

EL PASO COUNTY JUVENILE PROBATION DEPARTMENT POLICIES AND PROCEDURES FOR THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

Ysleta Independent School District, El Paso County Juvenile Probation
Department

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THE DISTRICT
YSLETA INDEPENDENT SCHOOL DISTRICT



Contents

TEXAS JUVENILE JUSTICE DEPARTMENT STANDARDS §348	3
§348.102 DEFINITIONS.....	3
§348.104 INTERPRETATION AND APPLICABILITY	4
§348.106 WAIVERS AND VARIANCES	4
§348.200 PROGRAM ADMINISTRATION AND ORGANIZATION	5
(a) Mission of the JJAEP.....	5
(d) Research Studies and Experimentation.....	6
(e) JJAEP Performance Review.....	7
348.104 (f) MANAGEMENT REVIEW.	8
348.200 (g) REQUIRED STAFF MEMBERS.....	9
PROCEDURE – DUTIES OF THE JJAEP ADMINISTRATOR	10
348.200 (2) INSTRUCTIONAL STAFF MEMBERS.	10
(3) CASEWORKERS.	11
(h) VERIFICATION DOCUMENTATION.	12
§348.202 PERSONNEL ADMINISTRATION.....	14
(a) PERSONNEL RECORDS.....	14
(c) NEW EMPLOYEE ORIENTATION	15
(d) CRIMINAL HISTORY AND BACKGROUND CHECKS.	16
DISQUALIFYING CRIMINAL HISTORY	17
§348.204 DATA COLLECTION AND CASE FILE INFORMATION.....	18
(a) DATA COLLECTION AND REPORTING.	18
(b) ENGLISH AS A SECOND LANGUAGE (ESL).	23
(c) SECTION-504-ELIGIBLE STUDENTS.	24
(e) COUNSELING.....	25
(f) MEALS.....	26
(g) MEDICAL.....	26
§348.212 INTER-LOCAL COOPERATION.....	29
§348.214 PHYSICAL PLANT POLICY	36
§348.216 SAFETY, SECURITY AND EMERGENCY RESPONSES	38
(a) SECURITY PLAN.	38
SCHOOL BUS TRANSPORTATION	39
EMERGENCY SITUATIONS:.....	40
F. MEDICAL EMERGENCIES.....	44
JJAEP CLOSURE	46
SEARCHES	48
PROCEDURE-CLOTHED/PATDOWN SEARCHES	49
CONTRABAND	50

DISCIPLINARY OFFENSES.....	52
WEAPONS.....	52
§348.218 RESTRAINT REQUIREMENTS.....	53
MECHANICAL RESTRAINTS.....	54
APPROVED PERSONAL RESTRAINT TECHNIQUE.....	54
Restraint Prohibitions.....	56
Restraint Documentation.....	56
SERIOUS INCIDENTS	57
358 ANE DEFINITIONS.....	57
POLICY	59
APPLICABILITY:.....	60
SIGNAGE:.....	60
§358.300 IDENTIFYING AND REPORTING ABUSE, NEGLECT OR EXPLOITATION, AND DEATH:	60
1. Duty to Report:	60
2. Reporting Time Frames:.....	60
3. Methods for Reporting:.....	61
§358.320. CONTACT TO PARENTS BY SCHOOL ADMINISTRATOR.....	61
§358.340. PREVENTIVE MEASURES AND REPORTING OF ALLEGATIONS BY STUDENTS.....	61
§358.360 ALLEGATIONS OUTSIDE OF THE JUVENILE JUSTICE SYSTEM:	62
§358.400 INTERNAL INVESTIGATIONS:	62
INTERNAL INVESTIGATOR(S)	62
INTERNAL INVESTIGATION PROCEDURES	62
ALLEGATIONS AGAINST EMPLOYEES.....	63
WRITTEN AND ELECTRONICALLY RECORDED STATEMENTS	64
ASSIGNMENT OR ADMINISTRATIVE LEAVE DURING INVESTIGATIONS:	64
§358.460 CORRECTIVE MEASURES.....	64
§358.500 INTERNAL INVESTIGATION REPORT AND COMPONENTS (APPENDIX Q).....	64
CONCLUSION OF INVESTIGATIONS AND REPORTING OF FINDINGS:.....	65
§358.840 SUBMISSION OF INTERNAL INVESTIGATIONS REPORT	65
§358.220 ABUSE, NEGLECT AND EXPLOITATION DATA COLLECTION.....	66
§358.600 SERIOUS INCIDENTS	66
§358.620 MEDICAL DOCUMENTS FOR SERIOUS INCIDENTS	67
STUDENT CODE OF CONDUCT.	
A. ADOPTION.....	67
B. NOTICE TO STAFF, STUDENT, PARENT/GUARDIAN.....	67
C. DISCIPLINE AND SANCTIONS.....	68
D. DISCIPLINE MANAGEMENT TECHNIQUES	68
§348.300 TJJD PERFORMANCE REPORTS	74

TEXAS JUVENILE JUSTICE DEPARTMENT STANDARDS §348

JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS

§348.100 PURPOSE

This chapter establishes minimum operational, programmatic, and educational standards for juvenile justice alternative education programs in Texas.

In accordance with [Texas Education Code, Section 37.011\(h\)](#), it is required on an annual basis that the Texas Juvenile Justice Department (TJJD), with the agreement of the Commissioner of Education, develop and implement a system of accountability consistent with Chapter 37 of the Texas Education Code to ensure that students make progress toward grade level while attending the Juvenile Justice Alternative Education Programs (JJAEP).

§348.102 DEFINITIONS

When used in this chapter, the following words and terms have the following meanings unless the context clearly indicates otherwise.

- (1) Absent Days**--The actual number of instructional days a student enrolled in the JJAEP is not in attendance for a minimum of four (4) hours.
- (2) Attendance Days**--The actual number of instructional days a student enrolled in the JJAEP is in attendance for a minimum of four (4) hours.
- (3) Community Activities Officer**--The definition assigned by [Texas Administrative Code §344.100](#).
- (4) Inactive Status**--Attendance status assigned to a student in which the student remains enrolled but is not counted as absent or present.
- (5) Intensive Physical Activity**--Rigorous physical activity that involves rhythmic, repetitive physical movement that uses large muscle groups and results in an increase in heart rate and respiration. This term does not include activities required as part of a physical education class.
- (6) JJAEP Administrator**-- A juvenile probation department employee designated by the chief administrative officer or governing board of a juvenile probation department as the person responsible for the overall management of the JJAEP.
- (7) JJAEP Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the juvenile probation department's case management system to TJJD.
- (8) JJAEP Staff Member**--Any full-time, part-time, temporary, or seasonal employee or volunteer performing JJAEP-related duties.
- (9) Juvenile Justice Alternative Education Program (JJAEP)**--An educational program operated by the juvenile board designated to serve students pursuant to [Chapter 37, Education Code](#).
- (10) Juvenile Probation Department (Department)**--The definition assigned by [Texas Administrative Code §344.100](#).
- (11) Juvenile Probation Officer**--The definition assigned by [Texas Administrative Code §344.100](#).
- (12) Juvenile Supervision Officer**--The definition assigned by [Texas Administrative Code §344.100](#).
- (13) Sending School District**--The school district that sends the notice of expulsion and/or documentation needed for a student to enroll in a JJAEP.
- (14) TJJD**--The Texas Juvenile Justice Department.
- (15) Exit Reason**--The reason a student exits the JJAEP program. A student shall be accounted for in only one of the following categories:
 - (A) Completed program/returned to home school**--The student's term of expulsion has expired or has been terminated early by the home school district.
 - (B) Completed program/term of probation expired**--The student has returned to the home school district due to the expiration of the probation order or the term of probation placement in JJAEP ended.
 - (C) Completed program/term of placement ended**--The student has returned to the home school district due to the termination of both expulsion status and probation status.

- (D) GED Completion--The student has successfully tested and passed the high school equivalency examination.
- (E) Graduated--The student has completed all necessary requirements to receive a high school diploma.
- (F) Left Program Incomplete--The student has been terminated from the program due to:
- (1) a probation modification or revocation;
 - (2) an out-of-home placement;
 - (3) being held in juvenile detention;
 - (4) being held in jail;
 - (5) absconding (violation of conditions of release from detention or court order);
 - (6) being committed to the Texas Juvenile Justice Department;
 - (7) being committed to the Texas Department of Criminal Justice; or
 - (8) being truant or a runaway.
- (G) Other--The student left the program due to an out-of-county move, death, medical reason, other non-delinquency reason, or withdrew to enroll in another educational program that is not provided by the student's home district (i.e., expelling school).

