

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 348 Juvenile Justice Alternative Education Programs

Subchapter A. Purpose, Definitions, and Applicability		§348.210	Student Attendance Accounting
§348.100	Purpose	§348.212	Inter-local Cooperation
§348.102	Definitions	§348.214	Physical Plant
§348.104	Interpretation and Applicability	§348.216	Safety, Security, and Emergency Response
§348.106	Waivers and Variances	§348.218	Restraint Requirements
Subchapter B. Program Operations		§348.220	Serious Incidents
§348.200	Program Administration and Organization	§348.222	Abuse, Neglect, and Exploitation
§348.202	Personnel Administration	§348.224	Student Code of Conduct
§348.204	Data Collection and Case File Information	Subchapter C. Accountability	
§348.206	Curriculum	§348.300	TJJD Performance Reports
§348.208	Program Requirements	Subchapter D. Funding	
		§348.400	Funding for JJAEPs

Subchapter A Purpose, Definitions, and Applicability

§348.100 Purpose

Effective Date: 8/1/18

This chapter establishes minimum operational, programmatic, and educational standards for juvenile justice alternative education programs in Texas.

§348.102 Definitions

Effective Date: 8/1/18

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

- (1) **Absent Days**--The actual number of instructional days a student enrolled in the JJAEP is not in attendance for a minimum of four hours.
- (2) **Attendance Days**--The actual number of instructional days a student enrolled in the JJAEP is in attendance for a minimum of four hours.
- (3) **Community Activities Officer**--Has the meaning assigned by [§344.100 of this title](#).
- (4) **Inactive Status**--Attendance status assigned to a student in which the student remains enrolled but is not counted as absent or present.
- (5) **Intensive Physical Activity**--Rigorous physical activity that involves rhythmic, repetitive physical movement that uses large muscle groups and results in an increase in heart rate and respiration. This term does not include activities required as part of a physical education class.
- (6) **JJAEP Administrator**--A juvenile probation department employee designated by the chief administrative officer or governing board of a juvenile probation department as the person responsible for the overall management of the JJAEP.
- (7) **JJAEP Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the juvenile probation department's case management system to TJJD.
- (8) **JJAEP Staff Member**--Any full-time, part-time, temporary, or seasonal employee or volunteer performing JJAEP-related duties.

37 TAC Chapter 348

- (9) **Juvenile Justice Alternative Education Program (JJAEP)**--An educational program operated by the juvenile board designated to serve students pursuant to [Chapter 37, Education Code](#).
- (10) **Juvenile Probation Department (Department)**--Has the meaning assigned by §344.100 of this title.
- (11) **Juvenile Probation Officer**--Has the meaning assigned by [§344.100 of this title](#).
- (12) **Juvenile Supervision Officer**--Has the meaning assigned by §344.100 of this title.
- (13) **Sending School District**--The school district that sends the notice of expulsion and/or documentation needed for a student to enroll in a JJAEP.
- (14) **TJJD**--Texas Juvenile Justice Department.

§348.104 Interpretation and Applicability

Effective Date: 8/1/18

- (a) **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.
- (b) **Applicability.**

This chapter applies to JJAEPs operated under [Section 37.011, Education Code](#).
- (c) **Records Retention.**

For purposes of this chapter, any standard that requires documentation to be maintained but does not specify the length of the retention period means at least two years past the end of the school year in which the student exited the JJAEP unless the local records retention schedule specifies a longer retention period.
- (d) **Policies and Procedures.**

Any policy or procedure required by this chapter must be established by the juvenile board that is responsible for the operation of the JJAEP.
- (e) **Parent Notifications.**
 - (1) Any requirement in this chapter for the JJAEP to provide a notice to a student's parent, guardian, or custodian applies only if:
 - (A) the student is under 18 years of age; or
 - (B) the student is 18 years of age or older and:
 - (i) has provided written consent;
 - (ii) the student has a disability and has authorized the parent, guardian, custodian, or other designated individual to receive the notification under a supported decision-making agreement, as referenced in [Chapter 1357, Estates Code](#);
 - (iii) the student is a dependent student as defined in [Section 152 of the Internal Revenue Code](#) and the notice relates to education services; or
 - (iv) the notification is one that the parent would have received under the Individuals with Disabilities Education Act before the student reached 18 years of age.
 - (2) Any notifications provided under paragraph (1)(B) of this subsection to a parent, guardian, or custodian without the written consent of a student who is at least 18 years of age must also be provided to the student.

§348.106 Waivers and Variances

Effective Date: 8/1/18

Unless expressly prohibited by another TJJD standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with [§349.200 of this title](#).

