

Chapter: Rules for State-Operated Programs and Facilities	<b>Effective Date: 7/15/24</b>
Subchapter: Behavior Management and Youth Discipline	Page: 1 of 6
Division: Behavior Management	Replaces: GAP.380.9510, 5/19/23
<b>Rule: Intervention Program</b>	
Statutes: <a href="#">Human Resources Code §243.001</a> ; 20 USC §1400 et al.	
References: 34 CFR §300.530	

**RULE**

(a) **Purpose.**

The Texas Juvenile Justice Department (TJJD) delivers interventions in a structured environment for youth who have engaged in certain serious conduct. The interventions are designed to promote violence reduction and skill building to increase safety on TJJD campuses and to help the youth regulate their behavior in order to progress in treatment. Placement in an intervention program is not considered a disciplinary consequence. This rule sets forth eligibility criteria, program requirements, and services to be provided to youth.

(b) **Applicability.**

The program described by this rule operates only at 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) **Individualized Education Program (IEP)**--the program of special education and related services developed by a youth's ARD committee.
- (3) **Isolation**--the confinement of a youth in a locked room or cubicle as a tool to manage the behavior of a youth. Rules regarding isolation do not apply:
  - (A) when doors are routinely locked during normal sleeping hours and isolation has not otherwise been imposed; or
  - (B) when a youth is placed in the security program.
- (4) **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.

(d) **Eligibility.**

- (1) At a minimum, a youth must be reviewed to determine appropriateness for placement at any level of the intervention program if the youth engages in one or more of the following rule violations as defined in [§380.9503 of this chapter](#):
  - (A) assault of youth (with or without injury);
  - (B) assault of staff (with or without injury);
  - (C) fighting (with or without injury);
  - (D) threatening another with a weapon;
  - (E) escape;
  - (F) extortion or blackmail;
  - (G) possession of a weapon;

- (H) sexual misconduct;
- (I) threatening others;
- (J) any first- or second-degree felony; or
- (K) any other rule violation that the executive director or designee establishes in writing as an eligible violation.

- (2) A youth may be reviewed to determine appropriateness for placement at any level of the intervention program based on any other rule violation defined in [§380.9503 of this chapter](#) or based on a pattern of rule violations that suggests the youth would benefit from the program.
- (3) Notwithstanding any other provisions in this rule, a youth whose parole has been revoked may be reviewed for possible placement in the intervention program. Review for possible placement in the intervention program is mandatory for a youth whose parole was revoked for conduct classified as a first- or second-degree felony. If the youth is placed in the intervention program:
  - (A) the youth may be placed at any level of the program, provided there are no therapeutic contraindications to placement at that level; and
  - (B) the youth may be moved between levels of the program if the youth was given notice of the potential placement in the program before the Level I hearing.
- (4) Notwithstanding any other provisions in this rule, a youth who has been disciplinarily transferred from a medium-restriction facility to a high-restriction facility through a Level II due process hearing may be reviewed for possible placement in the intervention program. Review for possible placement in the intervention program is mandatory for a youth who was transferred for conduct classified as a first- or second-degree felony. If the youth is placed in the intervention program:
  - (A) the youth may be placed at any level of the program, provided there are no therapeutic contraindications to placement at that level; and
  - (B) the youth may be moved between levels of the program as outlined in this rule.

(e) **Program Intervention Levels.**

(1) **Primary.**

The primary level of the intervention program provides short-term intervention that cannot be provided during regular campus programming.

- (A) Youth at this level of intervention in the program will move around campus for non-program-related activities in a manner generally comparable to the general campus population but are provided program-related interventions while admitted to the program.
- (B) A Level II hearing is not required for placement at this level of intervention. However, designated staff must review the youth for appropriateness in the intervention program, including the youth's treatment needs and the severity of the youth's behavior.

(2) **Moderate.**

The moderate level of the intervention program provides short-term intervention in a self-contained unit with a gradual transition back to regular campus programming.

