

MEMORANDUM OF UNDERSTANDING

The Bell County Juvenile Board (hereinafter called "Juvenile Board"), the Commissioner's Court of Bell County, Texas (hereinafter called "Commissioner's Court"), the Judge of the Juvenile Court in Bell County (hereinafter called "Judge"), and the Board of Trustees of the Killeen Independent School District, the Board of Trustees of Temple Independent School District, the Board of Trustees of Belton Independent School District, the Board of Trustees of Troy Independent School District, the Board of Trustees of the Rogers Independent School District, the Board of Trustees of the Holland Independent School District, the Board of Trustees of the Bartlett Independent School District, the Board of Trustees of the Salado Independent School District and the Board of Trustees of the Academy Independent School District, the Board of Trustees of Florence Independent School District, (hereinafter called "District[s]"), adopt this memorandum of understanding in compliance with the Texas Education Code ("TEC"), Section 37.010 et seq.

The parties agree that the program is a cooperative effort between the educational community and the juvenile justice system with primary goals of the program being education, discipline and rehabilitation. Brination, Inc. will provide for the educational needs of all JJAEP students. Bell County Juvenile Services Department will provide for the discipline and rehabilitation of JJAEP students. The academic mission of the program is to enable students to perform at grade level. The program seeks to provide an alternative classroom site to allow continued education despite severe behavior problems. The program shall be located at The Bell County Juvenile Services Center, 4800 E. Rancier, Killeen, Bell County, Texas.

The parties agree that the daily administration of the Bell County Juvenile Justice Alternative Education Program ("JJAEP") will be conducted by the Bell County Juvenile Services Department (BCJS) under the direction of the Chief Juvenile Probation Officer with educational services provided by Brination, Inc. The parties agree that this Memorandum of Understanding pertains to all students attending school districts with administrative offices in Bell County, Texas or residing within Bell County, Texas.

Responsibilities of the Juvenile Board

The Board is the governing body of BCJS. The Board shall meet regularly to facilitate communication, establish, and review policies & procedures, ensure conformity to legal and fiscal requirements, and consider implementation of recommended programs, to include the JJAEP.

Administration

The Juvenile Services Department Director shall be the chief administrative officer of the JJAEP and facility. Subject to the terms of its Agreement with the Bell County Juvenile Services Department, the administrator of Brination Inc. shall be responsible for and have authority regarding the educational services that Brination, Inc. provides and for other courses for which students receive credit at the JJAEP.

Terms of Placement for Expulsion

Prior to Expulsion and pursuant to the TEC Sec. 37.001 (a) (4), The School District's Student Code of Conduct must specify consideration will be given, as a factor in each decision concerning placement in the JJAEP, regardless of whether the expulsion is mandatory or discretionary, to:

1. Self-Defense;
2. Intent or lack of intent at the time the student engaged in the conduct;
3. A student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services; and/or
6. A student's status as a student who is homeless.

For a student to be enrolled at the JJAEP the following prerequisites must be met:

1. Offense Report-The School District must provide to the JJAEP an offense report prepared by a law enforcement agency for the alleged incident upon which the expulsion is based.
2. The Offense or investigation report must be filed by law enforcement with the JJAEP, the probation department, and the County Attorney's Office. Until the offense report is filed the student will not be enrolled at the JJAEP.

A student enrolled in the District but expelled for conduct as provided in TEC Sec. 37.007, paragraphs (a) or (d) shall be expelled for a period of at least 30 *successful* program days but not to exceed 180 *successful* program days as outlined in the Student Code of Conduct. Said students shall report to the JJAEP for orientation at 10:00 a.m. on the first regularly scheduled school day immediately after the District's expulsion hearing, provided said student is not otherwise detained or receiving treatment under the order of the juvenile court. **The parent(s), legal guardian or custodian of the student shall accompany the student to orientation.**

A student enrolled in the District but expelled for conduct as provided in TEC Sec. 37.007 (e) shall be expelled for a period of at least one calendar year (subject to modification of said expulsion by the superintendent or other chief administrative officer of the school district) and shall report to the JJAEP for orientation at 10:00 a.m. on the first regularly scheduled school day immediately after the District's expulsion hearing, provided said student is not otherwise detained or receiving treatment under the order of the juvenile court. **The parent(s) or legal guardian of the student shall accompany the student to orientation.**

Completion of the JJAEP assignment will be based on the *successful* completion of assigned program days.

The principal or their designee at each district shall notify the appropriate law enforcement agency if there is reasonable grounds to believe that any of the following activities has occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property,

whether or not the activity is investigated by school security officers: (1) conduct that may constitute an offense listed under Section 508.149, Government Code, (2) deadly conduct under Section 22.05, Penal Code, (3) a terroristic threat under Section 22.07, Penal Code, (4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code, (5) the possession of any of the weapons or devices listed under Sections 46.02 or Section 46.05, Penal Code; or (6) conduct that may constitute a criminal offense under Section 71.02, Penal Code.