37 TAC Chapter 348

Subchapter B Program Operations

§348.200 Program Administration and Organization

Effective Date: 8/1/18

(a) **Mission of the JJAEP.**

- (1) Academically, the mission of the JJAEP shall be to enable students to perform at grade level.
- (2) The mission statement must be located in the JJAEP's policies and procedures manual and in the student code of conduct.

(b) **Policies and Procedures.**

- (1) The JJAEP must:
 - (A) have written policies and procedures that govern all aspects of the operation of the program, including personnel, administration, programming, training, and any other program requirement included in this chapter;
 - (B) be operated according to the written policies and procedures; and
 - (C) submit the written policies and procedures to TJJD for review and comment at the following times:
 - (i) no later than October 1 of each year; and
 - (ii) upon request from TJJD.
- (2) The written policies and procedures must be readily accessible to every JJAEP staff member.

(c) **Memorandum of Understanding.**

- (1) The juvenile board must annually enter into a memorandum of understanding with each participating school district. The memorandum of understanding must address the items listed in [Section 37.011\(k\), Education Code](#).
- (2) The memorandum of understanding must be submitted to TJJD annually no later than October 1.

(d) **Research Studies and Experimentation.**

The JJAEP must adhere to requirements established by [§341.200 of this title](#) regarding research studies and experimentation involving students in JJAEPs.

(e) **JJAEP Performance Review.**

The juvenile board and the JJAEP administrator must conduct an annual performance review of the JJAEP between the conclusion of the school year and the beginning of the next school year to determine the effectiveness of the program.

- (1) The information reviewed must include:
 - (A) the number of student entries and exits during the previous school year;
 - (B) the reason for student entries and exits during the previous school year;
 - (C) the number of students who entered the program during the previous school year who were eligible for special education services;
 - (D) student academic performance as measured by passing rates and, if applicable, half-credits earned for students who exited the program during the previous school year;
 - (E) attendance rates for the entire length of enrollment for students who exited the program during the previous school year;

37 TAC Chapter 348

- (F) assessment scores for mathematics and reading as measured by the TJJD-required pre-test and post-test scores, if applicable, for students who exited the program during the previous school year;
 - (G) the number of new arrests or referrals that occurred during the entire length of enrollment for students who exited the JJAEP during the previous school year; and
 - (H) the number of restraints by type (i.e., mechanical or personal) during the previous school year.
- (2) A written report must be completed that includes the data listed in paragraph (1) of this subsection, an analysis of the JJAEP's effectiveness, and any changes to be implemented as a result of the review.
 - (3) The report must be submitted to TJJD no later than October 1.

(f) **JJAEP Management Review.**

The JJAEP administrator must conduct an annual review of the overall operations of the JJAEP before the beginning of each school year.

- (1) The review must include an assessment of the following topics and identify any needed changes:
 - (A) safety and security;
 - (B) inter-local cooperation; and
 - (C) the student code of conduct.
- (2) Existing policies and procedures must be reviewed and assessed to determine their continued relevance to the mission of the JJAEP.
- (3) Documentation of the review must be maintained.

(g) **Required Staff Members.**

(1) **JJAEP Administrator.**

The juvenile board or chief juvenile probation officer must designate a JJAEP administrator. The JJAEP administrator must:

- (A) hold a bachelor's degree from a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- (B) possess juvenile justice experience and/or education experience;
- (C) ensure compliance with all applicable laws and rules related to JJAEPs; and
- (D) ensure compliance with provisions of all contracts with TJJD related to JJAEPs.

(2) **Instructional Staff Members.**

- (A) The JJAEP must maintain a ratio of at least one instructional staff member for every 24 enrolled students. Instructional staff members include only:
 - (i) teachers who are certified, are highly qualified, and/or meet the teaching requirements of the organization providing education services at the JJAEP;
 - (ii) certified educational aides; and
 - (iii) substitute teachers.
- (B) The instructional staff members for the JJAEP must include at least one teacher certified by the State Board for Education Certification (SBEC).
- (C) The JJAEP must provide at least the minimum number of special education teachers required by federal law.