- (A) Youth at this level of intervention in the program live on the unit where the program operates.
- (B) Youth may be placed at this level of the intervention program only if:
  - (i) a Level II due process hearing has been held in accordance with [§380.9555 of this chapter](#);

- (ii) there is a finding of *true* that the youth committed a rule violation listed in subsection (d) of this section; and
- (iii) the youth and the youth's advocate were given notice before the hearing that a *true* finding on one or more of the allegations would make the youth eligible for placement in the intervention program.

(3) **Intensive.**

The intensive level of the intervention program provides longer-term intervention in a highly structured environment.

(A) Youth at this level of intervention in the program live on the unit where the program operates.

(B) Youth may be placed at this level of the intervention program only if:

- (i) a Level II due process hearing has been held in accordance with [§380.9555 of this chapter](#);
- (ii) there is a finding of *true* that the youth committed a rule violation listed in [subsection \(d\) of this section](#); and
- (iii) the youth and the youth's advocate were given notice before the hearing that a *true* finding on one or more of the allegations would make the youth eligible for placement in the intervention program.

(f) **Placement in the Program.**

- (1) Each youth being considered for placement in the intervention program is reviewed to determine if placement is appropriate and, if so, which level of the program is appropriate.
- (2) If it is determined that the youth should be placed in the intensive level of the program but space is not available, the youth may be temporarily placed in a lower level of the program until space becomes available at the intensive level or the youth otherwise successfully meets the criteria under [subsection \(j\) of this section](#).
- (3) TJJJ procedural manuals shall establish a process that allows a youth to be moved from one level of the program to another, if appropriate. A youth may be placed in the moderate or intensive level of the program only if the youth was given notice of the potential placement before the Level II hearing. Once a youth has been removed from the intervention program, new conduct and a new Level II due process hearing, if necessary for the program level, are required to return the youth to the intervention program.
- (4) TJJJ procedural manuals shall establish the factors to be considered when determining if a youth should be placed in the intervention program and which level of intervention is most appropriate or when determining if a youth should be moved from one level to another. The procedural manuals shall include a requirement that, at a minimum, the following factors be considered:
  - (A) whether the youth poses a continuing risk to the safety of the facility;
  - (B) whether less restrictive methods of documented intervention have been attempted when appropriate; and
  - (C) whether there are any therapeutic contraindications to placing the youth in the intervention program or at a particular level in the intervention program.
- (5) A youth shall not be placed at any level in the intervention program if a therapeutic contraindication to placement at that level exists.

- (6) TJJJ shall make reasonable efforts to provide notice to the parent/guardian that the child is being considered for placement in the intervention program or for moving to a different level of the program.

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

- (1) If a youth who is receiving special education services engages in a rule violation during school-related activities and that violation is the basis for placement or potential placement in the intervention program, the requirements of the Individuals with Disabilities Education Act, including a manifestation determination review when required, must be met. TJJJ's procedural manuals shall include specific instructions for compliance and shall include a routine review to ensure the requirements are met.
- (2) All special education services shall be provided in accordance with ARD committee decisions. For youth who are eligible to participate in special education services, an ARD committee meeting to review the IEP is held within ten days after admission to the intervention program. Subsequent ARD committee meetings and evaluations are completed in compliance with state and federal regulations.

(h) **Program Requirements.**

- (1) The intervention program is administered in units designated for such purpose. Each level may be administered in a different unit.
- (2) A structured daily schedule is maintained and posted to provide a predictable and safe environment.
- (3) On scheduled academic days, youth shall be provided with the amount of education services established by the approved master schedule for the regular school program.
- (4) Youth with limited English proficiency shall be provided with appropriate adaptations to the educational program as recommended by the Language Proficiency Assessment Committee.
- (5) An individual plan shall be developed or modified for each youth. The plan shall be written in a language the youth clearly understands. The plan shall address the reasons for admission to the program, including providing strategies for intervention and prevention of the admitting behavior, include a component that addresses transition to the general campus population, and provide clearly written objectives for completion of the program. The plan shall also take into consideration any recommendations by a mental health specialist to address the motivation for the behavior.
- (6) TJJJ procedural manuals will set out how the individual plan and youth's progress will be reviewed and evaluated. This review shall occur at least once every seven days.
- (7) Youth in the moderate and intensive levels of the intervention program are provided daily contact and weekly individual sessions with the assigned case manager or other designated staff for counseling and case management services.
- (8) Staff shall immediately refer a youth to a mental health professional if concerns exist as to the youth's mental health status.
- (9) Youth shall be provided with at least one hour of large-muscle exercise seven days per week.
- (10) Youth are allowed phone calls and visitation with approved family members and other individuals according to program visitation procedures.
- (11) A youth in the moderate level of the program:
  - (A) earns privileges based on progress through the program;

