Chapter:	Rules for State-Operated Programs and Facilities	**Effective Date: 11/1/26**
Subchapter:	Behavior Management and Youth Discipline	Page: 1 of 7
Division:	Behavior Management	
Rule:	**Rules and Consequences for Residential Facilities**	Replaces: GAP.380.9503, 9/1/25
Statutes:	§242.063 and §243.001, Human Resources Code	

RULE

(a) **Purpose.**

This rule establishes the actions that constitute violations of the rules of conduct for residential facilities. Violations of the rules may result in disciplinary consequences that are proportional to the severity and extent of the violation. Appropriate due process, including a consideration of extenuating circumstances, shall be followed before imposing disciplinary consequences.

(b) **Applicability.**

This rule applies to youth assigned to residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) **Definitions.**

The following terms, as used in this rule, have the following meanings unless the context clearly indicates otherwise.

(1) **Attempt to Commit**--A youth, with specific intent to commit a rule violation, engages in conduct that amounts to more than mere planning that tends but fails to effect the commission of the intended rule violation.

(2) **Bodily Injury**--Physical pain, illness, or impairment of physical condition. Fleeting pain or minor discomfort does not constitute bodily injury.

(3) **Direct Someone to Commit**--Occurs when:

(A) a youth communicates with another youth;
(B) the communication is intended to cause the other youth to commit a rule violation; and
(C) the other youth commits or attempts to commit a rule violation.

(4) **Possession**--Actual care, custody, control, or management. It does not require the item to be on or about the youth's person.

(d) **General Provisions.**

(1) Formal incident reports are completed for alleged rule violations as required by internal operational procedures.

(2) A formal incident report is not proof that a youth committed an alleged rule violation. An incident report or other document describing conduct is not something that can be appealed or grieved; only the results of a hearing or rule-violation review may be appealed, as provided below.

(3) When a youth is found to be in possession of prohibited money as defined in this rule, a Level II hearing is required to seize the money. Seized money shall be placed in the student benefit fund in accordance with §380.9555 of this chapter.

(4) This paragraph applies only to youth not on parole status who are alleged to have engaged in conduct classified as a first- or second-degree felony while in a residential facility operated by or under contract with TJJD. A Level II hearing shall be requested on these youth unless it is determined that, given all circumstances, a Level II hearing is not appropriate. Such decision shall be documented. If a requested Level II hearing is held and the allegation is proved, the youth shall be reviewed for the most restrictive setting appropriate, including the intervention program described by §380.9510 of this chapter.

(e) **Disciplinary Consequences.**

(1) Disciplinary consequences shall be established in writing in TJJD's procedural manuals. Appropriate disciplinary consequences may be imposed only if the consequences are established in writing in TJJD's procedural manuals prior to the occurrence of the conduct for which the consequence is issued.

(2) Disciplinary consequences may include, but are not limited to, the following:

(A) suspension of privileges;
(B) restriction from planned activities;
(C) trust-fund restriction; and
(D) disciplinary transfer to a high-restriction facility (available only for youth on institutional status in a medium-restriction facility).

(3) The following are prohibited as disciplinary consequences:

(A) corporal or unusual punishment;
(B) subjecting a youth to humiliation, harassment, or physical or mental abuse;
(C) subjecting a youth to personal injury;
(D) subjecting a youth to property damage or disease;
(E) punitive interference with the daily functions of living, such as eating or sleeping;
(F) purposeless or degrading work, including group exercise as a consequence;
(G) placement in the intervention program under §380.9510 of this chapter;
(H) disciplinary isolation; and
(I) extending a youth’s stay in a TJJD facility.

(4) A Level II hearing is required before imposing a disciplinary consequence that materially alters a youth’s living conditions, including disciplinary transfer from a medium-restriction facility to a high-restriction facility. TJJD's procedural manuals will specify which disciplinary consequences require a Level II hearing. Disciplinary consequences requiring a Level II hearing are considered major consequences.