37 TAC Chapter 348

- (D) A special education teacher must be certified as a special education teacher by SBEC or be eligible to work as a special education teacher prior to obtaining certification, as allowed by SBEC.
 - (E) Upon entry into the JJAEP, substitute teachers who are not JJAEP staff members must be provided the JJAEP student code of conduct and JJAEP policies and procedures that directly affect their duties and sign an acknowledgment of receipt.
- (3) **Caseworkers.**
- (A) A caseworker must be a social worker, juvenile probation officer assigned to the JJAEP, counselor, or other mental health provider, as defined in [Chapter 355 of this title](#).
 - (B) Caseworkers must meet the minimum professional requirements and be licensed or certified by the appropriate licensing board in their field.
 - (C) The JJAEP must maintain a ratio of at least one caseworker for every 50 enrolled students.
 - (i) At a JJAEP with 50 or fewer enrolled students, the caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (ii) At a JJAEP with 51–100 enrolled students, one caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The second caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (iii) At a JJAEP with 101–150 enrolled students, two caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The third caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (iv) At a JJAEP with 151–200 enrolled students, three caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The fourth caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph.
 - (v) At a JJAEP with more than 200 enrolled students, the number of caseworkers required to be present during all operational hours of the JJAEP follows the same pattern set forth in clauses (i)–(iv) of this subparagraph.
 - (vi) A substitute caseworker is not required when a caseworker is absent for three or fewer consecutive school days. A substitute caseworker is required if an absence is more than three consecutive school days.
 - (vii) A caseworker who must leave the JJAEP site to complete a JJAEP-related duty is considered present for purposes of calculating the ratio.
- (4) **Supervision Staff Members.**
- (A) The JJAEP must ensure an adequate number of supervision staff members are present during all operational hours.
 - (B) Supervision staff members include drill instructors, educational aides, security personnel, juvenile supervision officers, juvenile probation officers, community activities officers, and behavior management staff.
 - (C) Any staff member, excluding a certified physical education teacher, who participates in the administration of intensive physical activity must be a:
 - (i) juvenile supervision officer;
 - (ii) juvenile probation officer; or

37 TAC Chapter 348

- (iii) community activities officer who has received training in adolescent development and behavior, as required by [§341.402 of this title](#).
- (D) Except for professionals as defined in [§344.100 of this title](#) who are providing services in their professional capacity, any staff member whose position may require supervising or transporting JJAEP students must be:
 - (i) certified by TJJD as a juvenile probation officer, juvenile supervision officer, or community activities officer; or
 - (ii) otherwise authorized to perform the duties of a certified juvenile probation officer, community activities officer, or juvenile supervision officer under [§§341.400, 341.402, 343.428, 343.622, or 355.428](#) of this title, as applicable.
- (5) **Operational Staff Members.**
 - (A) Operational staff members include instructional staff members, supervision staff members, caseworkers, and JJAEP administrators.
 - (B) The JJAEP must maintain a ratio of at least one operational staff member for every 12 enrolled students.
- (h) **Verification Documentation.**
 - (1) The JJAEP must maintain a daily staff member roster, staff sign-in sheet, or other verification document that identifies each of the operational staff members who are present in the JJAEP each day.
 - (2) The staff member roster, sign-in sheet, or other verification document must include the date, the time of entry and exit, the staff member's full name, and the staff member's position or title. Electronic records are acceptable for documenting whether staff members are present or absent.

§348.202 Personnel Administration

Effective Date: 8/1/18

(a) Personnel Records.

The JJAEP administrator must have access to a personnel file for each employee or person working at the JJAEP who is included in any program ratio. The file must include verification that any required certifications are current.

(b) Training Records.

For each employee or person working at the JJAEP who is included in any program ratio, the JJAEP program administrator must have access to documentation verifying that the individual has completed all training required by this chapter.

(c) New Employee Orientation.

All staff members expected to work at the JJAEP for six weeks or longer must receive an orientation training prior to having direct, unsupervised access to students.

- (1) Orientation training must occur within the first two weeks of the staff member's employment.
- (2) Documentation of completion of orientation training and agendas must be maintained, including staff signatures on training sign-in sheets.
- (3) Orientation must include training on:
 - (A) safety and security procedures, including emergency exit drills and the JJAEP's disaster safety plan;
 - (B) identification and reporting of serious incidents and child abuse, neglect, and exploitation as required by [Chapter 358 of this title](#);

37 TAC Chapter 348

- (C) writing incident reports;
- (D) student code of conduct;
- (E) behavior management program;
- (F) transporting students;
- (G) crisis intervention, including how to report suicidal ideation or behavior;
- (H) distribution of medication;
- (I) restraint policy;
- (J) student grievance procedures; and
- (K) job descriptions, including duties and responsibilities of the assigned position.

(d) **Criminal History and Background Checks.**

The criminal history and background check requirements and criminal history standards established by [Chapter 344, Subchapters C and D, of this title](#) apply to a JJAEP.