§348.104 INTERPRETATION AND APPLICABILITY

(a) When used in this chapter, the words "including" and "includes" are to be understood as introducing a non-exhaustive list, unless the context clearly indicates otherwise. (b) **Applicability.** This chapter applies to JJAEPs operated under [Section 37.011, Education Code](#). (c) **Records Retention.** For purposes of this chapter, any standard that requires documentation to be maintained but does not specify the length of the retention period means at least two years past the end of the school year in which the student exited the JJAEP unless the local records retention schedule specifies a longer retention period. (d) **Policies and Procedures.** Any policy or procedure required by this chapter must be established by the juvenile board that is responsible for the operation of the JJAEP. (e) **Parent Notifications.** (1) Any requirement in this chapter for the JJAEP to provide a notice to a student's parent, guardian, or custodian applies only if: (A) the student is under 18 years of age; or (B) the student is 18 years of age or older and: (i) has provided written consent; (ii) the student has a disability and has authorized the parent, guardian, custodian, or other designated individual to receive the notification under a supported decision-making agreement, as referenced in [Chapter 1357, Estates Code](#); (iii) the student is a dependent student as defined in [Section 152 of the Internal Revenue Code](#) and the notice relates to education services; or (iv) the notification is one that the parent would have received under the Individuals with Disabilities Education Act before the student reached 18 years of age. (2) Any notifications provided under paragraph (1)(B) of this subsection to a parent, guardian, or custodian without the written consent of a student who is at least 18 years of age must also be provided to the student.

§348.106 WAIVERS AND VARIANCES

Unless expressly prohibited by another TJJD standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with [Texas Administrative Code §349.200](#).

The El Paso County Juvenile Board may apply to the TJJD for a waiver of one or more standards under this Chapter, excluding statutory and constitutional requirements. The Juvenile Board shall submit a plan to adopt the said standard(s) by a certain date and include an explanation regarding why immediate compliance is impossible. Waivers may be granted for a period not to exceed two (2) years. These waivers may be granted pursuant to a grant contract with counties that are not required to operate a JJAEP. In the event that a waiver variance is deferred by the TJJD to the local juvenile board, as may be the case during a pandemic or natural disaster, the Juvenile Court Judge may allow such waivers of certain standards that cannot be met during designated time frames.

§348.200 PROGRAM ADMINISTRATION AND ORGANIZATION

(a) Mission of the JJAEP. (1) Academically, the mission of the JJAEP shall be to enable students to perform at grade level. (2) The mission statement must be located in the JJAEP's policies and procedures manual and in the student code of conduct. **(b) Policies and Procedures.** (1) The JJAEP must: (A) have written policies and procedures that govern all aspects of the operation of the program, including personnel, administration, programming, training, and any other program requirement included in this chapter; (B) be operated according to the written policies and procedures; and (C) submit the written policies and procedures to TJJD for review and comment at the following times: (i) no later than October 1 of each year; and (ii) upon request from TJJD. (2) The written policies and procedures must be readily accessible to every JJAEP staff member. **(c) Memorandum of Understanding.** (1) The juvenile board must annually enter into a memorandum of understanding with each participating school district. The memorandum of understanding must address the items listed in [Section 37.011\(k\), Education Code](#). (2) The memorandum of understanding must be submitted to TJJD annually no later than October 1.

The El Paso County Juvenile Board is responsible for approving and implementing the policies and procedures for the Juvenile Justice Alternative Education Program (JJAEP). The El Paso County Juvenile Justice Alternative Education Program must abide by such said policies addressing the entire operation of the program. The JJAEP Administrator shall ensure written policies and procedures are made available to all JJAEP employees, and documentation of acknowledgment of receipt will be maintained in the staff personnel or training file.

The Ysleta Independent School District JJAEP will provide facilities, personnel, and services necessary to operate on the Board's behalf, a JJAEP approved by the Texas Juvenile Justice Department as outlined under Chapter 348 as permitted by § 37.011(e) of the Texas Education Code ("JJAEP Services"). The educational components, including but not limited to online instruction and distance learning, of the JJAEP shall be subject to the policies adopted by the YISD Board of Trustees. The JJAEP shall follow the programmatic and process components of the JJAEP as outlined in the El Paso County JJAEP Policies, Procedures and Texas Administrative Code Standards. The JJAEP school day start and end times are as follows: High School: 8:00 a.m. - 3:15 p.m.; Middle School: 8:30 a.m. - 3:45 p.m. Any deviation from scheduled times must be reported to the JJAEP Administrator.

The JJAEP must continue to provide personnel and services necessary to operate the JJAEP and implement a Continuity of Operations Plan (COOP) to provide educational services in accordance with the Texas Education Code, Texas Education Agency, Texas Juvenile Justice Department, Department of Public Health, and the Local Health Authority in light of any changes to the educational system, including during a pandemic or natural disaster. The YISD and JJAEP online instruction plan, curriculum, attendance records, students' progress, or lack thereof, and all other related documents must be provided to the JJAEP Administrator. In the event of a pandemic or natural disaster whereby a change occurs, YISD agrees to provide a copy of YISD JJAEP Plan of Action that outlines instructional time (synchronous/asynchronous, traditional, hybrid, online), student and staff safety plan, transportation, meal and searches plans, attendance recording keeping plan, and other matters related to operations before the beginning of the school year and as the plan is revised throughout the school year in relation to JJAEP matters.

PROCEDURE

Written policies and procedures governing all facets of the operation of the program will be addressed, including but not limited to areas of personnel, administration, programming, training, and standards under Chapter 348 of the Texas Administrative Code. The El Paso County JJAEP Policies, Procedures, and Standards are incorporated as **EXHIBIT A** of the Interlocal Agreement between the Juvenile Probation Department and the ISD's operating and participating in JJAEP services to facilitate compliance and clarify policy and TJJD and YISD expectations. The JJAEP Policy and Procedures must be submitted to TJJD for review no later than October 1 of each year and upon request.

1. JJAEP Policies and Procedures, JJAEP Student Code of Conduct, and applicable program forms will be copied onto electronic storage devices and provided to the JJAEP Campus for provision to newly hired regular status employees, temporary employees, and short and long-term substitutes prior to having direct contact with JJAEP students.

2. The JJAEP Summary of Policies and Procedures (**APPENDIX A**) and JJAEP Student Code of Conduct (**APPENDIX B**) will be reviewed by a Campus Administrator or designee prior to any contact with JJAEP students for all employees working with JJAEP students.
3. In order to facilitate proper review of JJAEP policies, this activity will be done upon the employee (regular status ISD or any substitute) first presenting at the JJAEP Campus with instructions given to review policies prior to the scheduled JJAEP Orientation training.
4. The JJAEP Summary of Policies and Acknowledgment Form (**APPENDIX C**) will be signed and dated by all new incoming regular status employees, temporary employees, and short and long-term substitutes to support compliance pursuant to §348.202 and §348.224 of the Texas Administrative Code. These forms also instruct employees to review the entire policies prior to the JJAEP New Employee Orientation (NEO).
5. Short-term substitutes assigned to the JJAEP for less than six (6) weeks will be required to review and acknowledge electronic receipt of the JJAEP Summary Form of Policies and Procedures and Student Code of Conduct but will not be required to attend the JJAEP New Employee Orientation.
6. All other employees, including new regular status ISD employees and long-term substitutes assigned or expected to work at the JJAEP for more than six (6) weeks (continuous or intermittent), must attend the JJAEP New Employee Orientation within two (2) weeks of JJAEP assignment in order to comply with the JJAEP standards.
7. The JJAEP Administrator or designee will conduct the JJAEP New Employee Orientation training, focusing on reviewing the priority areas of the JJAEP policies and procedures.
8. As part of the JJAEP annual refresher and staff development training scheduled at the beginning of the school year, the JJAEP Administrator will also provide all JJAEP staff with an electronic storage device containing the TJJD standards along with the JJAEP Policies and Procedures, the JJAEP Student Code of Conduct, the current Interlocal Agreement, applicable training power points, and all necessary forms and contact phone numbers needed for the operation of the program.
9. Upon receipt of the electronic storage device each employee will sign and date the required acknowledgment form (**APPENDIX C**).
 - a. If summary of policies and storage device is provided as part of new hire process, the Campus Administrator or designee will indicate their signature on the acknowledgment form and obtain the employee's signature. Copies of the acknowledgment form will be provided to each employee, campus administration and copy forwarded to the JJAEP Administrator by the same workday. Original acknowledgment form will be maintained by the JJAEP Campus Administrator.
 - b. If electronic storage device is provided as part of the annual refresher in-person or remote training, the JJAEP Administrator will sign acknowledgment form (as the witness) and obtain employee's signature. Copies of the acknowledgment form will be provided to each employee, campus administration and original will be maintained by the JJAEP Administrator.
10. YISD administrative personnel shall advise in writing when ISD personnel policies conflict and will result in non-compliance with the JJAEP Interlocal Agreement, policies, or TJJD standards. Such notification is required by October 1 of each year and will require the state and/or JPD chain of command to be notified for further discussion to determine an appropriate course of action.
11. YISD will ensure that security and control procedures are in place at every JJAEP location. This will be done in accordance with Section 348.216 of the Texas Administrative Code: Security and Control.
12. It is the responsibility of Campus Administrators to require staff members (new and long-term) to become thoroughly familiar with the JJAEP Program and the contents of the JJAEP Policies and Procedures Manual to ensure the safety of students and staff.
13. Campus Administrators must promote compliance and address staff when internal non-compliance with JJAEP standards is identified.

(d) Research Studies and Experimentation. The JJAEP must adhere to requirements established by [Texas Administrative Code §341.200](#) regarding research studies and experimentation involving students in JJAEPs.

