

Texas Administrative Code

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

Subchapter A. Definitions and Applicability

- [§344.100 Definitions](#)
- [§344.110 Interpretation and Applicability](#)

Subchapter B. Qualifications for Certification and Employment

- [§344.200 General Qualifications for Positions Requiring Certification](#)
- [§344.202 General Qualifications for Facility Administrators](#)
- [§344.204 Education Requirements](#)
- [§344.206 Validation Requirements for Foreign Diplomas](#)
- [§344.208 Persons Not Subject to Minimum Educational Requirements](#)
- [§344.210 Work Experience](#)
- [§344.212 Verification of Education Requirements](#)
- [§344.220 Exemptions from Required Work Experience or Graduate Study](#)
- [§344.230 Persons Who May Not Act as a Chief Administrative Officer, Facility Administrator, Juvenile Probation Officer, Juvenile Supervision Officer, or Community Activities Officer](#)

Subchapter C. Criminal History and Background Checks

- [§344.300 Criminal History Checks](#)
- [§344.302 Military History Checks](#)
- [§344.312 Criminal History Checks for Employees of Licensed Facilities or Programs](#)
- [§344.320 Criminal History Checks for Position and Departmental Transfers and for Optional Certification](#)
- [§344.330 Criminal History Checks for Employees of Private Juvenile Justice Facilities](#)
- [§344.350 Background Checks](#)

Subchapter D. Disqualifying Criminal History

- [§344.400 Disqualifying Criminal History](#)
- [§344.410 Other Criminal History](#)
- [§344.420 Pre-certification Review](#)
- [§344.430 Arrest or Conviction of Currently Certified or Employed Individuals](#)

Subchapter E. Training and Continuing Education

- [§344.600 Training Hours Required for Certification](#)
- [§344.610 Relevance of Training and Standardized Curriculum](#)
- [§344.620 Mandatory Training Topics for Certification Exam for Juvenile Probation Officers](#)
- [§344.622 Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers](#)
- [§344.624 Additional Training Requirements for Certification as a Juvenile Supervision Officer](#)
- [§343.626 Required Training Topics for Community Activities Officers](#)
- [§344.630 On-the-Job Training](#)
- [§344.640 Continuing Education Requirements for Maintaining Certification](#)
- [§344.660 Approval and Review of Training and Continuing Education](#)
- [§344.670 Training Methods and Limitations](#)
- [§344.680 Documentation](#)

Subchapter F. Certification Exam

- [§344.700 Certification Exam](#)

Subchapter G. Certification

- [§344.800 Positions Requiring Certification](#)
- [§344.802 Positions Eligible for Optional Certification](#)
- [§344.804 Dual Certification](#)
- [§344.850 Continued Employment in a Position Eligible for Certification](#)
- [§344.860 Certification Process](#)
- [§344.862 Expiration of Certification](#)
- [§344.864 Certification Renewal Process](#)
- [§344.866 Certification Status](#)
- [§344.868 Change from Inactive to Expired Certification](#)
- [§344.870 Request for Extension of Renewal Deadline](#)
- [§344.874 Separation from Employment and Transfer from a Certified to a Non-Certified Position](#)
- [§344.876 Duty to Keep Certified Officers' Addresses Current](#)

37 TAC Chapter 344

[§344.878 Duty to Notify TJJJ of Address Changes](#)

[§344.880 Reactivation, Restoration, or Transfer of Certification Records](#)

[§344.884 Voluntary Relinquishment of Certification](#)

Subchapter A Definitions and Applicability

§344.100 Definitions

Effective Date: 2/1/18

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

- (1) **Certification Exam**--An exam required by TJJJ 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, juvenile supervision officer, or community activities officer who is currently certified by TJJJ.
- (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.
- (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.
- (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 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 operated solely 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. 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](#);

37 TAC Chapter 344

- (B) a public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with [Texas Family Code §51.125](#); and
 - (C) a public or private non-secure correctional facility required to be certified in accordance with [Texas Family Code §51.126](#).
- (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 or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:
 - (i) juvenile justice alternative education programs;
 - (ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; and
 - (iii) juvenile probation departments.
- (13) **Juvenile Probation Department ("department")**--A 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 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 administrative law that can be performed only by a certified juvenile probation officer.
- (15) **Juvenile Supervision Officer**--An individual whose primary responsibility and essential job function is the supervision of juveniles in a:
- (A) juvenile justice facility; or
 - (B) juvenile justice alternative education program operated by a department that also operates a juvenile justice facility.
- (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.

