

JJAEP Program (Reimbursement)

P-2016-17 Biennium

Effective date 09/01/2015

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I. GRANT DESCRIPTION.

- A. The Juvenile Justice Alternative Education Program (JJAEP) grant provides reimbursement to the juvenile board of a county with a population greater than 125,000 to operate a juvenile justice alternative education program subject to the approval of the Department. This program is designed to provide an educational setting for students that have been expelled from the public schools.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Assessment Instrument.** The assessment instrument selected by the Department for assessing JJAEP student performance in the areas of reading and mathematics.
- B. **Discretionary Students.** Students who are expelled from a public school for an offense listed under the Texas Education Code Section 37.007(b), (c), (f), (i), or Section 37.0081.
- C. **Juvenile Justice Alternative Education Program (JJAEP).** Programs in counties with a population over 125,000 that are mandated to operate a JJAEP according to the requirements of the Texas Education Code Chapter 37, or a program in a county with a population between 72,000 and 125,000 that voluntarily operate a JJAEP.
- D. **Mandatory Students.** Students who are required to be expelled from public school for an offense listed under the Texas Education Code Section 37.007(a), (d) or (e).
- E. **Other Students.** Students enrolled in a JJAEP who have not been expelled from a public school (e.g., court ordered placement, etc.) and registered sex offenders under the Texas Education Code Section 37.309.
- F. **Statewide Assessment Instruments.** The annual statewide assessments required under Chapter 39 of the Texas Education Code used to demonstrate student performance in the areas of reading and mathematics: **Texas Assessment of Knowledge and Skills (TAKS), State of Texas Assessment of Academic Readiness (STAAR), and End of Course Examinations (EOCs).**

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Juvenile Justice Alternative Education Program is to reduce delinquency, increase offender accountability and rehabilitate offenders through a comprehensive, coordinated community-based juvenile probation system.
- B. **Program Objective.** The objective of the JJAEP is to enable students to perform at grade level. The JJAEP shall provide an instructional program that results in a level of student academic achievement.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. Student passage rates in reading and mathematics as assessed by the statewide assessment instruments for students enrolled at least 90 school days;
 2. Academic achievement as assessed by the change in pre- and post-test scores in the areas of reading and mathematics for students enrolled at least 90 school days;
 3. The average rate of attendance for all JJAEP students;
 4. Percent of students who complete the program and return to their home school, graduate or complete their high school equivalency General Educational Development (GED) certificate while in the program; and
 5. Percent of students who have a subsequent referral to a juvenile probation department one year after leaving the JJAEP.

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IV. PROGRAMMATIC COMPONENTS.

A. **Eligibility Requirements.** Prior to the release of any funds under the provisions of this grant, the Grantee shall provide to the Department a copy of the executed memorandum of understanding between the Grantee and the independent school districts located in the Grantee's county in accordance with the Texas Education Code Section 37.011(k) and a copy of the JJAEP school calendar per school year for the current grant period. The Grantee shall ensure that the following eligibility requirements are met:

1. **Student Basic Eligibility Requirements.** Students eligible for JJAEP funding shall meet the following three requirements:
 - a. The student must have been expelled by the school district for a mandatory expulsion offense listed in Section 37.007(a), (d) or (e) of the Texas Education Code;
 - b. The school district must have notified the school district police department or local law enforcement (i.e., filed an offense report) regarding the alleged incident, which is the basis of the expulsion; and
 - c. A law enforcement entity must have made a formal referral of the case to the juvenile court for juvenile offenders or forwarded the case to the criminal court prosecution intake for adult offenders or have completed an offense report on the incident.
2. **Eligible Categories of Students.** Only students meeting the basic eligibility requirements under Section IV (A) and who fall under one of the following categories shall be funded during the 180-day regular school year.
 - a. **Students Under Juvenile Court Jurisdiction.** This category includes:
 - i. Students pending a juvenile court disposition of their case; and
 - ii. Students placed on deferred prosecution or court-ordered probation.
 - b. **Students Outside Juvenile Court Jurisdiction.** This category includes:
 - i. Students 17 years of age or older who are expelled for conduct committed on or after turning age 17;
 - ii. Students who are not placed on deferred prosecution or court-ordered probation; and
 - iii. Juveniles found by a court or jury to have not engaged in delinquent conduct or conduct indicating a need for supervision.
 - c. **Students Adjudicated for Other Offenses.** This category includes:
 - i. A student expelled for a mandatory offense under Texas Education Code Section 37.007(a), (d) or (e), who is adjudicated for or convicted of a lesser included offense as a result of a plea bargain or lack of evidence, if the adjudication or conviction is based upon the conduct or incident for which the student was expelled.
 - d. **Students From Other Counties.** Students who reside in a county other than the Grantee's county, or who attend school in a district outside the Grantee's county shall be eligible for funding under this grant for a period of no more than 90 actual attendance days per student provided the following conditions are met:
 - i. The student meets the basic eligibility requirements found in Subsections IV (A) (1) and (2);
 - ii. The Grantee, the juvenile board in the county where the student resides, and the student's expelling school district have entered into a memorandum of understanding patterned after Texas Education Code Section 37.011(k); and

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iii. Before the Grantee will be eligible to receive funds under this section, the Grantee shall first provide the Department with a copy of the executed memorandum of understanding and seek written approval for funding of the particular student by submitting a completed *Out-of-County Student Form* [TJJD-JJAEP-005].

e. **Ineligible Students.** A student shall become ineligible for funding on the earliest of the following dates:

- i. The date of completion of the requirements of the juvenile court order or deferred prosecution agreement; or
- ii. The end of the expulsion term.

B. **Exemption Requests.** The Grantee may make written funding requests for students who do not meet the eligibility requirements under Subsections IV (A) (1) and (2). A funding request shall state the reasons why the student was expelled from the home school and why the student does not meet the eligibility requirements under Subsections IV (A) (1) and (2). No student shall be funded without the express permission of the Department. The Department reserves the right to deny funding for any ineligible student.

C. **Counties With Populations Between 72,000 and 125,000.** A Grantee in this category shall have notified the Department in writing no later than August 1 in the previous fiscal year of its intent to apply for funds in order to be eligible to receive the initial lump sum payment described in the *State Financial Assistance Contract*. A Grantee in this category shall have its JJAEP implemented and fully operational by January 6 of each fiscal year for the current grant period. A program is fully operational when it is admitting students. If program operations have not begun by January, this grant will be terminated. If the grant is terminated under this Section, the Department retains the right to request a refund of all funding provided to Grantee by the Department under this grant.

D. **Extended School Year Funding.** The Department makes no express or implied representation or guarantee of future funding for extended year programs (i.e., summer school). The Department may, at its discretion and according to guidelines developed by the Department, fund students attending the JJAEP during the extended school year if funds are available at the end of the regular school year from appropriations for this purpose. If said funding is ultimately available, the Department shall execute an amendment to the *State Financial Assistance Contract* to allocate said funding according to guidelines and priorities to be developed by the Department.

V. PROGRAMMATIC REPORTING.

A. **Annual Reports.** See General Grant Requirements.

B. **Quarterly Reports.** None.

C. **Monthly Reports.**

1. **Monthly Attendance Roster.** The Grantee shall submit a monthly attendance roster detailing which students were in attendance, absent or on inactive status at the JJAEP for every school day in the month on or before the 10th calendar day of the following month.
2. **JJAEP Individual Student Data.** The Grantee shall collect the JJAEP individual student data as requested by the Department and in accordance to standards for each student admitted into the JJAEP upon admission and exit from the JJAEP. The Grantee shall accumulate said information for all students admitted and exited in a given month. All individual student data must be entered into Caseworker by the last day of the reporting month. If the Grantee's county utilizes the Caseworker or Juvenile Case Management System (JCMS) program, the Grantee agrees to submit said data to the Department electronically through the Caseworker or JCMS program by the 10th calendar day of the following month. If the Grantee's county does not utilize the Caseworker program, the Grantee agrees to submit said data via the Department's internet database or through a format specified to the Department not later than the 10th calendar day of the following month.