POLICY

The El Paso County JJAEP does not engage in any research programs. In the event there is a prospective research program being considered, the Chief Juvenile Probation Officer and/or Juvenile Board shall review and approve proposals for the research to ensure conformity with TJJD standards and departmental policy.

PROCEDURE

1. Students may voluntarily participate in approved research programs with the written consent of the student's parent, guardian, or custodian. A copy of the written consent of the student's parent, guardian, or custodian will be placed in the student's electronic file. A student's non-participation must not have adverse consequences.
2. Stimulants, tranquilizers, and psychotropic drugs are NOT to be used under any circumstances for experimentation or research.
3. Participation in medical, pharmaceutical, or cosmetic research programs is forbidden by the department.

(e) JJAEP Performance Review. The juvenile board and the JJAEP Administrator must conduct an annual performance review of the JJAEP between the conclusion of the school year and prior to the beginning of the next school year to determine the effectiveness of the program. (1) The information reviewed must include: (A) the number of student entries and exits during the previous school year; (B) the reason for student entries and exits during the previous school year; (C) the number of students who entered the program during the previous school year who were eligible for special education services; (D) student academic performance as measured by passing rates and, if applicable, half-credits earned for students who exited the program during the previous school year; (E) attendance rates for the entire length of enrollment for students who exited the program during the previous school year; (F) assessment scores for mathematics and reading as measured by the TJJD-required pre-test and post-test scores, if applicable, for students who exited the program during the previous school year; (G) the number of new arrests or referrals that occurred during the entire length of enrollment for students who exited the JJAEP during the previous school year; and (H) the number of restraints by type (i.e., mechanical or personal) during the previous school year. (2) A written report must be completed that includes the data listed in paragraph (1) of this subsection, an analysis of the JJAEP's effectiveness, and any changes to be implemented as a result of the review. (3) The report must be submitted to TJJD no later than October 1.

POLICY

The El Paso County JJAEP Administrator and the Juvenile Board shall complete an Annual Performance Review upon the completion of each academic school year and prior to each academic school year. The Annual Performance Review aims to assess the effectiveness and measure the performance of the JJAEP in meeting its mission.

The JJAEP Annual Performance Review is a composite of statistical, academic, and non-academic performance measures reflecting the short and intermediate outcomes of the students served through JJAEP. The JJAEP Annual Performance Review will be presented to the Juvenile Board for review and approval prior to its submission to the Texas Juvenile Justice Department (TJJD), YISD School Board, and Superintendent. Upon submission to TJJD, a copy of the JJAEP Annual Performance Review will be provided to stakeholders. The report must be submitted to TJJD no later than October 1.

PROCEDURE

In addition to measures required by the standards, the El Paso County JJAEP will also measure the following data throughout the school year:

1. Number of students entering/exiting the program;
2. Reasons for student entries and exits;
3. Number of students eligible for special education services;
4. Student academic performance; as measured by passing rates and half credits (if applicable) for exited students;
5. Attendance rates for the entire length of enrollment;

6. Assessment scores for mathematics and reading as measured by the IOWA;
7. Number of new arrests or referrals that occurred during the entire length of enrollment for students who exited the program;
8. Number of restraints by type (i.e., mechanical, or personal) throughout the year;
9. Number of JJAEP Family Program Orientations held;
10. Number of JJAEP Exit Transition Meetings held in which a parent/guardian, Probation Officer and JJAEP Campus representative were present;
11. Number of youth who successfully complete Probation (Juvenile) or Deferred Prosecution term during or after completion of JJAEP term;
12. Number of New Employee Orientations and training hours.

The JJAEP Administrator or designee will maintain the **JJAEP STUDENT INFORMATION FORM** (which contains personal, admission and exit data) (**SEE APPENDIX D**), the JJAEP Monthly Spreadsheet, and oversee the update of the JJAEP JMIS tab. The JJAEP data collection is also monitored by TJJD through the monthly JJAEP Electronic Data Interchange (EDI) Extract.

348.200 (f) JJAEP Management Review. The JJAEP Administrator that oversees the daily functions of the JJAEP shall conduct an annual review of the overall operations of the JJAEP prior to the beginning of each school year. (1) The review shall include but is not limited to: (A) safety and security; (B) inter-local cooperation; and (C) the student code of conduct. (2) Existing policies and procedures shall be reviewed to determine their continued relevance to the mission of the JJAEP. (3) Documentation of the review shall be maintained.

POLICY

The overall operation of the El Paso County JJAEP and its respective policies and procedures shall be reviewed annually through a Management Review conducted by the JJAEP Administrator and approved by the Director of Intake Services. The JJAEP Management Review is for the JJAEP Administrator to assess key topics (i.e., safety and security, inter-local cooperation, student code of conduct, and operational efficiency) and identify any needed changes prior to the beginning of each school year. The review will help determine the continued relevance of policies and procedures to the mission of the JJAEP. All revisions, modifications, and changes will be presented to the Juvenile Board for final approval.

PROCEDURE

1. Changes in TJJD (Texas Juvenile Justice Department), TAC (Texas Administrative Code) and/or TEC (Texas Education Code) standards as approved by the state legislature will be updated in the subsequent year's JJAEP Policies and Procedures and/or JJAEP Student Code of Conduct handbooks.
2. The JJAEP Administrator will obtain input from Campus Administrators and ISD personnel annually to promote collaborative efforts toward the efficient and effective operation of the JJAEP.
3. The JJAEP Management Review will include, but is not limited to:
 - (A) Safety and Security;
 - (B) Inter-local Cooperation;
 - (C) Student Code of Conduct;
 - (D) Policies and Procedures;
 - (E) Operational Efficiency;
4. The JJAEP Administrator will use the **COMPLIANCE MONITORING ASSESSMENT (STANDARDS AND PROGRAM-APPENDIX E)** and **COMPLIANCE MONITORING ASSESSMENT (PHYSICAL PLANT-APPENDIX E-1)** along with the County of El Paso Contract Monitoring System, to track and report problem areas that may need to be addressed.
5. A JJAEP Compliance Monitoring Summary Report will be prepared based off the **COMPLIANCE MONITORING ASSESSMENT TOOLS (See APPENDIX E AND E-1)** summarizing compliance/non-compliance

in all areas, corrective measures taken at the campus or administrative level, and any subsequent issues of non-compliance.

- a. The final versions will be submitted to the YISD Superintendent after presentation to the Juvenile Board as part of the Annual Management Review process. Such compliance report will be used as part of JJAEP performance measures and quality assurance.
6. Discrepancies identified during the physical plant inspection will be forwarded to the JJAEP Campus Administrator, who will be given thirty (30) school days to resolve identified issues. The JJAEP Administrator will follow up to confirm corrective action was taken and ensure compliance.
7. Any matters that the JJAEP Campus Administrator cannot carry out within the established timeline, will require the district associate superintendent overseeing alternative schools to ensure compliance and to provide written confirmation that the facility is in compliance with the Interlocal Agreement and TJJD standards within the required timeline.
8. Compliance monitoring in other areas is ongoing and reviewed at least monthly by the JJAEP Administrator and/or Director of Intake Services, recorded on the **COMPLIANCE MONITORING ASSESSMENT-STANDARDS AND PROGRAM-APPENDIX E**.
 - a. Non-compliance will be notified to the JJAEP Campus Administrators in writing for corrective action and included on the yearly Compliance Monitoring Report if not reconciled within thirty (30) school dates (along with corrective action made after non-compliance notice given) as part of the Annual Management Review to the Juvenile Board and Compliance Letter to the YISD Superintendent and School Board.
 - b. Non-compliance with the Interlocal Agreement will also be reported to the County of El Paso Auditor as part of the County's contract management system performance review.
 - c. Both Compliance Monitoring Assessments and Report Letters must be completed no later than the tenth day of the following month after the conclusion of the school year to ensure all months are included in the report, allowing administrators (at the campus and district level) to review and respond within 30 calendar days.
9. Compliance monitoring will allow for a review of all aspects of the JJAEP operations and assist with any process or policy revisions or other action needed as part of ongoing collaboration with YISD.
10. An annual policy review meeting will take place prior to the conclusion of the school year to allow YISD and JPD to collaborate on any policy revisions for the following year.
11. TJJD Compliance Audits occur once every two (2) years (on-site or virtual audits) and randomly through desktop audits (based on data and JJAEP case samplings).
12. To ensure the integrity of the compliance monitoring process, no prior notice will be given to the JJAEP Campus for classroom observation or site visits made by the JJAEP Administrator. Input from JJAEP students and their parents/guardians will also be obtained as part of the compliance review by the JJAEP Administrator.

348.200 (g) Required Staff Members (1) JJAEP Administrator. The juvenile board or chief juvenile probation officer must designate a JJAEP administrator. The JJAEP administrator must: (A) hold a bachelor's degree from a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; (B) possess juvenile justice experience and/or education experience; (C) ensure compliance with all applicable laws and rules related to JJAEPs; and (D) ensure compliance with provisions of all contracts with TJJD related to JJAEPs.