37 TAC Chapter 344

§344.110 Interpretation and Applicability

Effective Date: 2/1/18

(a) **Conflicting Standards.**

If a general provision contained in this chapter conflicts with a specific provision contained in another chapter promulgated by TJJD, 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.
- (2) All provisions of this chapter apply regardless of the date an individual is hired or begins service provision unless expressly stated otherwise.
- (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.

Subchapter B Qualifications for Certification and Employment

§344.200 General Qualifications for Positions Requiring Certification

Effective Date: 9/1/22

(a) **Juvenile Probation Officer.**

To be eligible for certification as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative 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 no criminal history as described in [§344.410\(a\)](#) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;
- (5) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- (6) possess the work experience required in [§344.210](#) of this chapter or graduate study required in [§344.204](#) of this chapter;
- (7) never have had any type of certification revoked by TJJD;
- (8) complete the training required by this chapter; and
- (9) pass the certification exam as required by [§344.700](#) of this chapter.

(b) **Juvenile Supervision Officer.**

To be eligible for certification as a juvenile supervision 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;

37 TAC Chapter 344

- (4) have no criminal history as described in [§344.410\(a\)](#) of this chapter unless TJJJ has reviewed it and determined the person is not ineligible for certification due to the criminal history;
- (5) have acquired a high school diploma or its equivalent as specified in [§344.204](#) of this chapter;
- (6) never have had any type of certification revoked by TJJJ;
- (7) complete the training required by this chapter; and
- (8) pass the certification exam as required by [§344.700](#) of this chapter.

(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 no criminal history as described in [§344.410\(a\)](#) of this chapter unless TJJJ has reviewed it and determined the person is not ineligible for certification due to the criminal history;
- (5) have acquired a high school diploma or its equivalent as specified in [§344.204](#) of this chapter;
- (6) never have had any type of certification revoked by TJJJ; and
- (7) complete the training required by this chapter.

§344.202 General Qualifications for Facility Administrators

Effective Date: 2/1/18

To serve as a facility administrator, an individual must:

- (1) 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.

§344.204 Education Requirements

Effective Date: 2/1/18

(a) **Juvenile Probation Officer.**

- (1) To be eligible for certification as a juvenile probation officer, an individual must meet the following educational requirements:
 - (A) 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
 - (B) 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 TJJJ; or
 - (ii) qualifying work experience as specified in [§344.210 of this title](#).
- (2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.

37 TAC Chapter 344

(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 must meet one of the following educational requirements:
 - (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. TJJJD 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;
 - (B) a high school equivalency certificate (e.g., GED) issued by the Texas Education Agency or equivalent agency in another state;
 - (C) a diploma or certificate of completion issued in a homeschool setting;
 - (D) a United States military record that indicates the education level received is equivalent to a United States high school diploma or high school equivalency certificate;
 - (E) a foreign high school diploma that meets the validation requirements established in §344.206 of this title; or
 - (F) unconditional acceptance into a college or university accredited by an 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 TJJJD certification office. Based on the documentation, TJJJD will determine whether the entity is a generally recognized accrediting organization.

§344.206 Validation Requirements for Foreign Diplomas

Effective Date: 2/1/18

- (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.

37 TAC Chapter 344

§344.208 Persons Not Subject to Minimum Educational Requirements Effective Date: 2/1/18

Individuals employed as juvenile probation officers prior to September 1, 1981, and who have maintained continuous employment as a juvenile probation officer since that date are not subject to the minimum educational requirements set forth in [Texas Human Resources Code §222.001](#) and in this chapter. A juvenile probation officer who experiences an interruption or lapse of employment as a juvenile probation officer must meet all current applicable employment, certification, and training requirements.

§344.210 Work Experience Effective Date: 2/1/18

- (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 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 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.

§344.212 Verification of Education Requirements Effective Date: 2/1/18

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 Work Experience or Graduate Study Effective Date: 2/1/18

- (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.
- (d) The exemption process described in this standard does not apply to appointment as a facility administrator or a chief juvenile probation officer.