Capacity

The Juvenile Justice Alternative Education Program (JJAEP) shall operate with a maximum enrollment capacity of twenty-four (24) students at any given time. In light of this capacity limitation and the joint participation of multiple independent school districts, the following procedures shall govern the placement of students into the program and the discharge or transition of students therefrom:

1. Placement Coordination: All placements into the JJAEP will be coordinated through the JJAEP administration in collaboration with the referring school district. Districts are encouraged to notify the JJAEP administration promptly of any pending referrals to assist with planning and placement timelines.
2. Capacity Management: Once the JJAEP reaches full capacity (24 students), any additional referrals will trigger a capacity evaluation by the JJAEP administration. At that time, the administration will assess current student assignments using the following criteria:
 - a. Length of remaining assignment
 - b. Risk level of the student upon return to their home district
 - c. Any other relevant behavioral or educational concerns
3. Discharge Priority Protocol: Using a placement duration-based review, students who have been enrolled the longest and demonstrate low risk may be considered for early return to their home campus. Final decisions will involve input from the sending district and appropriate stakeholders.
4. District Notification: School districts will be notified as soon as possible if a referred student cannot be immediately placed due to capacity limits, and will be informed of the anticipated wait time or alternative options if applicable.

The JJAEP is dedicated to ensuring fair and equal access for all participating school districts. Decisions related to managing capacity will be made thoughtfully and in a manner that supports the safety of students and ensures minimal disruption to the delivery of educational services.

The intent is that there be no material interruption in the provision of educational services.

State Assessment Program

In the event that state testing is administered on the day that a student is released from or admitted to the JJAEP, then that student shall be released from or admitted to the JJAEP on the first regularly scheduled school date immediately following the completion of state mandated testing. JJAEP new student orientation will not be held the Monday or Wednesday of the testing week. Sending school districts will provide pre-coded answer documents for all test administrations within five days prior to test administration. In addition, any student requiring an oral administration or modified administration will have a representative from the sending school district present at the JJAEP to administer the test.

Attendance

A student shall be counted absent from the JJAEP unless the student is present for 4 hours each day, unless otherwise excused. When a student is deemed truant, the sending school district will be notified and shall utilize all resources it has in place for any truant within that particular school district.

Tardies

All students shall report to the JJAEP by 8:00 a.m. on each school day. Any student reporting after that time without legitimate excuse shall be deemed tardy. Any student arriving after 10:00 a.m. shall not receive credit for a program day.

Placement After Detention

A student that is released pursuant to Family Code Sec. 53.02 or 54.01, and is expelled under Sec. 37.007, Education Code, shall attend the JJAEP in accordance with the terms of the District's expulsion order. Said release shall not be conditioned upon attendance at the JJAEP pending deferred prosecution or formal court disposition of the student's case.

Placement Review

In the event that a District timely receives notice pursuant to Family Code Section 52.04 1(d) (1) that a person referred to juvenile court was not a child, then that person shall be dismissed from the JJAEP and returned to the District for educational services.

In the event that a District timely receives notice pursuant to Family Code Section 52.04 1 (d) that no probable cause existed to believe the child engaged in delinquent conduct or conduct indicating a need for supervision, that no deferred prosecution or formal court proceedings have been or will be initiated involving the child, that the court or jury finds that the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case has been dismissed with prejudice, or that the child was adjudicated but no disposition was or will be ordered by the court, then such student shall be returned to the District for the provision of educational services.

Curriculum

The JJAEP shall focus on English language arts, mathematics, science, social studies, and self-discipline. A certified teacher shall oversee the development and implementation of the academic program at the JJAEP. Said course instruction shall be consistent with the essential knowledge and skills of each subject of the foundation curriculum as defined in the rules of the State Board of Education, Texas Education Code Sec. 28.002 (c). Each school district shall consider course credit and grades earned by a student while in the JJAEP as credit and grades earned in a district school. The JJAEP will provide at least 75,600 minutes of instruction for the school year. The JJAEP shall offer a high school equivalency program.

The Juvenile Board through Brination, Inc. as its designee and the parent or guardian of each student shall regularly review the student's academic progress. In the case of a high school student, the Board through Brination Inc. as its designee and parent or guardian shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The sending District shall furnish a specific graduation plan for each high school student referred to the JJAEP. The JJAEP is not required to fulfill a student's high school graduation requirement other than a course specified herein.