POLICY

The El Paso County Chief Juvenile Probation Officer hires the JJAEP Administrator to provide oversight and ensure compliance with JJAEP operations within the respective JJAEP campus and involved ISD departments. This is done in accordance with applicable laws, standards, policies, procedures, interlocal agreements, and contractual provisions of all contracts with TJJD related to JJAEP.

PROCEDURE – DUTIES OF THE JJAEP ADMINISTRATOR

1. The JJAEP Administrator will ascertain that all areas of the program are monitored, reported, and addressed on an ongoing basis to the JJAEP Campus Administrator and/or the associate District Superintendent overseeing the JJAEP Campus. This will be done as set forth in the JJAEP Interlocal Agreement, JJAEP Policies and Procedures, JJAEP Student Code of Conduct, and JJAEP Standards.
2. The JJAEP Administrator must also:
 - a. Have access, maintain, secure, and destroy (once retention timelines are met) the JJAEP employee and student electronic files. This includes safeguarding social security numbers, background checks, and other required TJJD employee documents.
 - b. Maintain statistical data as required by TJJD for monthly and annual TJJD and El Paso County Contract reporting requirements.
 - c. Maintain good rapport with district officials, school administrators, school staff, and probation officers to ensure effective and efficient operations of the JJAEP.
 - d. Uphold programmatic standards and interact with students, families, ISD, and JPD personnel to promote the student's educational growth and success.

348.200 (g) (2) Instructional Staff Members. The JJAEP must maintain a ratio of at least one instructional staff member for every 24 enrolled students. Instructional staff members include only: (i) teachers who are certified, are highly qualified, and/or meet the teaching requirements of the organization providing education services at the JJAEP; (ii) certified educational aides; and (iii) substitute teachers. (B) The instructional staff members for the JJAEP must include at least one teacher certified by the State Board for Education Certification (SBEC). (C) The JJAEP must provide at least the minimum number of special education teachers required by federal law. (D) A special education teacher must be certified as a special education teacher by SBEC or be eligible to work as a special education teacher prior to obtaining certification, as allowed by SBEC. (E) Upon entry into the JJAEP, substitute teachers who are not JJAEP staff members must be provided the JJAEP student code of conduct and JJAEP policies and procedures that directly affect their duties and sign an acknowledgment of receipt.

POLICY

An Interlocal Agreement between the El Paso County Juvenile Board and the Ysleta Independent School District (YISD), along with other partnering districts, shall outline the required administrative, programmatic, and supervision staff as outlined in Texas Administrative Code, Section 348.200(g)(2-5). YISD shall employ adequate instructional staff and supervision to provide appropriate educational services to JJAEP students.

PROCEDURE

1. The El Paso County Juvenile Board shall contract with the YISD for the provision of instructional staff as dictated by TJJD Standards.
 - a. The El Paso County JJAEP will serve students from the following school districts, all of which shall be bound by the terms and conditions of the JJAEP Interlocal Agreement:
 - (1) Anthony Independent School District (AISD)
 - (2) Canutillo Independent School District (CISD)
 - (3) Clint Independent School District (CISD)
 - (4) El Paso Independent School District (EPISD)
 - (5) Fabens Independent School District (FISD)
 - (6) San Elizario Independent School District (SEISD)
 - (7) Socorro Independent School District (SISD)
 - (8) Tornillo Independent School District (TISD)
 - (9) Ysleta Independent School District (YISD)
2. The Independent School Districts participating in the JJAEP through the established Interlocal Agreement shall ensure that all instructional staff has the appropriate certification and required trainings as required by the Texas State Board of Education and JJAEP standards.

3. The Independent School Districts participating in the JJAEP through the established Interlocal Agreement shall employ at least one (1) certified teacher and the appropriate number of certified Special Education teachers at each JJAEP campus as required by federal law and the State Board for Educator Certification (SBEC). Instructional staff members include only:
 - a. Teachers who are certified, are highly qualified, and/or meet the teaching requirements of the organization providing education services at the JJAEP;
 - b. Certified educational aides; and
 - c. Substitute teachers.
4. The JJAEP campus shall at all times provide at least one (1) instructional staff member for every twenty-four (24) students in attendance at the JJAEP.
5. The JJAEP campus will maintain a daily staff roster/timecard for all instructional and supervision staff working in the program and make such daily rosters/timecards available to the JJAEP Administrator upon request. The timecards must display the JJAEP instructional/supervision staff members' names and positions.
6. The daily rosters will be cross-referenced with monthly personnel and certification logs, discipline referrals, discipline reports, and signed **JJAEP SUMMARY OF POLICIES AND ACKNOWLEDGMENT FORMS (APPENDIX C)** of new employee and short/long-term substitutes to monitor compliance with this standard.
7. The Campus Administrator or designee will review, provide, and obtain signatures on the **JJAEP SUMMARY OF POLICIES (APPENDIX A)** and Acknowledgment Form, which contains program forms and Student Code of Conduct prior to substitute(s) or new employee(s) having any direct contact with JJAEP students. This form also indicates the individual has cleared an ISD criminal background check and that staff were provided with the necessary information to begin initial work with the JJAEP population.
8. Such form will assist in the tracking of instructional and supervision staff to ensure compliance with this standard. The form must be provided electronically to the JJAEP Administrator on the same day it is signed by the JJAEP Campus Administrator.
9. The JJAEP Campus Administrator or designee will submit the **JJAEP STAFFING AND CERTIFICATION LOG (APPENDIX F)** on a monthly basis, outlining all regular ISD employees (non-substitutes) to ensure compliance with the instructional staff to student ratio.

348.200 (g)(3) Caseworkers (A) A caseworker must be a social worker, juvenile probation officer assigned to the JJAEP, counselor, or other mental health provider, as defined in [Texas Administrative Chapter 355](#). (B) Caseworkers must meet the minimum professional requirements and be licensed or certified by the appropriate licensing board in their field. (C) The JJAEP must maintain a ratio of at least one caseworker for every 50 enrolled students. (i) At a JJAEP with 50 or fewer enrolled students, the caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. (ii) At a JJAEP with 51–100 enrolled students, one caseworker must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The second caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph. (iii) At a JJAEP with 101–150 enrolled students, two caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The third caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph. (iv) At a JJAEP with 151–200 enrolled students, three caseworkers must be present during all operational hours of the JJAEP, except as noted in clauses (vi) and (vii) of this subparagraph. The fourth caseworker must be present for at least four of the JJAEP's daily operational hours, except as noted in clauses (vi) and (vii) of this subparagraph. (v) At a JJAEP with more than 200 enrolled students, the number of caseworkers required to be present during all operational hours of the JJAEP follows the same pattern set forth in clauses (i)–(iv) of this subparagraph. (vi) A substitute caseworker is not required when a caseworker is absent for three or fewer consecutive school days. A substitute caseworker is required if an absence is more than three consecutive school days. (vii) A caseworker who must leave the JJAEP site to complete a JJAEP-related duty is considered present for purposes of calculating the ratio.

POLICY

The JJAEP ISD providing the educational services shall employ or contract one (1) caseworker at each of the JJAEP campuses. Caseworkers shall be either social workers, juvenile probation officers assigned to the JJAEP, JJAEP Administrator, counselors, or other mental health professionals.

PROCEDURE

1. Each El Paso County JJAEP campus shall not exceed the ratio of one (1) caseworker/counselor to fifty (50) students enrolled in the program.
2. School-based caseworkers/counselors required to leave the campus to complete JJAEP-related duties (expulsion hearings, ARD meetings, home visits, and court hearings) shall be considered present for ratio purposes.
 - a. A substitute caseworker/counselor is required when the regularly assigned caseworker/counselor is absent for more than three (3) consecutive school days.
3. A JJAEP that employs caseworkers shall meet the minimum professional requirements and shall be licensed or certified, if required by their field.
 - a. The JJAEP ISD may contract with Communities in Schools (CIS) to assist in providing services to the student and their family.
4. The JJAEP campus will maintain a daily staff roster/timecard for all caseworkers working in the program each day and make such daily rosters available to the JJAEP Administrator.
5. The daily rosters will be cross-referenced with JJAEP Administrator or JPO observations, certification logs, discipline reports, disciplinary referrals, or new employee and short-term substitute JJAEP acknowledgment forms (**APPENDIX C**) to monitor compliance.
6. Any subcontractor providing caseworker services will undergo an NCIC/TCIC background check and will be required to complete the JJAEP New Employee Orientation and PREA/ANE training.

348.200 (g)(4) Supervision Staff Members. (A) The JJAEP must ensure an adequate number of supervision staff members are present during all operational hours. (B) Supervision staff members include drill instructors, educational aides, security personnel, juvenile supervision officers, juvenile probation officers, community activities officers, and behavior management staff. (C) Any staff member, excluding a certified physical education teacher, who participates in the administration of intensive physical activity must be a: (i) juvenile supervision officer; (ii) juvenile probation officer; or (iii) community activities officer who has received training in adolescent development and behavior, as required by [Texas Administrative Code §341.402](#). (D) Except for professionals as defined in [Texas Administrative Code §344.100](#) who are providing services in their professional capacity, any staff member whose position may require supervising or transporting JJAEP students must be: (i) certified by TJJD as a juvenile probation officer, juvenile supervision officer, or community activities officer; or (ii) otherwise authorized to perform the duties of a certified juvenile probation officer, community activities officer, or juvenile supervision officer under Texas Administrative Code [§§341.400, 341.402, 343.428, 343.622, or 355.428](#), as applicable. **(5) Operational Staff Members.** (A) Operational staff members include instructional staff members, supervision staff members, caseworkers, and JJAEP Administrators. (B) The JJAEP must maintain a ratio of at least one operational staff member for every 12 enrolled students. **(h) Verification Documentation.** (1) The JJAEP must maintain a daily staff member roster, staff sign-in sheet, or other verification document that identifies each of the operational staff members who are present in the JJAEP each day. (2) The staff member roster, sign-in sheet, or other verification document must include the date, the time of entry and exit, the staff member's full name, and the staff member's position or title. Electronic records are acceptable for documenting whether staff members are present or absent.