37 TAC Chapter 344

§344.230 Persons Who May Not Act as a Chief Administrative Officer, Facility Administrator, Juvenile Probation Officer, Juvenile Supervision Officer, or Community Activities Officer

Effective Date: 2/1/18

Pursuant to [Section 222.004, Texas Human Resources Code](#), 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 or be made responsible for supervising a juvenile on probation.

Subchapter C Criminal History and Background Checks

§344.300 Criminal History Checks

Effective Date: 9/1/22

- (a) Department or facility policy must prohibit direct, unsupervised access to juveniles in a juvenile justice program or facility by the following:
- (1) any person with a disqualifying criminal history as described in [§344.400](#) of this chapter; and
 - (2) any person with a criminal history described in [§344.410\(a\)](#) of this chapter, unless the person's criminal history has been reviewed by TJJJD or the juvenile board or designee, as appropriate, and the review results in a determination that the person is not ineligible for certification, employment, or service in the position.
- (b) A criminal history check as described in this section must be conducted for:
- (1) an individual who is in a position requiring certification;
 - (2) an individual who is in a position eligible for optional certification who is seeking certification; and
 - (3) 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 neither requiring certification nor eligible for optional certification;
 - (B) an employee in a position eligible for optional certification who is not seeking certification;
 - (C) a volunteer;
 - (D) an intern; or
 - (E) an individual who provides goods or services under contract on the premises of a juvenile justice facility or program, 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.
- (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

37 TAC Chapter 344

- (3) the department must ensure the criminal history is reviewed as specified in this chapter and must ensure the reviewing entity has determined the person is not ineligible for certification, employment, or providing services based on the person's criminal history, in accordance with this chapter.
- (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.

§344.302 Military History Checks

Effective Date: 2/1/18

- (a) If an individual who is subject to a criminal history check has prior military experience, the department or facility must review the applicant's most recent separation or discharge documents.
- (b) In the event separation or discharge documents reflect character of service that is anything other than "honorable discharge" or "honorably discharged," the department or facility must:
 - (1) attempt to obtain authorization from the applicant for the release of information; and
 - (2) 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.

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

Effective Date: 2/1/18

- (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.

§344.320 Criminal History Checks for Position and Departmental Transfers and Optional Certification

Effective Date: 9/1/22

- (a) The employing department or facility must complete a criminal history check in accordance with [§344.300](#) and [§344.302](#) of this chapter when:
 - (1) an individual who was not previously certified accepts a position requiring certification;
 - (2) a certified officer employed by a department or facility accepts simultaneous or subsequent employment at a department or facility operated by or under contract with a different juvenile board; or

37 TAC Chapter 344

- (3) the department or facility is seeking certification for a person in a position that allows for optional certification as provided in [§344.802](#) of this chapter.
- (b) For individuals with a record in the Fingerprint-Based Applicant Clearinghouse of Texas (FACT), the searches may be conducted using the existing fingerprints.

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

Effective Date: 9/1/22

The following provisions apply when a private juvenile justice facility is operating under contract with a governmental entity as required by [Sections 51.12](#), [51.125](#), and [51.126](#), Texas Family Code.

- (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 chapter, 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.
- (3) The private facility must provide the following information to the department in writing:
 - (A) identifying information necessary for the department to conduct the criminal history checks as required by this chapter; and
 - (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.
- (4) 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.
- (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 any offense punishable by confinement or imprisonment for an individual who is employed by or provides services at the private facility.

§344.350 Background Checks

Effective Date: 2/1/18

- (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: 9/1/22

(a) **Applicants for Certification.**

An individual with the following criminal history is not eligible for certification or for 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 former Article 42.12) or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition; or
- (2) deferred adjudication or conviction for a sexually violent offense as defined in [Article 62.001, Texas Code of Criminal Procedure](#), or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition.

(b) **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\(b\)\(3\)](#) of this chapter.

(c) **General Provisions.**

- (1) Subsection (a)(1) of this section does not apply to individuals certified before February 1, 2018, unless the certification expires.
- (2) Subsection (a)(1) of this section does not apply to individuals in a position listed in [§344.300\(b\)\(3\)](#) of this chapter who began service provision before February 1, 2018, with no break in service after that date.
- (3) Subsection (a)(2) of this section does not apply to individuals certified before the most recent effective date of this section unless the certification expires.
- (4) Subsection (a)(2) of this section does not apply to individuals in a position listed in [§344.300\(b\)\(3\)](#) of this chapter who began service provision before the most recent effective date of this section with no break in service after that date.