§348.204 Data Collection and Case File Information

Effective Date: 8/1/18

(a) **Data Collection and Reporting.**

(1) **JJAEP EDI Extract.**

- (A) Unless an alternate data entry system has been approved by TJJD, the JJAEP administrator or designee must ensure that:
 - (i) statistical and programmatic data for each student, as required by the JJAEP Electronic Data Interchange (EDI) Specifications, are accurately documented and entered into the juvenile probation department's automated case management system; and
 - (ii) the JJAEP EDI Extract is submitted to TJJD no later than the 10th calendar day of each month following the reporting period.
- (B) TJJD staff must discuss any proposed changes to the JJAEP EDI Specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications.

(2) **JJAEP Monthly Activity Report.**

The JJAEP administrator or designee must ensure the JJAEP Monthly Activity Report is submitted in the required format to TJJD no later than the 10th calendar day of each month following the reporting period via TJJD's Internet database.

(b) **Student Educational Records.**

The following information must be documented and maintained in the case file for each student in the program:

- (1) grade level upon entry to the JJAEP;
- (2) notice of expulsion;
- (3) court order(s) placing the student into the JJAEP;
- (4) police offense report, if applicable;
- (5) entry and exit transition plans;
- (6) education records, to include:

37 TAC Chapter 348

- (A) special education determination;
 - (B) appropriate special education records;
 - (C) scores on assessments required by the Texas Education Agency; and
 - (D) home-language survey;
- (7) admission and exit testing data, if applicable;
 - (8) pre-participation physical evaluation, if required under [§348.208 of this title](#);
 - (9) documentation of regular reviews of academic progress as required by [Section 37.011\(d\), Education Code](#);
 - (10) date of admission;
 - (11) number of attendance days;
 - (12) number of absent days;
 - (13) date of release;
 - (14) emergency notification contacts;
 - (15) special medical needs, if any;
 - (16) immunization records; and
 - (17) medical release form.

§348.206 Curriculum

Effective Date: 8/1/18

(a) Required Courses and Additional Areas of Study.

- (1) At a minimum, the JJAEP must provide the following courses at the JJAEP:
 - (A) English language arts;
 - (B) mathematics;
 - (C) social studies; and
 - (D) science.
- (2) The JJAEP must provide the following additional areas of study:
 - (A) high school equivalency program; and
 - (B) self-discipline, which may be integrated into the program and may include topics such as drug awareness, anger management, impulse control, and cognitive skills.

(b) Curriculum Development.

- (1) A teacher certified by the State Board for Educator Certification must oversee the development and implementation of the educational curriculum.
- (2) The JJAEP administrator must ensure that course instruction is consistent with the essential knowledge and skills of each subject of the foundation curriculum as defined by the rules of the State Board of Education.
- (3) The high school equivalency program curriculum must address the elements required to pass the topics tested: English, mathematics, science, and social studies. High school equivalency program components may be integrated into the regular educational curriculum.
- (4) The JJAEP must offer an accelerated component for each required area of instruction to support credit recovery at the high school level and to regain academic and social skills at the elementary and middle school levels.

(a) **Special Education.**

- (1) The JJAEP, in collaboration with the sending school district, must ensure that a student with a disability who receives special education services is provided educational services that will support the student in meeting the goals identified in the individualized education program established by a duly constituted admission, review, and dismissal (ARD) committee, in accordance with [Section 37.004, Education Code](#), and federal requirements.
- (2) The following ARD committee documentation must be maintained for each special education eligible student:
 - (A) the most recent full and complete ARD meeting paperwork;
 - (B) the manifestation determination ARD meeting paperwork; and
 - (C) the most recent evaluation of eligibility for special education services.

(b) **English as a Second Language (ESL).**

- (1) The JJAEP, in collaboration with the sending school district, must ensure that a student who is non-English speaking or who speaks English as a second language is provided ESL services and instruction appropriate to address his or her needs, as determined by a language proficiency assessment committee (LPAC).
- (2) Documentation of LPAC determinations must be maintained.

(c) **Section-504-Eligible Students.**

- (1) The JJAEP must ensure, in collaboration with the sending school district, that a student who is eligible for services under Section 504 of the Rehabilitation Act of 1973 is provided services and instruction appropriate to address his or her needs, as determined by a Section 504 committee.
- (2) Documentation of Section 504 eligibility determinations must be maintained.

