

Chapter: Rules for State-Operated Programs and Facilities	<b>Effective Date: 10/1/15</b>
Subchapter: Behavior Management and Youth Discipline	
Division: Behavior Management	Page: 1 of 4
<b>Rule: Redirect Program</b>	Replaces: GAP.380.9517, 9/16/12
ACA: 4-JCF-3C-01, 3C-17	
Statutes: 20 USC §1400 et al., 34 CFR §300.530	

**RULE**

(a) **Purpose.**

The Redirect program delivers intensive interventions in a structured environment for youth who have engaged in certain serious rule violations. The program is designed to promote violence reduction and skill building to increase safety on Texas Juvenile Justice Department (TJJD) campuses. This rule sets forth eligibility criteria, program completion requirements, and services to be provided to youth in the program.

(b) **Applicability.**

This rule applies only to high restriction facilities operated by TJJD.

(c) **Definitions.**

- (1) **Admission, Review, and Dismissal (ARD) Committee**--a committee that makes decisions on educational matters relating to special-education-eligible youth.
- (2) **Behavior Intervention Plan**--a written plan developed as a result of a functional behavioral assessment to address specific behavioral concerns that are impeding a youth's learning or the learning of others. The plan is part of a youth's individualized education program and includes positive behavioral interventions and supports and other strategies to address the behavior.
- (3) **Functional Behavioral Assessment**--a process for observing and collecting data on specific behaviors that are impeding a youth's progress and determining the function the behavior plays for a youth (e.g., seeking attention, peer acceptance, avoidance, etc.).
- (4) **Individualized Education Program (IEP)**--the program of special education and related services developed by a youth's ARD committee.
- (5) **Manifestation Determination Review**--a review conducted by a youth's ARD committee when a decision has been made to change a special-education-eligible youth's school placement due to a violation of the code of conduct. The committee determines whether a youth's conduct is a manifestation of the youth's disability and whether the youth's IEP was fully implemented.
- (6) **Multi-Disciplinary Team (MDT)**--a team that assesses youth progress through the Redirect program. At a minimum, the team must include representatives from the following departments: psychology, case management, education, and dorm supervision.

(d) **Program Eligibility.**

A youth who is referred to the Phoenix program pursuant to [§380.9535](#) of this title or who engages in one or more of the following rule violations as defined in [§380.9503](#) of this title meets criteria for placement in the Redirect program:

- (1) assault or fighting;
- (2) escape or attempted escape;
- (3) vandalism (major rule violation only);
- (4) sexual misconduct (excluding kissing);
- (5) possessing or threatening others with a weapon or item that could be used as a weapon;
- (6) chunking bodily fluids;
- (7) tampering with safety equipment; or

- (8) any other major rule violation when the totality of circumstances justifies the placement in the program and the placement is directed by the executive director or designee.

(e) **Request to Pursue Placement in Redirect Program.**

The facility administrator or designee may approve a request to pursue placement of a youth in the Redirect program only when it is determined that:

- (1) the youth poses a continuing risk for the admitting behavior(s);
- (2) less restrictive methods of documented intervention have been attempted when appropriate; and
- (3) the mental status of the youth has been assessed by a mental health specialist and there are no therapeutic contraindications for admission to the Redirect program.

(f) **Additional Considerations for Youth Receiving Special Education Services.**

When a youth who is receiving special education services engages in a rule violation during school-related activities and is recommended for placement in the Redirect program, the recommendation must include a determination of whether to request removal from the regular educational setting as part of the youth's placement in the Redirect program. The recommendation must take into consideration the youth's educational plan, behavior in school, safety issues, and any other relevant information. If a removal from the regular educational setting is recommended, the youth's ARD committee determines the youth's educational placement.

- (1) If a removal is not recommended, the youth may be placed in the Redirect program but will receive educational services in the youth's regular educational setting.
- (2) If a removal is recommended, the youth's ARD committee must conduct a manifestation determination review as required by the Individuals with Disabilities Education Act (IDEA).
  - (A) If the youth's ARD committee determines that the youth's conduct was a direct result of a failure to implement the youth's IEP or that the conduct was caused by or had a direct and substantial relationship to the youth's disability:
    - (i) the ARD committee must conduct a functional behavior assessment and develop a behavior intervention plan or, if a behavior intervention plan already exists, modify the existing plan to address the youth's conduct;
    - (ii) the youth will not be removed from his/her regular educational setting unless the youth's parent or surrogate parent (as defined by 34 CFR §300.519) agrees to a change in the educational setting as part of the youth's behavior intervention plan; and
    - (iii) the youth may be admitted to the Redirect program.
  - (B) If the youth's ARD committee determines that the youth's conduct was not a result of a failure to implement the youth's IEP and was not caused by and did not have a direct and substantial relationship to the youth's disability, the ARD committee may determine that the youth may receive educational services in the Redirect housing area.
  - (C) Regardless of the results of a manifestation determination review, a youth may be admitted to the Redirect program and may receive educational services in the Redirect housing area for up to 45 days if the rule violation includes possession of a weapon or the infliction of serious bodily injury upon another person.
    - (i) For purposes of subparagraph (C) of this paragraph only, weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, not including a pocket knife with a blade of less than 2 1/2 inches in length.