§344.410 Other Criminal History

Effective Date: 9/1/22

(a) **Applicants for Certification.**

- (1) An individual with the following criminal history is not eligible for certification, employment, or otherwise providing service in a position requiring certification without prior review and approval by TJJD as provided in [§344.420](#) of this chapter:
 - (A) deferred adjudication or conviction for a felony other than those referenced in [§344.400\(a\)](#) of this chapter or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than 10 years prior to the date the review is requested; or
 - (B) 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 (as determined by TJJD) if the date of deferred adjudication or conviction was less than five years prior to the date the review is requested.

37 TAC Chapter 344

- (2) Regardless of the date of conviction or deferred adjudication, a review is required if an individual was incarcerated or placed on community supervision for an offense described by paragraph (1) of this subsection and less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole.
 - (3) Regardless of the date of conviction or deferred adjudication, a review is required if an individual has a current requirement to register as a sex offender under [Chapter 62, Texas Code of Criminal Procedure](#), for an offense other than an offense described by [§344.400\(a\)](#) of this chapter.
- (b) **Other Individuals Subject to Criminal Background Check.**
- (1) An individual with the criminal history described in subsection (a) of this section is not eligible to begin serving or continue serving in a position listed in [§344.300\(b\)\(3\)](#) of this chapter unless the juvenile board or its documented designee has granted an exemption after considering the factors in [§344.420](#) of this chapter.
 - (2) Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.
 - (3) If the department or facility receives notification of a new conviction or deferred adjudication, the individual may not continue serving in the position unless the juvenile board or its documented designee grants a new exemption in accordance with this subsection. An exemption may not be granted for a conviction or deferred adjudication described in [§344.400\(a\)](#) of this chapter.
 - (4) An exemption granted under this subsection is valid for the individual only at the juvenile probation department or facility operated by or under contract with the juvenile board granting the exemption.
- (5) The exemption is not valid if the person moves to a position requiring certification or if the department or facility seeks certification for the person in a position that allows for optional certification as provided in [§344.802](#) of this chapter; in such cases, prior review and approval from TJJD is required as provided by subsection (a) of this section.

§344.420 Pre-certification Review

Effective Date: 9/1/22

- (a) A department or facility must request review from TJJD and receive confirmation from TJJD that approval has been granted before:
 - (1) hiring, contracting with, or otherwise placing a person with a criminal history described by [§344.410\(a\)](#) of this chapter into a position requiring certification; or
 - (2) seeking optional certification as provided in [§344.802](#) of this chapter for a person with a criminal history described by [§344.410\(a\)](#) of this chapter.
- (b) The purpose of the review by TJJD is to determine whether TJJD will deny a certification for the individual due to ineligibility for certification based on the criminal history. TJJD will conduct the review in accordance with this section.
- (c) TJJD will first determine if the criminal history offense(s) directly relate to the duties and responsibilities of the position for which certification is required or sought. In making this determination, TJJD will consider:
 - (1) the nature and seriousness of the crime(s);
 - (2) the relationship of the crime(s) to the purposes for requiring a certification to engage in the occupation;
 - (3) the extent to which a certification might offer an opportunity to engage in further criminal activity of the same type as that in which the person was previously involved;
 - (4) the relationship of the crime(s) to the ability or capacity required to perform the duties and discharge the responsibilities of the position; and