(d) **Standardized Testing Protocols.**

- (1) JJAEP policies and procedures must describe the safeguards the JJAEP will use to maintain the integrity of the standardized testing process and confidentiality of test results.
- (2) JJAEP policies and procedures must include the following requirements:
 - (A) tests must be maintained in a secure setting (e.g., a locked file cabinet) so that staff and students do not have access to the test except while the test is being administered;
 - (B) staff are prohibited from making copies of the test;
 - (C) staff are prohibited from teaching the specific questions on the test; and
 - (D) unauthorized persons are prohibited from receiving test results, whether hard copy or electronic.
- (3) For statewide standardized tests, the JJAEP must adhere to all testing protocols required by the Texas Education Agency.
- (4) The JJAEP must administer the standardized test selected by TJJD to measure progress in reading and mathematics for students who will be enrolled in the JJAEP for at least 75 school days.
 - (A) The pre-test must be administered within 15 days after the student's enrollment.
 - (B) The post-test must be administered no sooner than 60 days after the student's enrollment.

(e) **Counseling.**

Counseling services (individual or group) must be available to all students in attendance at the JJAEP.

37 TAC Chapter 348

(f) **Meals.**

- (1) Written policies and procedures must require that each student in attendance at the JJAEP is provided a lunch meal on each school day.
- (2) A student may not be denied a lunch meal as a disciplinary measure.

(g) **Medical.**

(1) **Authorization to Consent to Treatment.**

The JJAEP must have on file for each student:

- (A) an authorization to consent to medical treatment in accordance with [Section 32.001, Family Code](#), signed by the student's parent, guardian, or custodian; or
- (B) documentation indicating the parent, guardian, or custodian has refused to sign.

(2) **Medication Administration.**

The JJAEP must have written policies and procedures governing the administration of medication to students. The policies and procedures must:

- (A) specify which personnel are authorized to dispense medication to students;
- (B) identify requirements for the storage, use, and distribution of all medication provided to students;
- (C) require the student's parent, guardian, or custodian to provide a written request for the administration of the medication;
- (D) specify that the JJAEP will not accept medication unless it is in the original, properly labeled container; and
- (E) require that distribution of all medication be documented, including the date/time administered, name of the person who administered, student's name, type of medication, and dosage.

(h) **Programs that Include Intensive Physical Activity.**

(1) **Weather-Related Policies.**

A JJAEP that has an intensive physical activity component must develop written policies and procedures regarding extreme weather conditions. These policies and procedures must address the following:

- (A) gradual acclimatization to hot weather;
- (B) student clothing for various weather conditions;
- (C) specific criteria for temperature and humidity level and other weather conditions that indicate when outside activity is not allowed; and
- (D) the provision of a water break to students at least once every 30 minutes during the intensive physical activity period.

(2) **Pre-Participation Physical Evaluation.**

- (A) A student may not participate in intensive physical activity unless the student has received a pre-participation physical evaluation performed by a Texas-licensed:
 - (i) physician;
 - (ii) physician assistant;
 - (iii) advanced practice registered nurse; or
 - (iv) doctor of chiropractic.

37 TAC Chapter 348

- (B) The pre-participation physical evaluation must have been completed within one calendar year prior to the student's participation in intensive physical activity.
- (C) The pre-participation physical evaluation must indicate whether or not the student has any temporary or permanent physical limitations or conditions that would limit or prohibit participation in intensive physical activity.
- (D) The JJAEP must adhere to the limitations or prohibitions noted in the pre-participation physical evaluation report.

§348.210 Student Attendance Accounting

Effective Date: 8/1/18

(a) **Administrator's Responsibility.**

The JJAEP administrator must ensure that attendance records for all students enrolled in the JJAEP are accurately documented, maintained, and reported to TJJD.

(b) **Aggregate Attendance Accounting.**

- (1) The expulsion category of each student enrolled must be recorded on the student attendance records.
- (2) A specific character on the student attendance record must be used to identify a student's status as present, absent, or inactive.

(c) **Student Entry and Exit Accounting.**

- (1) The student's recorded entry date is the first day the student is physically present at the JJAEP.
- (2) A student's recorded withdrawal date is the first school day on which the student is no longer enrolled in the program. The withdrawal date cannot be a date on which the student was present.
- (3) The JJAEP must maintain daily student sign-in sheets that contain each student's printed name and signature.
- (4) The time of entry or exit must be noted on the student sign-in or sign-out sheet for a student who arrives late or leaves early on any school day.
- (5) During the regular school year, a student must be present for at least four hours of the school day for it to qualify as an attendance day.