POLICY

The El Paso County JJAEP does not participate in an intensive physical education program; therefore, physical education teachers are not certified as Juvenile Supervision Officers. The JJAEP ISD will follow TJJD Standards on JJAEP operational and supervision staff to student ratio and position qualifications.

PROCEDURE

1. Operational staff member to include instructional staff members, supervision staff members and caseworkers will be provided at every JJAEP campus. Operational staff member to student ratio shall be at least one (1) operational staff member for every twelve (12) JJAEP students. A small ratio allows for better control and behavior management due to the challenges involved in working directly with the JJAEP population.
2. JJAEP Staff are required to sign-in and sign-out on a daily basis on the required district staff roster. Staff roster contains date, time of entry/exit, and staff member's full name and position/title and the ISD shall make such daily rosters available to the JJAEP Administrator. The daily rosters will be cross-referenced with

JJAEP Administrator or JPO observations, certification logs, discipline reports, and new employee and short term substitute JJAEP acknowledgment forms to monitor compliance.

3. Staff rosters or staff sign-in sheets and attendance records will be requested as needed or on a random basis as part of the compliance monitoring.
4. On a random basis, the JJAEP Administrator will also observe classroom instruction and staffing ratios as part of the compliance monitoring. No prior notice will be given to the Campus Administrator or campus staff.

COMMUNITY ACTIVITIES OFFICER (CAO)

Anyone who does not fall under the “professional” definition as defined in [Texas Administrative Code §344.100](#) must receive training and be certified as a “Community Activities Officer” as defined in [Texas Administrative Code §341.402](#). The JJAEP Campus Principal or designee must inform the JJAEP Administrator by the start of the school year of each employee who will require to be certified as Community Activities Officer for that school year. However, as per the Texas Juvenile Justice Department (TJJD) certain ISD staff are exempt from obtaining the CAO certification, as they are not employed by a juvenile probation department or juvenile facility. The JJAEP ISD will ensure identified staff members are current on First Aid/CPR and CPI training. Under special circumstances, the JJAEP ISD will allow identified staff members to attend required training as outlined in Texas Administrative Code [344.626](#) and [344.630](#) at the earliest available timeframe to ensure compliance with Texas Administrative Code, Chapter 348. Any staff member identified to require the CAO certification and does not attend required training will not be authorized to work with JJAEP students until certified. A security officer employed by YISD may use personal and mechanical restraints **only** if certified as a Community Activities Officer (CAO) and trained in the approved personal restraint technique in accordance with training requirements set forth in [Texas Administrative Code, Chapter 341, Subchapter G](#).

- (a) To be eligible for certification, Community Activities Officers must:
 - (1) Receive training and maintain current certification in:
 - (A) Cardiopulmonary Resuscitation (CPR);
 - (B) First aid; and
 - (C) The personal restraints technique used by the department, if the department authorizes community activities officers to use personal restraints; and
 - (2) Receive training in the following topics:
 - (A) The policies of the department related to preventing, identifying, and reporting abuse, neglect, and exploitation.
 - (B) TJJD Code of Ethics and TJJD Disciplinary Procedures;
 - (C) Trauma-Informed Care;
 - (D) Verbal de-escalation policies, procedures, and practices;
 - (E) Standards regarding use of personal and mechanical restraints, including prohibited techniques and criteria for use.
- (b) To be eligible for credit towards initial certification and renewal of certification, documentation of an on-the-job training program must include the following elements, at a minimum:
 - (1) Name and signature of trainee;
 - (2) Name and signature of trainer(s);
 - (3) Signature of the supervisor/administrator;
 - (4) Training topics;
 - (5) Number of training hours of each topic; and
 - (6) Dates the topics were explained to the trainee, practiced by the trainee, and demonstrated by the trainee.
- (c) Staff members who provide on-the-job training must be qualified to do so based on knowledge, education, and/or experience.

- (d) For the Juvenile Probation Officers and Juvenile Supervision Officers, a maximum of 40 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification period.
- (e) For Community Activities Officer, a maximum of 20 hours of on-the-job training may be used to meet the initial certification or continuing education requirement in a certification period. CIS Coordinators working within the YISD JJAEP campus are required to become certified as Communities Activities Officer as they do not meet the “professional” definition.

TJJD training will normally be held onsite at the El Paso County Juvenile Probation Department or YISD facilities unless a virtual training setting is deemed beneficial due to overall health and safety. The JJAEP Administrator will coordinate training and provide dates and times to the JJAEP Campus Administrators. CPR/First Aid and Crisis Prevention Intervention will be provided by the respective ISD the employee works for unless otherwise agreed to via written agreement. The El Paso County Training and Compliance Manager will verify and submit all required documentation for certification purposes to TJJD.

(a) Personnel Records. The JJAEP Administrator must have access to a personnel file for each employee or person working at the JJAEP who is included in any program ratio. The file shall, at a minimum, include verification that any required certifications are current.

§348.202 PERSONNEL ADMINISTRATION

POLICY

A personnel file will be maintained for each JJAEP employee from the YISD working under the JJAEP umbrella who is included in any program ratio. ISD Personnel records are required to be provided to the JJAEP Administrator within sixty (60) calendar days of hire (new employees) and updated and provided to the JJAEP Administrator on a yearly basis thereafter (by October 1) from the YISD Human Resources Department. The JJAEP Administrator must have access to all ISD personnel records as requested and needed. **(SEE APPENDIX G - JJAEP HR RECORDS AND CERTIFICATION FORM).**

PROCEDURE

1. The JJAEP Administrator of the El Paso County JJAEP will ensure that all JJAEP/ISD personnel records are appropriately maintained.
2. Records for ISD JJAEP employees will include criminal history results (NCIC/TCIC checks) and HR Certification Form.
3. The YISD personnel electronic file shall also contain transcripts, certification and training records, personnel actions, and job descriptions depicting duties and responsibilities of all positions to include JJAEP-related tasks.
4. In lieu of the above records, the ISD Human Resources or other authorized person of the ISD employing JJAEP staff may provide the **JJAEP HR RECORDS AND CERTIFICATION FORM (APPENDIX G)** that certifies any employee included in the program ratio at any given time meets the hiring, educational and training requirements, including transcripts, certifications, and licenses if applicable; criminal background checks results; training records to include CPR and First Aid and CPI if applicable; and applicable personnel actions. The ISD Human Resources Department must allow the JJAEP Administrator access to file(s) upon request or as required.
5. YISD further agrees that, if applicable, it shall comply at its sole expense with the requirements of Section 22.0834 of the Texas Education Code, “Criminal History Record Information Review of Certain Contract Employees,” any applicable rule(s) adopted by the Texas Commissioner of Education, High School/College

Board Policies and other policies and requirements of such statute and rule(s), and shall certify that any “Covered Employees” and/or JJAEP staff members do not have a “Disqualifying Criminal History”.

6. Certification logs will include all regular status employees and long-term contracted on-site employees (such as CIS or on-site counselors) who will be counted in the daily ratio. Such log will be submitted on a monthly basis and will be used to track active regular status employees and their status on CPI, CPR, and First Aid.
7. Short-term operational staff substitutes assigned to the JJAEP for less than 6 weeks will be required to review and acknowledge receipt of the JJAEP Summary of Policies and Procedures, the Student Code of Conduct and related JJAEP documents pursuant to [§348.202](#) and [§348.224](#) of the Texas Administrative Code provided by a Campus Administrator prior to having direct, unsupervised contact with JJAEP students.
8. All long-term operational staff substitutes assigned to the JJAEP for more than 6 weeks are required to follow the same background check methodology and JJAEP training as any other operational staff employee assigned to JJAEP. Please refer to the New Orientation Training and Background Checks of the JJAEP Interlocal Agreement for all the required timeframes that must be adhered to.

(b) Training Records. For each employee or person working at the JJAEP who is included in any program ratio, the JJAEP program administrator must have access to documentation verifying that the individual has completed all training required by this chapter.

(c) New Employee Orientation. All staff, including temporary, seasonal or substitute employees shall have orientation training prior to having direct, unsupervised contact with students. (1) Orientation training shall occur within the first two weeks of employment. (2) Documentation of new employee orientation training and agendas shall be maintained in the employee’s personnel file or training file. (3) Orientation training, at a minimum, shall include: (A) safety and security procedures including, but not limited to, emergency exit drills and the JJAEP’s safety disaster plan; (B) identification and reporting serious incidents and child abuse, neglect and exploitation as required by Chapter 358 of the Texas Administrative Code; (C) writing incident reports; (D) student code of conduct; (E) behavior management program; (F) transporting students (G) crisis intervention, including how to report suicide ideation or behavior; (H) distribution of medication;; (I) Personal Restraint policy; (J) student grievance procedures; and (K) job descriptions including duties and responsibilities of the assigned position.