(5) This paragraph applies only to youth in high-restriction facilities. To impose a disciplinary consequence that does not require a Level II hearing, a rule-violation review is required. A rule-violation review is a process by which staff review evidence to determine whether a rule violation occurred. A rule-violation review results in a finding that the alleged violation is proven, the alleged violation is not proven, or a different rule was violated than the one alleged. A rule violation is proven if a preponderance of the evidence proves behavior meeting the definition of a rule violation occurred. The following steps are to be taken for every rule-violation review, regardless of whether a consequence is sought:

(A) a written description of the incident must be prepared;

(B) staff must notify the youth which rule violation the youth allegedly committed;

(C) staff must notify the youth which disciplinary consequence(s) staff is considering imposing, if any;

(D) the youth must be given the opportunity to review the relevant evidence considered by staff and to present the youth's own relevant evidence; and

(E) the youth must be given the opportunity to address the allegation, including providing any extenuating circumstances and information on the appropriateness of the intended consequence(s).

(6) If a Level II hearing is not required, a Level III hearing must occur before imposing disciplinary consequences for a youth in a medium-restriction facility, in accordance with §380.9557 of this chapter.

(f) **Review and Appeal of Consequences.**

(1) All disciplinary consequences shall be reviewed for policy compliance by the facility administrator or designee within three calendar days after issuance. The reviewing staff shall not be the staff who issued the discipline.

(2) The reviewing staff may remove or reduce any disciplinary consequence determined to be excessive or not validly related to the nature or seriousness of the conduct.

(3) Youth may appeal disciplinary consequences issued through a Level II hearing by filing an appeal in accordance with §380.9555 of this chapter.

(4) Youth in medium-restriction facilities may appeal disciplinary consequences issued through a Level III hearing by filing an appeal in accordance with §380.9557 of this chapter.

(5) The findings and disposition from a rule-violation review are not grievable, but they may be appealed to the facility administrator or designee on the grounds that the youth did not commit the rule violation found proven during the review, that the consequence is not appropriate, or that the youth was not provided with the requisite notice or opportunity to be heard. If the result of a rule-violation review is overturned, that fact shall be documented appropriately.

(g) **Major Rule Violations.**

It is a violation to knowingly commit, attempt to commit, direct someone to commit, or aid someone else in committing any of the following conduct. Major rule violations are considered the most serious incidents and are categorized in the TJJD treatment hierarchy as life-threatening behavior targets; escape, abscond, and evasion behavior targets; or treatment-interfering or program-destroying behavior targets. Responsive treatment is based on the degree of interference or intrusiveness such conduct has on any youth's ability to effectively engage in treatment, including placing a youth on the egregious behavior protocol and other appropriate levels of intervention.

(1) **Assault by Threat**--intentionally or knowingly threatening another with imminent bodily injury.

(2) **Assault of Another Youth (No Injury)**--intentionally, knowingly, or recklessly engaging in conduct with the intent to cause bodily injury to another youth but the conduct does not result in bodily injury.

(3) **Assault of Staff (No Injury)**--intentionally, knowingly, or recklessly engaging in conduct with the intent to cause bodily injury to a staff member, contract employee, or volunteer with the intent to cause injury but the conduct does not result in bodily injury.

(4) **Assault Causing Bodily Injury to Another Youth**--intentionally, knowingly, or recklessly engaging in conduct that causes another youth to suffer bodily injury.

(5) **Assault Causing Bodily Injury to Staff**--intentionally, knowingly, or recklessly engaging in conduct that causes a staff member, contract employee, or volunteer to suffer bodily injury.

(6) **Attempted Escape**--committing an act with specific intent to escape that amounts to more than mere planning that tends but fails to effect an escape.

(7) **Chunking Bodily Fluids**--causing a person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, and/or feces of another with the intent to harass, alarm, or annoy another person.

(8) **Chunking Other Fluids**--causing a person to contact any fluid or liquid not considered a bodily fluid with the intent to harass, alarm, or annoy another person.

(9) **Distribution of Prohibited Substances**--distributing or selling any prohibited substances or items.

(10) **Escape**--leaving a high-restriction residential placement without permission or failing to return from an authorized leave.

(11) **Extortion or Blackmail**--demanding or receiving favors, money, actions, or anything of value from another in return for protection against others, to avoid bodily harm, or in exchange for not reporting a violation.