- (B) shall be gradually reintegrated into campus programming as soon as he/she demonstrates comprehension of the goals established in the individual plan; and
  - (C) shall receive weekly mental health status exams by mental health staff as long as the youth's movement and program activities are restricted to the program unit. If deemed necessary by mental health staff, youth shall receive psychological counseling. Psychological counseling will be at the frequency determined appropriate by the mental health professional providing the counseling.
- (12) A youth in the intensive level of the program:
- (A) earns privileges based on progress through the program; and
  - (B) shall receive weekly mental health status exams by mental health staff. If deemed necessary by mental health staff, youth receive psychological counseling. Psychological counseling will be at the frequency determined appropriate by the mental health professional providing the counseling.
- (13) For youth assigned to the primary and moderate levels, staff not assigned to the intervention program shall review each youth's progress at least once every 30 days to ensure the individual plan is being implemented appropriately.
- (14) For youth assigned to the intensive level, staff not assigned to the intervention program shall review each youth's progress when the youth has been at that level for 60 days and every 30 days thereafter to ensure the individual plan is being implemented appropriately.
- (15) A youth may remain in the moderate level of the program for more than 90 days only if approved by the executive director or designee.
- (16) A youth may remain in the intensive level of the program for more than 120 days only if approved by the executive director or designee.
- (17) In all levels of the program, mechanical restraints may be used in a manner consistent with the use of such restraints as provided by [§380.9723 of this chapter](#). In the intensive level of the program only, mechanical restraints may also be used in a manner consistent with the use of such restraints in a security unit as provided by §380.9723 of this chapter.
- (i) **Room Isolation and Security Unit.**
- (1) Youth may be referred to the security program while assigned to the intervention program if the youth meets criteria in [§380.9740 of this chapter](#). A security unit and program may be operated at the location of each level of the intervention program.
  - (2) Room isolation may be used as necessary in accordance with [§380.9739 of this chapter](#).
- (j) **Criteria for Release from the Intervention Program.**
- A youth shall be released from the intervention program upon the earliest of the following events:
- (1) a determination by the executive director or designee that the youth has:
    - (A) met the goals in his/her individual plan; and
    - (B) based on a totality of circumstances, demonstrated an ability to safely transition to campus programming; or
  - (2) a decision by the executive director or designee to return the youth to the youth's assigned dorm or transfer to an alternative placement based on a recommendation by a mental health professional due to the youth's mental health condition; or

- (3) a decision by appropriate staff not to continue the youth in the intervention program after an administrative transfer of the youth to another high-restriction facility while assigned to the intervention program.

(k) **Family Notification.**

The youth's parent/guardian shall be notified of the decision to place the youth in the intervention program no later than the end of the next business day following the day the decision was made. In accordance with [§380.8705 of this chapter](#), the notification may occur only with the youth's consent if the youth is 18 years of age.

(l) **Program Monitoring and Youth Rights.**

- (1) To ensure the intervention program is being implemented according to the provisions of this rule, staff from facility administration shall visit each program unit seven days per week. Staff from psychology administration shall visit each program unit weekly.
- (2) Youth rights staff or a designee shall visit each program unit seven days per week to ensure that youth have access to the youth grievance system.
- (3) Staff are not required to visit a program unit on days when there are no youth in that unit.

(m) **Grievance Regarding Assessment of Progress.**

A youth in the intervention program may address disagreement with the results of an assessment of progress or may address the lack of opportunity to demonstrate completion of requirements by filing a grievance in accordance with [§380.9331 of this chapter](#). The person assigned to respond to the youth's grievance may not be a person involved in the subject of the youth's grievance.

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