(d) **Inactive Status.**

- (1) A student must be placed on inactive status if he or she:
 - (A) is in juvenile detention and is not permitted to attend the JJAEP;
 - (B) is in jail;
 - (C) is a documented runaway;
 - (D) is absent for a minimum of four consecutive school days due to an illness or other medical reason documented by a licensed physician, physician assistant, or advanced practice registered nurse; or
 - (E) is absent for a minimum of 10 consecutive school days, which may roll over to the start of the next semester attended by the student.
- (2) Inactive status begins on the date the event resulting in placement on inactive status begins, as noted on the verification documentation. The documentation must be maintained in the student's file. If verification documentation is not provided, inactive status may not begin until the 11th consecutive school day of absence.
- (3) A student who is maintained on inactive status for 30 consecutive school days must be withdrawn on the 31st day of inactive status. A student may not be maintained on inactive status for more than 30 consecutive school days, which may roll over to the start of the next semester attended by the student.

37 TAC Chapter 348

(e) Reporting Absences.

The JJAEP must have written policies and procedures that specify which staff member is responsible for reporting absences to the sending school district, which must occur at least once per week.

§348.212 Inter-local Cooperation

Effective Date: 8/1/18

(a) Parent, Guardian, or Custodian.

- (1) Progress reports must be given to the student and the student's parent, guardian, or custodian a minimum of once every 120 school days.
- (2) Except in cases where a parent, guardian, or custodian withdraws a student, the JJAEP must notify the student's parent, guardian, or custodian in writing of the student's withdrawal from the JJAEP prior to the withdrawal date unless the date is not known prior to the withdrawal. The JJAEP must maintain this documentation.

(b) School District.

(1) Student Entry and Exit Transition Plans.

- (A) For each student, the JJAEP must coordinate with the sending school district to develop a written transition plan for entrance into the JJAEP.
- (B) For each student, the JJAEP must develop a written exit transition plan, provide the plan to the receiving school district, and maintain written verification that the plan was sent. The exit transition plan must include all information regarding courses in progress or completed, current grades for courses in progress, and number of attendance days and absent days.
- (C) The JJAEP must provide the student and the parent, guardian, or custodian with a copy of the exit transition plan.

(2) Student Assessment.

All students enrolled in the JJAEP must take the statewide assessment as required under [Section 39.023, Education Code](#). The JJAEP must have policies and procedures addressing:

- (A) the delivery of testing materials to and from the JJAEP if the assessment is administered on-site; and
- (B) the administration of the statewide assessment to the students.

(c) Juvenile Probation Departments.

- (1) The JJAEP and the local juvenile probation department must jointly coordinate the provision of needed social services for the students enrolled in the JJAEP.
- (2) Local juvenile probation departments must provide to the JJAEP information regarding the probation status of each student and the name of the student's juvenile probation officer.
- (3) The JJAEP must provide the local juvenile probation department with monthly attendance records of juvenile probationers enrolled in the JJAEP.

§348.214 Physical Plant

Effective Date: 8/1/18

- (a) The JJAEP must conform to all applicable federal, state, and local ordinances and codes. Each JJAEP must have on file the most recent inspections (i.e., health and fire) conducted by the local governmental authority having jurisdiction.
- (b) The number of occupants in the JJAEP may not exceed the rated capacity as determined by the appropriate fire authority. The JJAEP must maintain documentation from the appropriate fire authority for the rated capacity of each classroom and for the entire building.

37 TAC Chapter 348

- (c) The classroom space and common areas must be adequate to meet the programmatic requirements for each student enrolled and in attendance in the JJAEP, including sufficient seating and desks or tables.
- (d) All fixtures, including any emergency lighting, must be in working order.
- (e) Repairs must be made promptly to all furniture, equipment, and fixtures currently in use that are not in safe working order.

§348.216 Safety, Security, and Emergency Response

Effective Date: 8/1/18

(a) Security Plan.

The JJAEP must have a written plan that addresses security:

- (1) within the JJAEP building(s);
- (2) on the JJAEP campus;
- (3) at JJAEP-sponsored events that take place off campus property; and
- (4) during transportation of JJAEP students; if applicable.

(b) Transportation.

The JJAEP must have written policies and procedures that govern the use of motor vehicles to transport students enrolled in the JJAEP. The policies and procedures must address the following:

- (1) authorized methods of transportation;
- (2) security and supervision requirements;
- (3) authorized transport personnel;
- (4) procedures for responding to emergencies while transporting students;
- (5) a requirement to possess appropriate auto liability insurance when transporting students in personal vehicles, if allowed; and
- (6) circumstances under which a student is allowed to drive a personal vehicle to the JJAEP campus.

(c) Emergency Situations.

The JJAEP must have written policies and procedures regarding emergency situations. The policies and procedures must address the following:

- (1) emergency evacuation plans;
- (2) assignment of staff responsibilities;
- (3) notification of emergency services; and
- (4) procedures for specific emergency situations, including:
 - (A) fire;
 - (B) bomb threat;
 - (C) hazardous weather conditions;
 - (D) active shooter event; and
 - (E) riot.

