified officer or be employed in any position requiring certification.

(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.

§344.862 Expiration of Certification

Effective Date:

(a) Certifications issued by TJJD expire upon failure to submit a renewal application before the end of the certification period plus any applicable grace period or extension.

(b) A certification period is the 24-month period that starts on the first day of the month following the officer's birth month and ends on the last day of the officer's birth month.

(c) The first certification period also includes the time between the date of certification and the officer's next birth month.

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- (d) The grace period is the one-month period following the end of an officer's certification period.
- (e) Extensions may be granted in accordance with §344.870 of this title.
- (f) An officer whose certification is expired:
 - (1) may not perform the duties of a certified officer;
 - (2) may not count toward any staff-to-juvenile ratio; and
 - (3) may begin performing the duties of a certified officer and count toward staff-to-juvenile ratios only after a new application for certification has been approved by TJJD.

§344.864 Certification Renewal Process

Effective Date:

(a) Submission of Renewal Applications.

All applications for renewal must be submitted through TJJD's certification system.

(b) Training Documentation.

The department or facility must use TJJD's certification system to document continuing education received by individuals seeking a certification renewal.

(c) Criminal History Checks.

A certification renewal application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.

(d) Deadline for Submission of Renewal Application.

(1) Renewal applications:

(A) must be submitted before the end of an officer's certification period; and

(B) may not be submitted earlier than 30 days before the end of the officer's certification period.

(2) If an application to renew an officer's certification has not been submitted by the end of the officer's certification period plus any applicable grace period or extension, the officer's certification expires.

(e) Approval of Applications.

(1) TJJD reviews information contained in a renewal application to determine whether the officer has met the requirements to be granted a renewed certification.

(2) TJJD may request additional information or documentation when reviewing an application. The department or facility must respond to such requests within 14 calendar days. If the department or facility fails to respond within 14 calendar days, the officer is ineligible to perform the duties of a certified officer and may not count in any staff-to-juvenile ratio.

(f) Denial of Applications.

Any individual whose application is denied because TJJD has determined a certification renewal will not be granted may not perform the duties of a certified officer or be employed in any position requiring certification.

§344.86640 Certification Status

Effective Date: ~~7/1/11~~

(a) Active.

A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible. ~~An officer shall be required to maintain an active certification in order to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable. youth activities supervisor. The individual and the employing department shall ensure that all~~

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~~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.

A status that indicates an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

- (1) the officer is no longer employed in a position that either requires or is eligible for the certification held;
- (2) the officer has been convicted of a disqualifying criminal offense; or
- (3) the officer's application for certification or renewal of certification is determined by TJJD to contain deliberately false or misleading information.

~~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) Expired.

A status that indicates an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension.

~~**(e) 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.

~~A status that indicates an An officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. 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-If the officer's certification is suspended for failure to pay child support under Section §232.003, of the Texas Family Code, the suspension remains shall remain in effect until TJJD the Commission receives an order staying or vacating the suspension.~~

(e) Revoked.

A status that indicates an officer's certification has been permanently revoked by TJJD and that the officer 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 community activities officer. youth activities supervisor. An individual who has had his/her certification revoked is not eligible for any future certification.

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(f) **Voluntarily Relinquished.**

A status that indicates an officer has voluntarily relinquished his/her certification as provided in §344.884 of this title.

§344.868 Change from Inactive to Expired Certification

Effective Date:

An inactive certification will expire on the date this section takes effect if the deadline for submitting an application for certification renewal has passed.