Transportation

The parties agree that the Districts shall provide transportation to and from the JJAEP for students assigned there. All student disciplinary infractions occurring on District buses shall be reported by bus drivers to the local district, the JJAEP, and the appropriate law enforcement agency where the incident occurred. Students failing to exhibit appropriate behavior on school buses may be removed from the bus and required to provide private transportation for their transport to and from the JJAEP.

Early Return

Students enrolled at the JJAEP shall be discharged from the JJAEP and returned to their District upon completion of the term of expulsion. Prior to completion of the term of expulsion, a student expelled from the District for a violation other than TEC Sec. 37.007 (e), may be returned to their District. The JJAEP Program Administrator may allow the early return of a student on a case by case determination after consultation with the district liaison officer. A student may also be returned to the district five (5) days before completion of the term of expulsion if such early return would accommodate STARR testing, semester start or semester end.

A student shall not remain at the JJAEP after completion of the term of expulsion unless otherwise extended, detained or receiving treatment under order of the juvenile court.

Transition Services

The Districts shall cooperate with any reasonable request of the JJAEP regarding the provision of transition services both prior to placement at the JJAEP and prior to the student's return to the District.

Admission, Review, and Dismissal

An Admission, Review, and Dismissal (ARD) committee determines whether a student qualifies for special education and related services. The ARD committee develops, reviews, or revises the student's Individualized Education Program (IEP), and determines the student's educational placement in accordance with Title 20, Chapter 33, subchapter I, Sec. 1401(14) and TEC Sec. 29.005.

Records and Special Education Services

Districts shall cooperate with the JJAEP for the purposes of insuring a prompt and orderly transfer of all student records from the District to the JJAEP. Each ISD shall be responsible for providing the JJAEP the following education records prior to the student's admission to the JJAEP: grades and transcript (current and past semester), immunization records, birth certificate, social security card, special education assessments if applicable, ARD and IEP information if applicable, current information related to state-mandated assessments (copy of the student's latest STARR scores), and attendance. The District sending a student shall furnish the expulsion order and all information necessary to enroll the student in the JJAEP prior to the student's enrollment in the JJAEP and immediately following the ARD for special education students.

Districts shall cooperate with the JJAEP for the purposes of development of an individualized education plan by an Admission Review Dismissal committee for students identified as qualifying for special education services. The home school Districts agree to furnish necessary personnel and information as deemed necessary or appropriate by the ARD Committee. Such meetings shall be convened at the JJAEP facility in Killeen, Texas. A Juvenile Probation Officer may attend such committee meetings if such attendance serves a legitimate educational interest.

A District shall invite the administrator of the JJAEP or his designee to an ARD committee meeting convened to discuss a student's expulsion under the provision of Texas Education Code Sec. 37.004(e). Reasonable notice of the ARD must be provided consistent with federal statutes relating to Timeline for All Notices and a copy of the student's current individualized education program (IEP) must be provided to the JJAEP administrator or designee with the notice.

All extraordinary expenses incurred as a result of the provision of special education services shall be reimbursed by the District that expelled the student receiving said services. If the JJAEP representative is unable to attend the ARD meeting, the representative must be afforded the opportunity to participate in the meeting through alternative means, including a conference call. The representative may participate in the meeting to the extent the meeting relates to the juvenile's placement in the JJAEP and implementation of the IEP at the JJAEP. After placement at the JJAEP, an ARD shall be convened when the JJAEP administrator or designee provides written notice of specific concerns to the district from which the juvenile was expelled. An ARD meeting must be convened to determine if the conduct was caused by or had a direct and substantial effect

related to student disability. The ARD meeting will determine whether to continue the original assignment or that the student shall return to the District for provision of educational services based upon the Texas Education Code, Chapter 29 (Special Education) and Chapter 37 (Discipline). Notice of the ARD must be provided in accordance with federal statutes. If the JJAEP representative is unable to attend the ARD meeting, the representative must be afforded the opportunity to participate in the meeting through alternative means, including a conference call.

All extraordinary expenses incurred as a result of the provision of special services, including but not limited to special education, ESL, and dyslexia, shall be reimbursed by the district that expelled the student receiving said services.

Facilities and Equipment

Except for extraordinary equipment or services for Special Education Services, the Juvenile Board and the Commissioner's Court shall be responsible for and shall supply all facilities, utilities, student meals, televisions, desks, video equipment, computers, and county wide phone service. In addition the Juvenile Board and Commissioner's Court shall provide classroom and facility security, probation officer(s), metal detectors, and social services as necessary including but not limited to psychological evaluations and counseling other than as required for educational purposes.

Accountability

For purposes of accountability under Chapter 39 of the Texas Education Code, a student enrolled at the JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Braination, Inc. shall be responsible for complying with a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending the JJAEP.