37 TAC Chapter 344

- (5) any correlation between the elements of the crime(s) and the duties and responsibilities of the position.
- (d) If TJJD determines the criminal history offense(s) do not directly relate to the duties and responsibilities of the position, TJJD will not deny the certification based on the criminal history.
- (e) If TJJD determines the criminal history offense(s) directly relate to the duties and responsibilities of the position, TJJD will consider the following in determining whether to deny certification:
 - (1) the extent and nature of past criminal activity;
 - (2) the age of the person when each crime was committed;
 - (3) the amount of time that has elapsed since the person's last criminal activity;
 - (4) the conduct and work activity of the person before and after the criminal activity;
 - (5) evidence of the person's rehabilitation and rehabilitative effort while incarcerated or after release;
 - (6) evidence of the person's compliance with any conditions of probation, community supervision, parole, or mandatory supervision; and
 - (7) any other evidence of the person's fitness to perform the duties of the position requiring certification, including any letters of recommendation.
- (f) The individual to be certified is responsible for providing TJJD with the information required by TJJD to make its decision. Failure to timely provide TJJD with requested information may result in a denial of certification.
- (g) In making its determinations under this section, TJJD will not consider an arrest that did not result in a conviction or placement on deferred adjudication.
- (h) If TJJD determines that the criminal history will not result in a denial of certification, TJJD will inform the individual and the department or facility, which may then proceed, as appropriate, with hiring, contracting with, or otherwise placing the individual into a position requiring certification or with seeking certification for the individual.
- (i) If TJJD determines that the criminal history should result in a certification being denied, TJJD will provide the individual with written notice of the reason for the intended denial and will give the individual at least 30 calendar days to submit any relevant information for consideration. The written notice will comport with the requirements in [Section 53.0231, Texas Occupations Code](#). TJJD will provide a copy of the written notice to the administrative officer of the hiring entity.
- (j) Upon receipt of additional information as provided in subsection (i) of this section, TJJD will conduct an additional review in accordance with this section and will provide its final decision to the individual and to the department or facility that requested the initial review.

§344.430 Arrest or Conviction of Currently Certified or Employed Individuals

Effective Date: 9/1/22

- (a) This section applies to individuals employed by, under contract with, or otherwise providing services at a department or facility who are certified or for whom the department or facility is seeking certification, whether they are serving in a position requiring certification or in a position for which certification is optional under [§344.802](#) of this chapter.
- (b) If a department or facility receives notification that an individual to whom this section applies has been arrested for criminal conduct described in [§344.400\(a\)](#) or [§344.410\(a\)](#) of this chapter, the department or facility must notify TJJD's certification office in writing no later than 10 calendar days after receiving notice of the arrest. The department or facility must provide information regarding the circumstances of the arrest and respond to any questions from TJJD regarding the arrest.

37 TAC Chapter 344

- (c) If a department or facility receives notification that an individual to whom this section applies has been convicted of or placed on deferred adjudication for criminal conduct described in [§344.400\(a\)](#) or [§344.410\(a\)](#) of this chapter, the department or facility must:
 - (1) remove the person from the position requiring certification and from any position allowing the person unsupervised access to juveniles; and
 - (2) notify TJJJ's certification office in writing no later than 10 calendar days after receiving such notice. The department or facility must provide information regarding the conviction or deferred adjudication and respond to any questions from TJJJ regarding the disposition.
- (d) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in [§344.400\(a\)](#) of this chapter, TJJJ will:
 - (1) deny certification if the person is not yet certified; or
 - (2) revoke certification if the person is certified.
- (e) Upon receipt of a notification under subsection (c) of this section for criminal conduct described in [§344.410\(a\)](#) of this chapter, TJJJ will conduct the review described in [§344.420](#) to determine if certification should be denied if the person is not yet certified or if certification should be revoked or suspended if the person is certified.
- (f) Notwithstanding subsection (d) of this section, TJJJ will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation of community supervision, revocation of probation, or revocation of mandatory supervision.

Subchapter E Training and Continuing Education

§344.600 Training Hours Required for Certification

Effective Date: 2/1/18

- (a) To be eligible for certification, an individual must have received the following number of training hours:
 - (1) a minimum of 80 hours of training, including training in 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.
- (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 TJJJ.

§344.610 Relevance of Training and Standardized Curriculum

Effective Date: 2/1/18

- (a) Training must be relevant to the knowledge and skills required in the performance of the officer's job duties to qualify for certification or continuing education credit.
- (b) Training in the mandatory exam topics listed in [§344.620](#) and [§344.622 of this title](#) must be conducted by training providers who:
 - (1) have successfully completed TJJJ-sponsored training for trainers in the curriculum; or
 - (2) are qualified by relevant knowledge, education, and/or experience to train the topic.

37 TAC Chapter 344

- (c) The standardized curriculum provided by TJJJ must 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 refuse to grant credit for training hours that do not comply with this section.