§344.870 Requests for Extension of Renewal Deadline

Effective Date: ~~1/1/10~~

- (a) Upon request, TJJJ may grant an extension of the deadline for certification renewal if TJJJ determines there is good cause to do so. Examples of good cause may include, but are not limited to, extended periods of absence covered by the Family and Medical Leave Act (FMLA) or workers' compensation laws. 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.~~
- ~~(be) A certified An officer on military leave 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.~~
- ~~(cd) If an An officer who does not satisfy all requirements necessary to maintain an active certification by the end of active status within the extension period, the officer's certification expires, shall not perform the duties of a certified officer or receive salary adjustment funds from the Commission.~~

§344.874 Separation from Employment and Transfer from a Certified to a Non-Certified Position

Effective Date: ~~1/1/10~~

- (a) The department or facility must notify TJJJ's certification office in writing or through TJJJ's certification system within 10 calendar days after any of the following events:
- (1) the resignation or termination of a certified officer; and/or
 - (2) the transfer of a certified officer to a position neither requiring certification nor eligible for certification.
- (b) The department or facility must notify TJJJ's certification office in writing of the resignation or termination of an individual who was an authorized user of any TJJJ web-based computer application as soon as possible but no later than one business day after the individual is separated from employment. Upon receipt of notice, TJJJ will remove the separated employee's user authorization.

§344.876 Duty to Keep Certified Officers' Addresses Current

Effective Date:

A department or facility must ensure TJJJ's certification system reflects the last known address of each certified officer employed by the department or facility.

§344.878 Duty to Notify TJJJ of Address Changes

Effective Date:

A certified officer who separates from employment with a department or facility must notify TJJJ's certification office of all address changes occurring after separation from employment until the certification expires or is reactivated, revoked, or voluntarily relinquished.

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§344.880 ~~Transfer or~~ Reactivation, Restoration, or Transfer of Certification Records

Effective Date: ~~7/1/14~~

- (a) ~~If an individual with an inactive or expired certification is hired in a position requiring certification, the employing department or facility must request through TJJJ's certification system that the individual's record be reactivated (if inactive) or restored (if expired). If the individual was most recently employed as a certified officer by a different department or facility, the employing department or facility must also request through TJJJ's certification system that the individual's certification record be transferred.~~
~~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) ~~When a certification is reactivated or restored or a record is transferred, all criminal history checks set forth in Subchapter C of this chapter apply. The request for reactivation, restoration, or transfer must shall include verification that all required criminal history checks searches have been completed in accordance with §344.300 of this chapter.~~
- (c) ~~When reactivating an inactive certification, the continuing education requirements set forth in §344.640 of this title apply. 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) All training received during the current certification period may be used to meet the continuing education requirements in §344.640 of this title.~~
 - ~~(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 individual may receive credit for officer shall provide documentation of any additional training received during a period of inactive certification. All rules in this chapter regarding relevance and documentation of the training apply.~~
 - ~~(3) — Training required to reactive certification shall be completed within 180 days of employment.~~
- (d) ~~When an individual with an expired certification has his/her record restored, an application for a new certification must be submitted and all training requirements in §344.600(a) and (b) of this title apply.~~
- ~~(1) For certifications that have been expired for less than six months when the application for certification is submitted, all eligible training received during the previous certification period may be used to meet the training requirements.~~
 - ~~(2) For certifications that have been expired for six months or more when the application for certification is submitted, all eligible training received within the 18 months prior to the date the application for certification is submitted to TJJJ may be used to meet the training requirements.~~
- (e) ~~When an individual with an expired juvenile probation officer or juvenile supervision officer certification applies for the same type of certification six months or more after his/her certification expired, certification exam requirements in §344.700 of this title apply.~~

§344.884 Voluntary Relinquishment of Certification

Effective Date:

- (a) ~~A certified officer may submit to TJJJ's certification office a signed, notarized request to voluntarily relinquish his/her certification for any reason. TJJJ may accept or deny the request.~~
- (b) ~~An individual who has voluntarily relinquished his/her certification may or may not be eligible for future certification, as determined solely by TJJJ.~~
- (c) ~~A certification that has been voluntarily relinquished may not be reactivated. If future certification is sought, the individual must comply with initial certification requirements as set forth in this chapter.~~

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~~§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.~~