(d) Medical Emergencies.

The JJAEP must have written policies and procedures addressing medical emergencies. The policies and procedures must address the following:

- (1) obtaining medical assistance;
- (2) when emergency medical services must be called;
- (3) notification to appropriate staff and to the parent, guardian, or custodian of the student involved; and
- (4) documentation of the incident.

37 TAC Chapter 348

(e) **Cardiopulmonary Resuscitation (CPR) and First Aid.**

Each JJAEP must have at least two staff members certified in CPR and first aid on duty and in close proximity to the students at all times when students are present at the JJAEP campus. Proof of current certification must be maintained in personnel or training files. Documentation must reflect the day certification expires.

(f) **Emergency Exit Drills.**

The JJAEP must conduct at least two emergency exit drills during the school year unless local fire codes or ordinances require these drills more frequently. At least one drill must be conducted during the first half of the school year (August–December) and at least one drill must be conducted during the second half of the school year (January–June).

- (1) Written documentation (e.g., fire drill log) of the emergency exit drills must be maintained. Documentation must include the date, time, and staff involved in the emergency drill.
- (2) The JJAEP must post emergency exit routes in all classrooms and common areas.

(g) **JJAEP Closure.**

The JJAEP must have written policies and procedures addressing the cancellation of classes due to an emergency situation. The policies and procedures must:

- (1) address the cancellation of classes due to inclement weather and/or emergency situations;
- (2) identify the individual responsible for making the decision to cancel classes; and
- (3) specify the method(s) by which the closure is to be communicated to the students and their parents, guardians, or custodians.

(h) **Supervision upon Removal from a Classroom.**

- (1) The JJAEP must have written policies and procedures that ensure students removed from the classroom for disciplinary reasons and placed in isolation, administrative segregation, time-out, in-school suspension, or any other location are under continuous visual supervision by a JJAEP staff member.
- (2) Policies and procedures must prohibit:
 - (A) use of a locked room for disciplinary removals; and
 - (B) the use of electronic monitoring equipment as a substitute for continuous visual supervision.

(i) **Searches.**

- (1) All students entering the JJAEP must be subjected to a pat-down search or a metal detector screening on a daily basis.
- (2) Searches must be conducted in accordance with written policies and procedures. The policies must:
 - (A) address:
 - (i) when a search is appropriate and/or required;
 - (ii) who is authorized to conduct the search;
 - (iii) what types of searches are permissible;
 - (iv) how pat-down searches will be conducted, if applicable; and
 - (v) what to do when contraband is found;
 - (B) if pat-down searches are used, require that the staff member conducting a pat-down search is the same gender as the student unless an exception is approved and documented by the JJAEP administrator; and
 - (C) prohibit strip searches and anal and genital body cavity searches.

37 TAC Chapter 348

(j) **Disciplinary Reports.**

- (1) Written policies and procedures must require JJAEP staff to prepare a written disciplinary report for each incident occurring in the JJAEP that constitutes a major violation of the student code of conduct or of JJAEP rules. The policies must require that the written disciplinary report include:
 - (A) details of the incident;
 - (B) violation(s) that occurred;
 - (C) action(s) taken by the staff member(s);
 - (D) date and time of the incident; and
 - (E) discipline imposed, if any.
- (2) The disciplinary report must be sent to the JJAEP administrator no later than the next school day. Documentation that shows the date and time the disciplinary report was sent to the JJAEP administrator must be maintained.

§348.218 Restraint Requirements

Effective Date: 8/1/18

- (a) The JJAEP must adhere to the restraint requirements set forth in [Chapter 341, Subchapter G, of this title](#), except as noted in subsection (b) of this section.
- (b) Personal restraints may be used by any JJAEP staff member trained in the approved personal restraint technique in accordance with training requirements set forth in Chapter 341, Subchapter G, of this title.

§348.220 Serious Incidents

Effective Date: 8/1/18

The JJAEP must adhere to the requirements related to serious incidents set forth in [Chapter 358 of this title](#).

§348.222 Abuse, Neglect, and Exploitation

Effective Date: 8/1/18

- (a) The JJAEP must adhere to the requirements related to abuse, neglect, and exploitation set forth in [Chapter 358 of this title](#).
- (b) The JJAEP must have zero-tolerance policies and practices regarding sexual abuse, as defined in Chapter 358 of this title, that provide for administrative and/or criminal disciplinary sanctions.