Funding of Placements

Pursuant to Texas Education Code § 37.011(h), the parties agree to the following terms regarding financial responsibility for students placed in the Juvenile Justice Alternative Education Program (JJAEP) due to mandatory expulsion offenses.

1. School District Responsibility

The sending school district shall remit payment in the amount of \$370 per student per instructional day for each student placed in the JJAEP under a mandatory expulsion offense. Payment shall be made on a monthly basis upon receipt of an invoice from the JJAEP administrative office.

2. Juvenile Board Contribution

The Juvenile Board shall contribute funding to support the operation and administration of the JJAEP program, including but not limited to staffing, curriculum, and facility costs. This contribution may include the use of state grant funds allocated through the Texas Juvenile Justice Department (TJJD).

3. State Grant Funds

If applicable, state funding received for mandatory placements shall be applied to offset operational costs.

4. Attendance Documentation

The JJAEP shall provide accurate attendance records to the school district on a monthly basis to support billing and compliance with Texas Education Agency (TEA) and TJJD reporting requirements.

Liaison Officers

The parties agree that the following person shall act as liaison officer for their District and the Juvenile Board for purposes of facilitating their agreement:

Micah Wells
Killeen Independent School District
P.O. Box 967
Killeen, Texas 76540
336-2780

Eric Haugeberg
Temple Independent School District
515 East Ave D
Temple, Texas 76501
215-6769

Kory Craddick
Belton Independent School District
400 North Wall Street
Belton, Texas 76513
215-2029

Brad McMurtry
Troy Independent School District
P.O. Box 409
Troy, Texas 76579
938-2595

Shane Downing
Holland Independent School District
P.O. Box 217
Holland, Texas 76534
657-0175

Theodore Clevenger
Bartlett Independent School District
P.O. Box 170
Bartlett, Texas 76511
527-4247

Michael Novotny
Salado Independent School District
P.O. Box 98
Salado, Texas 76571
947-6905

Darla Nolen
Academy Independent School District
602 East Main
Academy, Texas
982-4304

Duana Brashear
Rogers Independent School District
1 Eagle Dr.
Rogers, Texas 76569
642-3802

Rick Kirkpatrick
Florence Independent School District
P.O. Box 489
Florence, Texas 76527
793-2850, ext. 221

By agreement between a respective District, and the Juvenile Board and with notice to all parties, these designations maybe changed by the District.

Policy and Procedures

The JJAEP shall adopt the student code of conduct attached hereto and incorporated herein. The student code of conduct outlines staff expectation of students and proper disciplinary actions for violations.

The JJAEP shall be subject to a written operating policy developed by the Bell County Juvenile Services Department with the approval of the Juvenile Board and submitted to the Texas Juvenile Justice Department. A copy is attached hereto and incorporated herein.

Insurance and Indemnification

To the extent permitted by applicable law, but without waiver or expansion of any limits established by the Texas Tort Claims Act, each party to this agreement shall indemnify and hold harmless the other parties and their officers, employees and agents, from and against any and all claims proximately caused by negligence, breach, or other act or omission by the indemnifying party or its officers, employees, or agents.

The Commissioner's Court shall provide a policy of general liability insurance for liabilities arising from the operation and performance of official duties or duties of employment at the JJAEP.

Miscellaneous

The Districts, Juvenile Board, Commissioner's Court and Judge agree that this memorandum does not concern the Juvenile Services Department's role in supervising and providing other support services for students in district alternative education programs.

The parties agree that each District shall provide appropriate faculty and facilities for students assigned to the JJAEP who are enrolled or residing in their district below grade level 6.

The parties agree that the effective date of this memorandum is August 1st, 2025, and that it shall remain in effect through July 31, 2026, unless modified by agreement in writing.

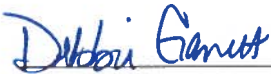
Attached: Student Code of Conduct, 2025-2026 Calendar

JJAEP

Bell County Juvenile Board



Honorable David Blackburn
County Judge, Chairman

Honorable Cari Starritt-Burnett
169th District Court

Honorable Debbie Garrett
27th District Court

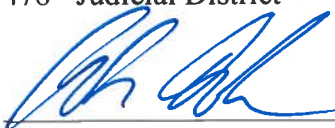
Honorable Steve Duskie
426th District Court

Honorable Mike Russell
146th District Court

Honorable Paul Motz
County Court at Law #1

Honorable John Mischian
County Court at Law #2

Honorable Wade Faulkner
478th Judicial District

Honorable Paul L. LePak
264th District Court

Honorable Rebecca DePew
County Court at Law #3
Juvenile Court Judge

Date Approved 8-6-25