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3. **Monthly Activity Report.** The Grantee shall complete the *JJAEP Monthly Activity Report* [TJJD-JJAEP-004] on a monthly basis. The report shall be completed and submitted on or before the 10th calendar day of the following month via the Department's internet database.

D. **Other Periodic Reports.** See General Grant Requirements.

VI. **PROGRAMMATIC MONITORING.**

- A. **On-site Monitoring Visits.** See General Grant Requirements.
- B. **Unannounced On-site Monitoring Visits.** See General Grant Requirements.
- C. **Desk Audits.** See General Grant Requirements.
- D. **Other.** None.

VII. **APPLICABLE LAW, POLICY AND PROCEDURE.** The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended or renumbered and enacted and effective during the term of this Contract:

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections, Chapters 344, 348 & 358.**

B. **General Statutes.**

1. **Federal Law.** See General Grant Requirements.
2. **State Law.** See Also General Grant Requirements.
- a. **Texas Education Code, Title II – Public Education.**
- i. Chapter 37- Discipline; Law and Order.
- b. **Texas Family Code, Title III, Juvenile Justice Code.**
- i. Chapter 60 – Uniform Interstate Compact on Juveniles.
- c. **Texas General Appropriations Act.**
- d. **Texas Government Code, Title 7, Uniform Grant and Contract Management.**
- i. Chapter 783 - Uniform Grant and Contract Management Act.

VIII. **FINANCIAL COMPONENTS.**

A. **Allowable Expenditure of Funds.**

1. The Grantee shall expend any funds received under this grant for those costs that are reasonable, necessary and directly related to the creation and ongoing operation of a JJAEP as contained in the General Grant Requirements.

B. **Unallowable Expenditure of Funds.** See General Grant Requirements.

1. In addition, any expenditures not authorized in Section VIII (A) are unallowable under this grant including but not limited to the following:
- a. Under-recovery of costs under grant agreements;
- b. Medical equipment and services including payments to intended recipients of health services;

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- c. Costs of idle facilities;
- d. Staff salary raises or bonuses;
- e. Any residential placement including pre-adjudication secure detention facilities, short-term secure detention facilities (i.e., holdover), and post-adjudication secure correctional facilities;
- f. Organization costs;
- g. Taxes; and
- h. Termination costs.

C. **Financial Match Requirements.** None.

D. **Funding Adjustments.**

1. **Reduction of Grant Payments.** See General Grant Requirements.

2. **Unexpended Balances.** None.

3. **Overpayments.** See Also General Grant Requirements.

a. In the event an overpayment is discovered through any means, the Department may deduct the amount of the overpayment from the next scheduled payment under this grant.

i. **Refund Due.** See General Grant Requirements.

ii. **Disaster Compensation.** The Department may, at its discretion, compensate a JJAEP program funded under this grant for missed mandatory student attendance days in which disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.

E. **Timely Expenditure of Grant Funds.** None

F. **Audits.** See General Grant Requirements.

G. **Financial Assurances.** See Also General Grant Requirements.

1. All students for whom JJAEP grant funds were collected were eligible for funding as defined in Section IV (A) of this grant.

a. Actual student attendance days reported on the *Attendance Voucher* [TJJD-JJAEP-001] are verifiable and in agreement with the Grantee's monthly attendance roster.

b. The amount of funds received is reconciled with reported student attendance days and unearned funds have been refunded to the Department.

H. **Service Provider.** See General Grant Requirements.

IX. **FINANCIAL REPORTING.**

A. **Annual Reports.** None.

B. **Quarterly Reports.** None.

C. **Monthly Reports.** The Grantee shall complete the *Attendance Voucher* [TJJD-JJAEP-001] and submit it to the Department on or before the 10th calendar day of the following the month for which reimbursement is claimed.

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D. **Other Periodic Reports.** The Grantee shall complete the *JJAEP Cost Report* in the format and time frame as required by the Department.

X. **FINANCIAL MONITORING.**

A. **Annual Monitoring.** See General Grant Requirements.

B. **Periodic Monitoring.** See General Grant Requirements.