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

Effective Date: 2/1/18

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

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

Effective Date: 2/1/18

- (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.
- (b) The certification exam for juvenile supervision officers is based on the following mandatory training topics:
 - (1) juvenile rights;
 - (2) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
 - (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
 - (4) purpose and goals of the Prison Rape Elimination Act;
 - (5) suicide prevention and intervention;
 - (6) legal liabilities;
 - (7) recognizing and supervising youth with mental health issues;
 - (8) adolescent development and behavior;

37 TAC Chapter 344

- (9) HIV/AIDS and other communicable diseases;
- (10) TJJJ code of ethics and TJJJ disciplinary procedures;
- (11) trauma-informed care; and
- (12) cultural competency.

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

Effective Date: 2/1/18

To be eligible for certification, juvenile supervision officers must:

- (1) receive training and maintain current certification in the following areas:
 - (A) cardiopulmonary resuscitation (CPR);
 - (B) first aid; and
 - (C) the personal restraint technique used by the department or facility; and
- (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;
 - (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.

§344.626 Required Training Topics for Community Activities Officers

Effective Date: 2/1/18

To be eligible for certification, community activities officers must:

- (1) receive training and maintain current certification in:
 - (A) cardiopulmonary resuscitation (CPR);

37 TAC Chapter 344

- (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
- (2) receive training in the following topics:
- (A) the policies of the department related to preventing, identifying, and reporting abuse, neglect, and exploitation;
 - (B) TJJJ code of ethics and TJJJ 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: 2/1/18

- (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:
- (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.
- (b) Staff members who provide on-the-job training must be qualified to do so based on knowledge, education, and/or experience.
- (c) For juvenile probation officers and juvenile supervision officers, a maximum of 40 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification 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.

§344.640 Continuing Education Requirements for Maintaining Certification

Effective Date: 2/1/18

- (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
 - (3) a community activities officer must complete 40 hours of continuing education within the certification period.
- (b) For juvenile supervision officers, continuing education received during each certification period must include:
- (1) suicide prevention policies, including the suicide prevention plan in residential facilities;

37 TAC Chapter 344

- (2) training necessary to maintain current certification in CPR, first aid, and the approved personal restraint technique;
 - (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.
- (d) For chief administrative officers and facility administrators, continuing education must 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.
- (e) A maximum of 20 hours of continuing education that exceeds the minimum requirement in a certification period may be applied to the next certification period.
- (f) Documentation of the required continuing education must be submitted to TJJJ through TJJJ's certification system no later than the last day of the certification period.
- (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.

§344.660 Approval and Review of Training and Continuing Education

Effective Date: 2/1/18

- (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 TJJJ;
 - (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) TJJJ 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) Training and continuing education topics must be approved by TJJJ 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 TJJJ certification office.

37 TAC Chapter 344

- (e) A department or facility may request a review of TJJD's decision not to approve a topic. In support of the request, the department or facility must describe how the topic relates to the job duties and responsibilities of the officer. TJJD may request additional documentation to evaluate the appropriateness of the topic.

§344.670 Training Methods and Limitations

Effective Date: 2/1/18

(a) **Limitations on Topics.**

(1) **Repetitive Training.**

- (A) Credit will not be granted more than twice in a certification period 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.

(2) **Review of Policy and Procedure.**

A review of the policies and procedures of the department or facility is not eligible for credit unless documentation reflects that the review meets the requirements in [§344.660\(a\) of this title](#).

(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.

(4) **Review of Employee Benefits.**

A review of employment-related benefits and plans is not eligible for credit unless:

- (A) the officer is a supervisor and the review relates to supervisory duties or 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.

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

For juvenile probation officers and juvenile supervision officers, a maximum of 40 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 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:

37 TAC Chapter 344

- (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) **College Courses.**

A maximum of 40 hours may be eligible for credit for successful completion of one or more college courses in topics relevant to the officer's job duties. A course must be provided by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board. 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: 2/1/18

- (a) Documentation of all training used for certification must be maintained 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) Upon request, a department or facility must submit training records to a department or facility in which an officer has obtained subsequent or concurrent employment.