POLICY

All staff, including temporary, seasonal, or substitute employees shall, receive JJAEP orientation training within two (2) weeks of their JJAEP assignment and prior to having direct, unsupervised contact with JJAEP students. The ISD will provide any-and-all training records for training that is given in any of the above areas as part of employment with JJAEP ISD or duty assignments. The Juvenile Probation Department will provide orientation training to the new hires and supplement any ISD training already given on the eleven (11) areas listed below.

PROCEDURE

1. JJAEP Orientation Training will be provided by the JJAEP Administrator or designee(s) initially upon hire and annually to all JJAEP employees at the beginning of every school year thereafter. Training may be held virtually when necessary to ensure the overall health and safety of staff.
2. The Campus Administrator assigned as the point of contact for JJAEP, or their designee will provide and review with each incoming new staff member, to include short-term substitutes, the JJAEP Summary of Policies and Student Code of Conduct. As part of the JJAEP campus orientation, the designated Campus Administrator will also provide the employee with the electronic storage device that contains the JJAEP Policies, Procedures and Standards, the JJAEP Interlocal Agreement, the JJAEP Student Code of Conduct, and other relevant documents.
3. It will be the responsibility of the Campus Administrator or designee to obtain a signed “Acknowledgment Statement” and agreement to fully review the JJAEP Policies and contents of electronic storage device prior to the scheduled JJAEP Orientation training from the employee and forward that acknowledgment to the JJAEP Administrator by the same workday along with notice of employee training assignment to next JJAEP scheduled training. Said notification must be done electronically.
4. Such confirmation of the attendance of incoming employees will ensure appropriate reservation of training space, preparation of handouts, and training materials.
5. It will be the responsibility of the Campus Administrator to ensure that employees are notified in writing and well in advance and present to the JJAEP Orientation training on time. Orientation Training will normally be

- held at the Juvenile Probation Department or YISD facilities unless a virtual training setting is deemed beneficial due to overall health and safety of the participants.
6. The JJAEP Administrator and/or designee will provide all JJAEP Orientation training preferably at the Juvenile Probation Department to ensure full class participation and minimize disruption to school operations. The Orientation training will span a minimum of 2-to-4-hour and will be scheduled as needed to ensure the 10-day standard is met.
 7. A copy of the **JJAEP TRAINING ACKNOWLEDGMENT STATEMENT (APPENDIX H)** will be maintained and secured in the employee's personnel electronic file. Documentation of new employee orientation training and ISD supplemental training shall be placed in the employee's personnel file or training file. An electronic version of the file(s) may be suitable in order to align with the Juvenile Probation Department's paperless initiative.
 8. The JJAEP Campus Administrator will schedule a 2-to-4-hour time block for annual refresher training to review Abuse, Neglect, and Exploitation (ANE), JJAEP and/or Juvenile Justice specific subject matter at the beginning of each school year. Such training will be coordinated in conjunction with the professional development training schedule.
 9. Employees will be trained in areas relative to their daily responsibilities in the JJAEP. Any legislative changes will require notice to the employees on such changes; changes in policy and procedure, the JJAEP Student Code of Conduct, and documents will be addressed at the first staff development training at the beginning of the school year.
 10. The eleven (11) training topics detailed in this standard shall be addressed at the New Employee Orientation and ISD training, if applicable to the program.
 - a. Safety and security procedures, including but not limited to emergency exit drills and the JJAEP's safety disaster plan;
 - b. Identification and reporting of serious incidents and child abuse, neglect and exploitation as required by Chapter 358 of the Texas Administrative Code.
 - c. Writing incident reports;
 - d. JJAEP Student Code of Conduct;
 - e. Behavior management program;
 - f. Transporting students;
 - g. Crisis intervention, including how to report suicidal ideation or behavior;
 - h. Distribution of medication;
 - i. Personal restraint policy;
 - j. Student grievance procedures; and
 - k. Job descriptions including duties and responsibilities of the assigned position to include JJAEP tasks, such as in the supervision during mealtimes, transition, bus loading/unloading, and escort duties.
 11. On newly hired employees, JJAEP certifications and records showing all applicable training and educational certifications will be provided by the ISDs through the **JJAEP HR RECORDS AND CERTIFICATION FORM** within 60 days of employment. **(SEE APPENDIX G - JJAEP HR RECORDS AND CERTIFICATION FORM)**
 12. The JJAEP Certification Form must be submitted on an annual basis for all carryover ISD employees working within the JJAEP. The HR representative for the JJAEP ISD must certify records are updated by October 1 of every year.

(d) Criminal History and Background Checks. The criminal history and background check requirements and criminal history standards established by Texas Administrative Code, [Chapter 344, Subchapters C and D](#), apply to a JJAEP.

POLICY

Each supervising agency participating in the JJAEP Interlocal Agreement will conduct a criminal history search, sex offender registration record check, and a fingerprint search prior to employment of JJAEP employees required to

have any direct, unsupervised contact with students. Background checks will be extended to district subcontracted employees/agencies that will work directly with JJAEP students (i.e., contracted counseling services, tutoring programs, etc.). The ISD will ensure that all substitute and regular status employees have passed an ISD background check prior to JJAEP assignment.

PROCEDURE

1. Upon identification of an employee being assigned to the JJAEP, the ISD designee (Campus Administrator or HR representative) will provide written notification of incoming employee through submission of the **JJAEP AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION FORM (APPENDIX I)** for JPD internal background check through the NCIC/TCIC database.
 - a. Said form also requires notification of employee status (contracted or ISD employee), date of JJAEP assignment, and employee work email address.
2. Upon receiving the signed Authorization for Release Confidential Information Form, the JJAEP Administrator will then submit a written request for a National Crime Information Center (NCIC)/Texas Crime Information Center (TCIC) criminal history records check to the appropriate JPD TLETS Operator. This comprehensive search includes local, state, and federal criminal records, sex offender registration records, and active/outstanding warrants for arrest. This process shall be initiated before the employee's first day of JJAEP assignment and prior to any direct, unsupervised contact with JJAEP youth. Continued employment with the JJAEP is contingent upon the verification of no disqualifying criminal history as per TJJD standards.
3. Written notification of employee's eligibility due to no disqualifying criminal history or ineligibility due to disqualifying criminal history identified by JPD will be submitted to the Campus Administrators through the **JJAEP EMPLOYEE ELIGIBILITY FORM (APPENDIX J)** or if disqualified, through **THE JJAEP EMPLOYEE INELIGIBILITY FORM (APPENDIX J - 1)** within five (5) school days.
4. Campus and District HR Administrators will be advised of any findings of disqualifying criminal history and instruction to reassign or remove employee to ensure they do not have any contact with JJAEP students.
 - a. Personnel records, criminal history record checks, and sex offender registration record checks, may be requested by TJJD. The JJAEP Administrator is responsible for ensuring all documents are properly stored, preserved and maintained in accordance with legal and administrative standards.
5. YISD will inform in writing of any JJAEP employee who has received a hit in the FACT Clearinghouse within two (2) school days in which arrest, offender registry activity or conviction offense requires that employee be prohibited from having contact with any JJAEP youth until the JJAEP Administrator has confirmed with Legal Counsel as to the decision for employee to have continued contact with youth pending outcome of the alleged offense.
6. If an individual has a military history, the respective ISD must provide a copy of the DD-214 or SF-180 as part of the HR records request.

DISQUALIFYING CRIMINAL HISTORY

1. An individual who has a felony conviction or a deferred adjudication for a felony within the past ten (10) years, or who has a current felony deferred adjudication, probation, or parole, is not eligible for employment in a JJAEP facility.
2. An individual with a jailable misdemeanor conviction or a deferred adjudication for a jailable misdemeanor within the past five (5) years, or a current jailable misdemeanor deferred adjudication, probation, or parole is not eligible for employment in a JJAEP facility.
3. Court documentation will be required if an individual has received a pardon based upon proof of innocence or if there has been a reversal of a finding of guilt by a trial or appellate court.
4. Criminal history records must be retained for as long as the employee remains employed in the JJAEP.
5. Criminal history and personnel records of JJAEP employees who are no longer employed with the JJAEP will be retained for two (2) years.
6. If the disqualifying criminal history reveals arrests/convictions from another state, it may be subject for further examination by the JPD Legal Counsel.

7. The ISD Human Resources Department must allow the JJAEP Administrator access to all JJAEP Employee records as needed and required. The HR Certification form provided yearly by October 1 by the ISD Human Resources department will be used to identify any disqualifying criminal history or new arrest.

