



TEXAS
JUVENILE JUSTICE
DEPARTMENT

**Requirements for MOU/Interlocal
Agreement
JJAEP – School District**

July 13, 2022

Memorandum of Understandings

- Overview and background
- Purpose
- Scope
- Definitions
- Agreements
- Procedural Requirements
- Updates
- Terms of the Agreement

Statutory Requirements for a Memorandum of Understanding Education Code 37.011

- Required for counties with populations > 125,000. EDC 37.011(k)
- Must be renewed annually by September 1. EDC 37.011(m)
- Sets out responsibilities of the juvenile board EDC 37.011(k)(1)
- Defines the amount and conditions on payments for discretionary placements. EDC 37.011(k)(2)

**Statutory Requirements for a Memorandum of Understanding
Education Code 37.011**

- Address placement of students for serious misbehavior. EDC 37.011(k)(3)
- Placements when a school receives a notice of a referral to juvenile court under FC 52.041(d). EDC 37.011(k)(4)
- Services for students transitioning back to school district prior to discharge from JJAEP. EDC 37.011(k)(5)

**Statutory Requirements for a Memorandum of
Understanding
Education Code 37.011**

- Transportation Plan. EDC 37.011(k)(5)
- Circumstances and conditions in which a student can remain in JJAEP after termination of juvenile court jurisdiction. EDC 37.011(k)(6)
- Special education plan. EDC 37.011(k)(8)
- Responsibilities for providing education to students when expelled. EDC 37.011(l)

**Required for counties with populations >
125,000.**

EDC 37.011(k)

- Agreement must be made with each ISD in the county
- Agreement can be a multiple ISD agreement or for separate agreements for each ISD

Annual Adoption of MOU

- By September 1 of each year
- Specific requirement for each school district

Responsibilities of the Juvenile Board EDC 37.011(k)(1)

- Juvenile Boards responsibilities for establishment and operation the JJAEP
- Administration of the JJAEP program
- Populations served by the JJAEP
- Admission procedures
- Governance of the JJAEP

Amount and Condition of Payment EDC 37.011(k)(2)

- Does not cover mandatory expulsions.
- Actual cost for placements. EDC 37.0081(g).
- Actual costs is determined by the juvenile board based on the board's annual audit

Placement of Students for Serious Misbehavior EDC 37.011(k)(3)

- Agreed definition of “serious misbehavior.” EDC 37.009(c).
- Define what deliberate violent behavior
- Look at Penal Code definitions: public lewdness, indecent exposure, criminal mischief, hazing, harassment.
- Permissive except some criminal mischief

**Placement in JJAEP after
Notice of JC referral
EDC 37.011(k)(4)**

- Family Code 52.041 – Process and Procedures
- School district expulsion and notice to the JC
- Preliminary investigation of the conduct incident to expulsion
- Determination on: whether a child, probable cause that delinquent conduct occurred;
- Adjudication
- No expulsion unless written notification juvenile board.

Transitioning Back to School District

- EDC 37.023
- Requires alternative education programs to notify school districts prior to a student being released and provide certain information for transition planning
- Requires school district to develop a transition plan
- General processes for students to return to school district

Transportation Plan EDC 37.011(k)(5)

- School district transportation
- School district calendar

Special Education Plan EDC 37.011(k)(8)

- General compliance with IDEA
- Process for ARD meetings and reviews,
- Referrals for services
- Disciplinary removals
- Consideration of Section 504 and ESL

Discretionary Placement after Mandatory Placement

- School district must pay for the placement
- Determined by the terms of the expulsion

Additional Considerations

- Any terms used in the MOU that could have multiple meanings should be defined.
- School district removal from the JJAEP
- Counties with multiple school districts (hold-out districts)
- Specific requirement in statute – specific reference in MOU (Auditing)
- Other ambiguities in interpretation