Subchapter F Certification Exam

§344.700 Certification Exam

Effective Date: 2/1/18

- (a) To be eligible for certification as a juvenile probation officer or juvenile supervision officer, an individual must pass the certification exam required by TJJD.
- (b) Before taking the exam, the individual must complete the training required in [§344.620](#) or [§344.622 of this title](#), as applicable.
- (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.
- (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:

37 TAC Chapter 344

- (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 TJJJ 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 TJJJ while taking the exam at a department or facility, the department or facility must notify TJJJ's certification office in writing within one business day.
- (h) Except as provided in subsection (i) of this section, the requirements of this subchapter apply to individuals who:
- (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; or
 - (2) do not currently hold a certification as a juvenile supervision officer and who begin employment as a juvenile supervision officer on or after September 1, 2017.
- (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 TJJJ's proctoring agreement.

Subchapter G Certification

§344.800 Positions Requiring Certification

Effective Date: 2/1/18

- (a) Chief administrative officers must maintain an active certification as a juvenile probation officer.
- (b) Facility administrators must maintain an active certification as a juvenile supervision officer.
- (c) Supervisors in the direct chain of supervision over juvenile probation officers must maintain an active certification as a juvenile probation officer.
- (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.
- (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.
- (f) 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.
- (g) 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.

37 TAC Chapter 344

- (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.

§344.802 Positions Eligible for Optional Certification

Effective Date: 2/1/18

- (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:
 - (1) quality assurance staff; and
 - (2) trainers of individuals in positions requiring certification.
- (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: 9/1/22

- (a) Individuals may hold more than one certification by TJJD if they meet all criteria required for each certification and their job duties are consistent with all certifications held, except as noted in subsection (b) of this section.
- (b) 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.
- (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.

§344.850 Continued Employment in a Position Eligible for Certification

Effective Date: 2/1/18

- (a) To maintain an active certification under this chapter, a certified officer must 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.
- (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 officer's certification on inactive status.

§344.860 Certification Process

Effective Date: 2/1/18

- (a) **Submission of Applications.**

All certification applications must be submitted through TJJD's certification system.
- (b) **Training Record.**

The department or facility must use TJJD's certification system to record training received by individuals seeking certification.
- (c) **Deadline for Submission of Application.**

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

37 TAC Chapter 344

- (1) An individual whose application for certification has not been submitted within this time frame:
 - (A) may not perform the duties of a certified officer;
 - (B) may not count toward any staff-to-juvenile ratio; and
 - (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 the required training.
- (d) **Criminal History Checks.**

A certification application must include verification that the applicant for certification currently meets the criminal history standards set forth in this chapter.
- (e) **Approval of Applications.**
 - (1) TJJD reviews information contained in an application to determine eligibility for 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 Certification.**

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

§344.862 Expiration of Certification

Effective Date: 2/1/18

- (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.
- (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: 2/1/18

- (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.

37 TAC Chapter 344

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

(2) TJJJD 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 TJJJD 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.

§344.866 Certification Status

Effective Date: 2/1/18

(a) **Active.**

A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable.

(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 TJJJD to contain deliberately false or misleading information.

(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.

(d) **Suspended.**

A status that indicates an officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. If the officer's certification is suspended for failure to pay child support under [Section 232.003, Texas Family Code](#), the suspension remains in effect until TJJJD receives an order staying or vacating the suspension.

37 TAC Chapter 344

(e) **Revoked.**

A status that indicates an officer's certification has been permanently revoked by TJJJ and that the officer is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer, or community activities officer. An individual who has had his/her certification revoked is not eligible for any future certification.

(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: 2/1/18

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 Request for Extension of Renewal Deadline

Effective Date: 2/1/18

- (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.
- (b) A certified officer on military leave will be granted an extension for an amount of time equal to the period of military leave, up to a maximum of 24 months.
- (c) If an officer does not satisfy all requirements necessary to maintain an active certification by the end of the extension period, the officer's certification expires.

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

Effective Date: 2/1/18

- (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: 2/1/18

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.

37 TAC Chapter 344

§344.878 Duty to Notify TJJJ of Address Changes

Effective Date: 2/1/18

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.

§344.880 Reactivation, Restoration, or Transfer of Certification Records

Effective Date: 2/1/18

- (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.
- (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 include verification that all required criminal history checks have been completed.
- (c) When reactivating an inactive certification, the continuing education requirements set forth in [§344.640 of this title](#) apply.
 - (1) All training received during the current certification period may be used to meet the continuing education requirements in §344.640 of this title.
 - (2) The individual may receive credit for training received during a period of inactive certification. All rules in this chapter regarding relevance and documentation of the training apply.
- (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: 2/1/18

- (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.