(12) **Failure to Comply with Electronic Monitoring Program Conditions (for Youth in Medium-Restriction Residential Placement)**--failing to comply with one of the following conditions required by the youth's electronic monitoring program conditions:

(A) remain at the address listed at all designated times;

(B) follow curfew restriction as stated in the youth's conditions of placement or conditions of parole;

(C) remain at the approved placement while on electronic monitoring, going only to school, approved activities, religious functions, and medical/psychological appointments and then return to the approved placement, in accordance with the schedule identified in the conditions of placement or conditions of parole;

(D) wear the electronic monitoring device 24 hours a day;

(E) allow a TJJD staff member to enter the youth's residence to install, maintain, and inspect the device if required;

(F) notify the electronic monitoring officer as soon as possible within 24 hours if the youth experiences any problems with the electronic monitoring system; and

(G) charge the device daily for a minimum of one hour continuously in the morning and one hour continuously in the evening.

(13) **Fighting Not Resulting in Bodily Injury**--engaging in a mutually instigated physical altercation with another person or persons that does not result in bodily injury.

(14) **Fighting That Results in Bodily Injury**--engaging in a mutually instigated physical altercation with another person or persons that results in bodily injury.

(15) **Fleeing Apprehension**--running from or refusing to come to staff when called and such act results in disruption of facility operations.

(16) **Misuse of Medication**--using medication provided to the youth by authorized personnel in a manner inconsistent with specific instructions for use, including removing the medication from the dispensing area.

(17) **Obstruction or Retaliation**--intentionally or knowingly threatening to harm another person on account of that person's status as a public servant or to prevent or delay the service of another person as a public servant, prospective witness, or informant.

(18) **Participating in a Major Disruption of Facility Operations**--intentionally engaging in conduct that poses a threat to persons or property and substantially disrupts the performance of facility operations or programs.

(19) **Possessing, Selling, or Attempting to Purchase Ammunition**--possessing, selling, or attempting to purchase ammunition.

(20) **Possession of Prohibited Items**--possessing the following prohibited items:

(A) cellular telephone;

(B) matches or lighters;

(C) jewelry, unless allowed by facility rules;

(D) money in excess of the amount or in a form not permitted by facility rules (see §380.9555 of this chapter for procedures concerning seizure of such money);

(E) pornography;

(F) items which have been fashioned to produce tattoos or body piercing;

(G) cleaning products when the youth is not using them for a legitimate purpose; or

(H) other items that are being used inappropriately in a way that poses a danger to persons or property or threatens facility security.

(21) **Possessing, Selling, or Attempting to Purchase a Weapon**--possessing, selling, or attempting to purchase a weapon or an item that has been made or adapted for use as a weapon.

(22) **Possession or Use of Prohibited Substances and Paraphernalia**--possessing or using any unauthorized substance, including controlled substances or intoxicants, medications not prescribed for the youth by authorized medical or dental staff, alcohol, tobacco products, or related paraphernalia such as that used to deliver or make any prohibited substance.

(23) **Refusing a Drug Screen**--refusing to take a drug screen when requested to do so by staff or tampering with or contaminating the urine sample provided for a drug screen. Note: If the youth says he/she cannot provide a sample, the youth shall be given water to drink and two hours to provide the sample.

(24) **Refusing a Search**--refusing to submit to an authorized search of person or area.

(25) **Repeated Non-Compliance with a Written, Reasonable Request of Staff (for Youth in Medium-Restriction Residential Placement)**--failing on two or more occasions to comply with a specific written, reasonable request of staff. If the request requires the youth to do something daily or weekly, the two failures to comply must be within a 30-day period. If the request requires the youth to do something monthly, the two failures to comply must be within a 60-day period.

(26) **Sexual Misconduct**--intentionally or knowingly engaging in any of the following:

(A) causing contact, including penetration (however slight), between the penis and the vagina or anus; between the mouth and penis, vagina or anus; or penetration (however slight) of the anal or genital opening of another person by hand, finger, or other object;

(B) touching or fondling, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person;

(C) kissing for sexual stimulation;

(D) exposing the anus, buttocks, breasts, or genitals to another or exposing oneself knowing the act is likely to be observed by another person; or

(E) masturbating in an open and obvious way, whether or not the genitals are exposed.

(27) **Stealing**--intentionally taking property with an estimated value of $100 or more from another without permission.

(28) **Tampering with Monitoring Equipment**--a youth intentionally or knowingly tampers with monitoring equipment assigned to any youth.