§348.204 DATA COLLECTION AND CASE FILE INFORMATION

(a) Data Collection and Reporting. (1) JJAEP EDI Extract. (A) Unless an alternate data entry system has been approved by TJJD, the JJAEP Administrator or designee must ensure that: (i) statistical and programmatic data for each student, as required by the JJAEP Electronic Data Interchange (EDI) Specifications, are accurately documented and entered into the juvenile probation department's automated case management system; and (ii) the JJAEP EDI Extract is submitted to TJJD no later than the 10th calendar day of each month following the reporting period. (B) TJJD staff must discuss any proposed changes to the JJAEP EDI Specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications. **(2) JJAEP Monthly Activity Report.** The JJAEP Administrator or designee must ensure the JJAEP Monthly Activity Report is submitted in the required format to TJJD no later than the 10th calendar day of each month following the reporting period via TJJD's Internet database. **(b) Student Educational Records.** The following information must be documented and maintained in the case file for each student in the program: (1) grade level upon entry to the JJAEP; (2) notice of expulsion; (3) court order(s) placing the student into the JJAEP; (4) police offense report, if applicable; (5) entry and exit transition plans; (6) education records, to include: (A) special education determination; (B) appropriate special education records; (C) scores on assessments required by the Texas Education Agency; and (D) home-language survey; (7) admission and exit testing data, if applicable; (8) pre-participation physical evaluation, if required under [Texas Administrative Code §348.208](#); (9) documentation of regular reviews of academic progress as required by Section 37.011(d), Education Code; (10) date of admission; (11) number of attendance days; (12) number of absent days; (13) date of release; (14) emergency notification contacts; (15) special medical needs, if any; (16) Immunization records; and (17) medical release form.

POLICY

The JJAEP Administrator will ensure that statistical and programmatic data pertaining to each student placed into the JJAEP is gathered, documented, maintained, and is accurately reported to TJJD, Juvenile Board and departmental administration. The JJAEP will provide accurate data as required in [Texas Administrative Code §341](#) which apply to JJAEPs utilizing the JMIS system. Quality assurance measures, in-house file audits and TJJD Monthly Activity Reports help detect any discrepancies. These measures will assure continued high quality statistical reporting, record keeping, and accurate district reimbursement.

PROCEDURE

1. Documentation and data required by TJJD under [Texas Administrative Code §348.204\(a\)](#) Data Collection and case file collection is maintained by the JJAEP Administrator and extracted from the following sources or databases:
 - a. Monthly Activity Reports (MAR) – Attendance/absence records (supplied by the school district). The MAR contains monthly stats on number of students entering and exiting the program, days present, days absent, and inactive days.
 - b. JJAEP Attendance Vouchers contains the number of Actual Regular Mandated Students Attendance Days for each month; and the total of Actual Mandated Student amount of funding for the month.
 - c. The TJJD Student Information Form (Contains most of the information in [Texas Administrative Code §348.204](#) and is maintained by the JPD/JJAEP Administrator).
 - d. JJAEP JMIS student profile will be updated from TJJD Student Information Form.
 - e. The JJAEP Performance Measures spreadsheet is maintained by the JJAEP Administrator to keep track of aggregate data on number of students in Special Education; pre/post IOWA test scores; student's personal data information, such as social, PID number, police case referral number; type of offense; student's district, home school, and JJAEP facility; date of entrance/exit; reason for exit; attendance, absences, and inactive days recorded. These specific sources from which this information is extracted are maintained in the JPD/JJAEP Administrator's office or electronically.
 - f. Other documentation required by TJJD or JPD as part of performance measurement (i.e., JJAEP costing report).

2. To ensure that all documentation on the Monthly Activity Reports (MAR) is correct and accurate, assigned JJAEP Campus Administrator charged with oversight and accountability on behalf of the ISD must review the MAR prior to submission to JPD. Such administrator will verify accuracy of MAR prior to submission to the JJAEP Administrator. Any discrepancies found once received by JPD will be corrected and reconciled prior to submission to TJJD and the County Auditor's office for district reimbursement. Significant errors and discrepancies will be noted as non-compliance.
3. The JJAEP Campus Administrator and ISD expelling entity will forward all student school records as listed in [Texas Administrative Code §348.204](#), including but not limited to the Public Education Information Management System (PEIMS) number, pre/post scores, expulsion letters, student acknowledgement forms of receipt of the JJAEP Student Code of Conduct within two weeks (10 school days) of student's enrollment in the JJAEP. The JJAEP Administrator will forward the **JJAEP REQUEST FOR SCHOOL RECORDS FORM** upon acceptance of a JJAEP youth to facilitate receipt of required records.
4. The Texas Student Data System (TSDS) number (10-digit number) also known as the Unique ID will take the place of the PEIMS data management system and the TSDS; the number is used to communicate with TEA to get the student data that TJJD needs to complete required legislative reports. The TSDS is located in the JJAEP juvenile case management tab and on most withdrawal forms and expulsion letters.
 - a. The TSDS number will be documented on the expulsion notice received at the point of JJAEP acceptance. This number will be required in order for the student to be pre-tested and must be submitted as part of the initial expulsion process.
5. All student educational data and records are kept in the JJAEP electronic folder by the JJAEP Administrator or designee. Required data in the JJAEP folder includes, but is not limited to:
 - a. The TJJD Student Data Form;
 - b. Grade Level upon JJAEP entry;
 - c. Notice of expulsion to include mandatory review hearing;
 - d. Court orders;
 - e. Law Enforcement Agency (LEA) case/referral reports;
 - f. Entry/exit, transition plans;
 - g. Education records to include; requests for records/withdrawal packets, special education documentation to include Manifest Determination and IEP documentation, pre-test/post-test assessment scores, home language survey, admission and exit testing data, if applicable, pre-participation physical evaluation, if required, documentation of regular academic reviews under [37.011 \(d\) Texas Education Code](#), date of admissions, number of attendance days, number of absent days, date of release, emergency notification contacts, special medical needs, immunization records, medical release forms, medical consent forms signed by parents, attendance monthly roster, TAKS or STAAR scores, disciplinary referrals, acknowledgement of receipt of Student Code of Conduct, JJAEP Social Service Assessment, other pertinent documents such as copies of social security cards and birth certificates, and cover sheets (check list), and notification of type of counseling referrals or current attendance of counseling and psychological evaluations (if applicable), are maintained in the JJAEP student case.
6. As part of ongoing quality assurance, in-house desktop and case management audits will be conducted to ensure the accuracy of data as outlined in the JJAEP Internal Policies and Procedures.

§348.206 CURRICULUM

(a) Required Courses and Additional Areas of Study. (1) At a minimum, the JJAEP must provide the following courses at the JJAEP: (A) English language arts; (B) mathematics; (C) social studies; and (D) science. (2) The JJAEP must provide the following additional areas of study: (A) high school equivalency program; and (B) self-discipline, which may be integrated into the program and may include topics such as drug awareness, anger management, impulse control, and cognitive skills. **(b) Curriculum Development.** (1) A teacher certified by the State Board for Educator Certification must oversee the development and implementation of the educational curriculum. (2) The JJAEP Administrator must ensure that course instruction is consistent with the essential knowledge and skills of each subject of the foundation curriculum as defined by the rules of the State Board of Education. (3) The high school equivalency program curriculum must address the elements required to pass the topics tested: English, mathematics, science, and social studies. High school equivalency program components may be integrated into the regular educational curriculum. (4) The JJAEP must offer an accelerated component for each required area of instruction to support credit recovery at the high school level and to regain academic and social skills at the elementary and middle school levels.

POLICY

It is the policy of the El Paso County JJAEP to ensure that all students enrolled in the program receive a well-rounded education. Academic programming shall have a strong accelerated component of the instructional program to support credit recovery at the high school level and to regain academic and social skills at the elementary and middle school levels. At least one (1) certified teacher by the State Board for Educator Certification shall oversee the development and implementation of the curriculum in the JJAEP program. The Campus Administrator at each JJAEP location site shall assure that course instruction is consistent with the essential knowledge and skills of each subject of the foundation as defined under the rules of the State Board of Education under the [Texas Education Code §28.002](#). The requirement under [Texas Education Code §37.011 \(d\)](#) mandates that the ISD guidance counselor or qualified designee regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student.

In the event the JJAEP campus implements online instruction as part of their Continuity of Operations Plan (COOP) due to extenuating circumstances, the JJAEP must adhere to all Texas Education Agency, Texas Education Code and Texas Juvenile Justice Department policy revisions in accordance to providing continued educational services to El Paso County JJAEP students.

PROCEDURE

1. The Interlocal Agreement states this standard provision of educational services.
 - a. **REQUIRED COURSES AND ADDITIONAL AREAS OF STUDY:** The El Paso County JJAEP provides the following required courses and additional areas of study to all students in attendance at the JJAEP:
 - ENGLISH/LANGUAGE ARTS
 - MATHEMATICS
 - SOCIAL STUDIES
 - SCIENCE
 - HIGH SCHOOL EQUIVALENCY PROGRAM (GED)
 - SELF-DISCIPLINE
2. Each school district participating in the JJAEP will consider course credit earned by a student while in a Juvenile Justice Alternative Education Program (JJAEP) as credit earned in a district school.
3. Each program shall administer assessment instruments under [Texas Education Code, Chapter 39.023](#) and shall offer a High School Equivalency Program (HSEP).
4. The JJAEP campus school guidance counselor shall review the student's academic progress with the parent or guardian of each student as part of the JJAEP intake and exit transition process.
5. During the intake meeting, YISD shall require the participation and input from the student's corresponding counselor or assistant principal from the Participating District to assist in making the decision to retain or

promote the student in conformance with applicable law and pursuant to YISD Policy. YISD reserves the right to conduct transition or grade placement conferences to better determine grade promotion for any students placed at JJAEP near the end of the school year.