§348.224 Student Code of Conduct

Effective Date: 8/1/18

(a) **Adoption.**

- (1) The JJAEP student code of conduct must be adopted annually by the juvenile board and must describe and define in writing the JJAEP's behavior management system.
- (2) The JJAEP administrator must:
 - (A) conduct an annual review of the student code of conduct after the conclusion of each school year and before the beginning of the next school year; and
 - (B) no later than October 1 of each year, submit to TJJD documentation verifying the review was completed.

(b) **Notice to Students, Parents, and Staff.**

- (1) The JJAEP student code of conduct must be provided to each student and to the student's parent, guardian, or custodian upon the student's entry into the JJAEP.

37 TAC Chapter 348

- (2) The student code of conduct must be reviewed with each student and the student's parent, guardian, or custodian and must be translated if necessary to ensure understanding of the content by all parties.
- (3) Acknowledgment of receipt of the student code of conduct signed by the student and by his/her parent, guardian, or custodian must be maintained in each student's file.
- (4) No later than the first day of each school year, each JJAEP staff member must sign an acknowledgement that he/she has read and understands the student code of conduct. This acknowledgement must be maintained in the staff's personnel file.
- (5) The student code of conduct must be readily accessible to every JJAEP staff member.

(c) **Discipline and Sanctions.**

The student code of conduct must include the following:

- (1) prohibited conduct described as minor violations and major violations and the corresponding disciplinary consequences available for each violation;
- (2) a description of the disciplinary process, including safeguards designed to promote consistent application of the process;
- (3) circumstances that will allow a student's removal from the classroom with staff supervision;
- (4) circumstances under which a student may be placed into another educational setting;
- (5) due-process procedures; and
- (6) a prohibition on one student sanctioning another student.

(d) **Prohibited Sanctions.**

- (1) The following sanctions are prohibited in the JJAEP, and their prohibition must be noted in the student code of conduct:
 - (A) corporal punishment, physical abuse, humiliating punishment, and hazing;
 - (B) physical exercises imposed for discipline or intimidation, except as allowed under paragraph (2) of this subsection;
 - (C) deprivation of food and water; and
 - (D) expulsion from the JJAEP.
- (2) Physical exercise may be used for discipline only if:
 - (A) the JJAEP operates an intensive physical activity program;
 - (B) the JJAEP has established written policies and procedures that include limitations on the types of physical activity that may be used for discipline; and
 - (C) the physical exercise does not cause bodily duress (i.e., physical punishment to the body).

(e) **Dress Code.**

The student code of conduct may establish a dress code or require uniforms for students in attendance.

(f) **Grievance Procedures.**

The student code of conduct must state:

- (1) which issues are grievable and not grievable;
- (2) the process by which a student may submit a grievance;
- (3) the method(s) by which students may obtain and submit a grievance without the assistance or permission of staff;

37 TAC Chapter 348

- (4) that retaliation by staff against a student for submitting a grievance is prohibited;
 - (5) that the student will receive a written response within five school days after submitting the grievance;
 - (6) that, upon request, a student's parent, guardian, or custodian will be provided a copy of a grievance submitted by the student, including the response;
 - (7) the deadline for submitting an appeal of the initial response, which must be no earlier than five school days after the student receives the initial response; and
 - (8) that the student will receive a written response within 10 school days after submitting an appeal.
- (g) **Sexual Abuse.**

The student code of conduct must include information relating to the JJAEP's zero-tolerance policy for sexual abuse. The information provided must address the following:

- (1) prevention and intervention;
- (2) methods of minimizing the risk of sexual abuse;
- (3) reporting sexual abuse and assault; and
- (4) treatment and counseling.

Subchapter C Accountability

§348.300 TJJJ Performance Reports

Effective Date: 8/1/18

- (a) TJJJ completes a JJAEP performance assessment report as required by the General Appropriations Act (GAA). The report addresses factors identified by the GAA. TJJJ provides each JJAEP administrator and each chief administrative officer with a copy of the report.
- (b) At mandatory JJAEPs (i.e., JJAEPs whose operation is required by law), the JJAEP administrator must provide a copy of the report to the juvenile board and to the superintendent of each school district that participates in the JJAEP.

Subchapter D Funding

§348.400 Funding for JJAEPs

Effective Date: 8/1/18

- (a) Funding for JJAEPs is provided in accordance with requirements in the General Appropriations Act.
- (b) TJJJ will not release funds to a JJAEP until it has received the following:
 - (1) memorandum of understanding with completed signature page(s), as required by [§348.200 of this title](#);
 - (2) student code of conduct for the current school year; and
 - (3) school calendar.
- (c) TJJJ will not release funds to a JJAEP whose school calendar is not in compliance with [Section 37.011\(f\), Education Code](#), unless an application for a waiver has been approved by TJJJ.