(29) **Tampering with Safety Equipment**--intentionally tampering with, damaging, or blocking any device used for safety or security of the facility. This includes, but is not limited to, any locking device or item that provides security access or clearance, any fire alarm or fire suppression system or device, video camera, radio, telephone (when the tampering prevents it from being used as necessary for safety and/or security), handcuffs, or shackles.

(30) **Tattooing/Body Piercing**--engaging in tattooing or body piercing of self or others. Tattooing is defined as making a mark on the body by inserting pigment into the skin.

(31) **Threatening Another with a Weapon**--intentionally and knowingly threatening another with a weapon. A weapon is something that is capable of inflicting bodily injury in the manner in which it is being used.

(32) **Unauthorized Absence**--leaving a medium-restriction residential placement without permission or failing to return from an authorized leave.

(33) **Vandalism**--intentionally causing $100 or more in damage to state property or personal property of another.

(34) **Violation of Any Law**--violating a Texas or federal law that is not already defined as a major or minor rule violation.

(h) **Minor Rule Violations.**

It is a violation to knowingly commit, attempt to commit, direct someone to commit, or aid someone else in committing any of the following conduct. In terms of the TJJD treatment hierarchy, minor rule violations are considered treatment-interfering behavior targets, program-destroying behavior targets, or quality-of-life-interfering behavior targets.

(1) **Breaching Group Confidentiality**--disclosing or discussing information provided in a group session to another person not present in that group session.

(2) **Disruption of Program**--engaging in behavior that requires intervention to the extent that the current program of the youth and/or others is disrupted. This includes, but is not limited to:

(A) disrupting a scheduled activity;
(B) being loud or disruptive without staff permission;
(C) using profanity or engaging in disrespectful behavior toward staff or peers; or
(D) refusing to participate in a scheduled activity or abide by program rules.

(3) **Failure to Abide by Dress Code**--failing to follow the rules of dress and appearance as provided by facility rules.

(4) **Failure to do Proper Housekeeping**--failing to complete the daily chores of cleaning the living environment to the expected standard.

(5) **Gang Activity**--participating in an activity or behavior that promotes the interests of a gang or possessing or exhibiting anything related to or signifying a gang, such as, but not limited to, gang-related literature, symbols, or signs.

(6) **Gambling or Possession of Gambling Paraphernalia**--engaging in a bet or wager with another person or possessing paraphernalia that may be used for gambling.

(7) **Horseplay**--engaging in wrestling, roughhousing, or playful interaction with another person or persons that does not rise to the level of an assault. Horseplay does not result in any party getting upset or causing injury to another.

(8) **Improper Use of Telephone/Mail/Computer**--using the mail, a computer, or the telephone system for communication that is prohibited by facility rules, at a time prohibited by facility rules, or to inappropriately access information.

(9) **Lending/Borrowing/Trading Items**--lending or giving to another youth, borrowing from another youth, or trading with another youth possessions, including food items, without permission from staff.

(10) **Lying/Falsifying Documentation/Cheating**--lying or withholding information from staff, falsifying a document, and/or cheating on an assignment or test.

(11) **Possession of an Unauthorized Item**--possessing an item the youth is not authorized to have (possession of which is not a major rule violation), including items not listed on the youth's personal property inventory. This does not include personal letters or photographs.

(12) **Refusal to Follow Staff Verbal Instructions**--deliberately failing to comply with a specific reasonable verbal instruction made by a staff member.

(13) **Stealing**--intentionally taking property with an estimated value under $100 from another without permission.

(14) **Threatening Others**--making verbal or physical threats toward another person or persons.

(15) **Unauthorized Physical Contact with Another Youth (No Injury)**--intentionally making unauthorized physical contact with another youth without the intent to cause injury and that does not cause injury, such as, but not limited to, pushing, poking, or grabbing.

(16) **Unauthorized Physical Contact with Staff (No Injury)**--intentionally making unauthorized physical contact with a staff member, contract employee, or volunteer without the intent to cause injury and that does not cause injury, such as, but not limited to, pushing, poking, and grabbing.

(17) **Undesignated Area**--being in any area without the appropriate permission to be in that area.

(18) **Vandalism**--intentionally causing less than $100 in damage to state or personal property.