- (ii) For purposes of subparagraph (C) of this paragraph only, serious bodily injury means bodily injury that involves:
  - (I) a substantial risk of death;
  - (II) extreme physical pain;
  - (III) protracted and obvious disfigurement; or
  - (IV) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- (D) If a youth is removed from his/her regular educational setting, educational services must be provided so as to enable the youth to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the youth's IEP goals.

(g) **Admission Process.**

A Level II due process hearing must be held in accordance with [§380.9555](#) of this title. The youth may be admitted to the Redirect program if there is a finding of true with no extenuating circumstances that the youth committed a rule violation listed in subsection (d) of this section. The parent/guardian must be provided prior notice of the hearing as required by §380.9555 of this title and must be given an opportunity to provide information to be considered in Redirect program placement decisions.

(h) **Program Requirements.**

- (1) The Redirect program is administered in a special unit designated for such purpose.
- (2) On scheduled academic days, youth must be provided with the amount of education services established by the approved master schedule for the regular school program.
- (3) An individual plan must be developed for each youth. The plan must be written in a language clearly understood by the youth. The plan must:
  - (A) address the specific target behavior or cluster of behaviors that led to admission to the Redirect program, taking into consideration the mental health specialist's recommendations to address the motivation for the behavior;
  - (B) involve strategies for intervention and prevention of the target behavior through skills development;
  - (C) include a component that addresses transition to the general campus population; and
  - (D) provide clearly written objectives for release from the Redirect program.
- (4) Staff must explain the individual plan to the youth. The youth must be provided an opportunity to sign the plan in acknowledgment.
- (5) The individual plan and youth's progress with regard to target behaviors and skills development is reviewed and evaluated at least once every seven days by the MDT.
- (6) Youth must be gradually reintegrated into campus programming as soon as he/she demonstrates comprehension of the goals established in the treatment plan.
- (7) Youth who are placed in the Redirect program are afforded living conditions and privileges approximating those available to the general campus population.
- (8) Youth must receive daily visits and a minimum of 30 minutes of counseling per week with the assigned case manager or designee. The case manager or designee must immediately refer youth to a mental health professional if concerns exist as to the youth's mental health status.

- (9) Youth must receive weekly mental health status exams by a mental health specialist while youth movement and program activities are restricted to the Redirect unit. Youth must also receive weekly mental health counseling if deemed necessary by a mental health specialist.
- (10) Youth must be provided with at least one hour of large-muscle exercise seven days per week.
- (11) For youth who remain in the Redirect program more than 30 days, the facility administrator or designee must review the youth's progress, programming, and adequacy of interventions at least once every 30 days.
- (12) For youth who remain in the Redirect program more than 60 days, the division director over residential facilities or designee must review the youth's progress, programming, and adequacy of interventions at least once every 30 days.

(i) **Temporary Removal from the Redirect Program.**

Youth may be referred to the Security program while currently assigned to the Redirect program if the youth meets criteria in [§380.9740](#) of this title. The Security program location for youth in the Redirect program may be in the Redirect program unit, using individual youth rooms.

(j) **Criteria for Release from Redirect Program.**

A youth must be released from the Redirect program and returned to his/her assigned dorm upon the earliest of the following events:

- (1) a determination by the MDT that the youth has:
  - (A) met goals in his/her individual plan; and
  - (B) demonstrated an ability to safely transition to campus programming; or
- (2) a determination by the facility administrator or designee that the program has failed to be implemented as designed for reasons other than noncompliance of the youth; or
- (3) a decision by the division director over residential facilities, the facility administrator, or their designees to return the youth to his/her assigned dorm or transfer to an alternative placement based on:
  - (A) a recommendation by a mental health professional due to the youth's mental health condition; or
  - (B) other administrative concerns; or
- (4) a decision by the receiving facility administrator or designee not to continue the Redirect program after an administrative transfer of the youth to another high restriction facility while assigned to the Redirect program.

(k) **Right to Appeal.**

The youth must be notified in writing of his/her right to appeal placement in the Redirect program in accordance with [§380.9353](#) of this title. The pendency of an appeal does not preclude implementation of the decision.

(l) **Family Notification.**

In accordance with [§380.8705](#) of this title, a youth's parents or guardian must be notified within 24 hours after the due process hearing of the youth's admission to the Redirect program.