6. At a minimum, the educational reviews will be required at the JJAEP intake meeting and at the JJAEP Exit Transition Meeting. The requirement under [Texas Education Code §37.011 \(d\)](#) mandates that the ISD guidance counselor or qualified designee regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. Documentation of this review along with student and parent signatures verifying attendance of the mandated regular educational review will be forwarded to the JJAEP Administrator as part of each JJAEP student's intake and exit transition plans. Such verification will be kept in the JJAEP student case.
7. YISD agrees to provide a JJAEP Student Update Form upon a student's 65th day in JJAEP to the Participating Home School District that outlines youth's grades, attendance and discipline and will inform/justify any early JJAEP release decision by the Participating Home School District. A student expelled and placed in a JJAEP for a term of 75 school days or more must go through a mandatory review in order to consider early removal based on youth's progress and/or other factors that may compel an early release.
8. Based on the current capacity under building code regulations, YISD is required to have no more than 32 students placed at JJAEP at one time; therefore, YISD shall have no obligation to enroll in JJAEP more than 32 students.
9. Assigned Juvenile Probation Officer will assist in the JJAEP academic and parental engagement goal during the JJAEP Family Program Orientation where a review of the JJAEP parental engagement folder and emphasis on linkage to the school's portal system will be made.
10. High school students will be assisted by educational school counselors, Communities in Schools (CIS) caseworkers and/or academic tutors (if available). If on formal juvenile supervision, the assigned Juvenile Probation Officer or designee will also monitor academic progress and work with parents to encourage follow up with respective support services. These efforts will assist youth at progressing academically towards meeting high school graduation requirements.
11. Class schedules/daily program schedules; curriculum and/or instructional materials, support services, attendance and student attendance daily rosters/sign-in sheets will verify compliance with this standard.
12. Self-Discipline courses or services must be specifically identified and communicated in writing to JJAEP Administrator by YISD at the beginning of the school year. Self-Discipline courses or services not listed as part of youth's daily course schedule will require that ISD maintain documentation of provision to JJAEP students via student signature to verify compliance in this area. Utilization of a specific school board approved curriculum is encouraged, however, not mandated if ISD demonstrates such services serve the goal of self-discipline.
13. In lieu of the traditional school curriculum, a High School Equivalency Program curriculum is available at JJAEP campuses pursuant to [Texas Administrative Code §348.206](#). Any youth attending high school equivalency courses will be required to sign in and out to verify attendance. The high school equivalency course curriculum must address the elements required to pass the high school equivalency exam to ensure standards are met.
14. The State of Texas Assessments of Academic Readiness (STAAR) identifies knowledge and skills of what Texas students should know and be able to do at every grade and in every course in the foundation areas such as English language arts, mathematics, science, and social studies. (STAAR replaced TAKS Texas Assessment of Knowledge and Skills).

§348.208 PROGRAM REQUIREMENTS

(a) Special Education. (1) The JJAEP, in collaboration with the sending school district, must ensure that a student with a disability who receives special education services is provided educational services that will support the student in meeting the goals identified in the individualized education program established by a duly constituted admission, review, and dismissal (ARD) committee, in accordance with [Section 37.004, Education Code](#), and federal requirements. (2) The following ARD committee documentation must be maintained for each special education eligible student: (A) the most recent full and complete ARD meeting paperwork; (B) the manifestation determination ARD meeting paperwork; and (C) the most recent evaluation of eligibility for special education services.

POLICY

A school district may expel a student who has been identified as a qualified disabled student under the Individuals with Disabilities Education Act (IDEA) or § 504 of the Rehabilitation Act of 1973 (§504) only after a duly constituted Admission Review and Dismissal (ARD) or § 504 committee determines that the alleged misconduct is not related to the student's disabilities. The JJAEP, in collaboration with the sending school district, must ensure that a student with a disability who receives special education services is provided educational services that will support the student in meeting the goals identified in the individualized education program established by a duly constituted admission, review, and dismissal (ARD) committee, in accordance with [Section 37.004, Education Code](#), and federal requirements.

PROCEDURE

1. After the committee determines that the alleged misconduct is not related to the student's disabilities and the school district documents that the Individualized Education Plan (IEP) has been fully implemented, the referring school district's ARD or §504 committee shall determine the length of placement at the JJAEP according to the district's Student Code of Conduct.
2. The local school district must invite the JJAEP Administrator or the administrator's designee to an Admission, Review, and Dismissal (ARD) committee meeting convened to discuss the expulsion of a student with a disability.
3. The local school district must provide written notice of the meeting at least five (5) school days before the meeting. A copy of the student's current individualized education program (IEP) must be provided to the JJAEP representative with the written notice.
4. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls and virtual meetings.
5. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and the implementation of the student's current IEP in the JJAEP.
6. If the manifestation ARD determines the student's behavior is due to the student's disability, the student can only be placed in JJAEP for a maximum of 45 days.
7. Copies of the ARD to include the Manifestation Determination and the IEP and BIP must be provided to the JJAEP Administrator as an attachment to the expulsion packet. The following ARD committee documentation must be maintained for each special education eligible student:
 - a. Most recent full and complete ARD meeting paperwork;
 - b. Manifestation determination ARD meeting paperwork; and
 - c. Most recent evaluation of eligibility for special education services
 - d. Most recent individualized education program (IEP).
8. The referring school district shall remain responsible for making available the services, if any, necessary to provide Free Appropriate Public Education (FAPE). Such services to provide a free and appropriate public education are the only services that the referring district is obligated to provide.
9. Should the proposed expulsion be under [Texas Education Code 37.007 \(a\), \(d\) \(mandatory expulsion\) or \(e\)](#), a representative of the JJAEP campus must be invited to the student's ARD committee meeting.

10. The JJAEP campus must receive reasonable notice of the meeting of the student's ARD committee to attend the ARD and may participate in the ARD meeting to the extent that the meeting relates to the student's placement in the JJAEP. The JJAEP campus will forward notice to the JJAEP Administrator if not included on notice from participating district.
11. Should the JJAEP campus suspect that a student who has not been previously qualified as a student with disabilities under the Individuals with Disabilities Education Act (IDEA) may be eligible for services under IDEA in the future; it shall refer the student to his or her school district of residence for possible referral and evaluation in accordance with applicable statutes and regulations.
12. Any student who does not meet the eligibility requirements of the Inter-Local Agreement is not entitled to educational services by the JJAEP.
13. Special Education services must continue to provide any-and-all related services as outlined in the student's Individualized Education Plan (IEP).
14. Texas Education Code 37.0021, requires a written parental notice each time a restraint is used on a student receiving special education. The existing rules mandate a good-faith effort to provide verbal notice on the day the restraint occurs and written notice within one (1) school day.

(b) English as a Second Language (ESL). (1) The JJAEP, in collaboration with the sending school district, must ensure that a student who is non-English speaking or who speaks English as a second language is provided ESL services and instruction appropriate to address his or her needs, as determined by a language proficiency assessment committee (LPAC). (2) Documentation of LPAC determinations must be maintained.

POLICY

The El Paso County JJAEP campuses shall provide English as a Second Language (ESL) services and instruction to address the needs of any student(s) who speaks English as a second language or who are non-English speaking. The JJAEP, in collaboration with the sending school district, must ensure that a student who is non-English speaking or who speaks English as a second language is provided ESL services and instruction appropriate to address his or her needs, as determined by a Language Proficiency Assessment Committee (LPAC).

PROCEDURE

1. ESL certified teachers at each JJAEP campus shall provide services and instruction to students with such needs. The goal of ESL services is to develop English language proficiency using second language methodology through explicit instruction in speaking, reading, listening, and writing.
2. ISDs will identify JJAEP youth who are LEP or primarily Spanish speaking as part of the JJAEP campus intake meeting.
3. ISDs will ensure consideration is given regarding LEP or primarily Spanish speaking JJAEP students regarding academic instruction and as mandated by the Texas Education Code.

(c) Section 504-Eligible Students. (1) The JJAEP must ensure, in collaboration with the sending school district, that a student who is eligible for services under Section 504 of the Rehabilitation Act of 1973 is provided services and instruction appropriate to address his or her needs, as determined by a Section 504 committee. (2) Documentation of Section 504 eligibility determinations must be maintained. **(d) Standardized Testing Protocols.** (1) JJAEP policies and procedures must describe the safeguards the JJAEP will use to maintain the integrity of the standardized testing process and confidentiality of test results. (2) JJAEP policies and procedures must include the following requirements: (A) tests must be maintained in a secure setting (e.g., a locked file cabinet) so that staff and students do not have access to the test except while the test is being administered; (B) staff are prohibited from making copies of the test; (C) staff are prohibited from teaching the specific questions on the test; and (D) unauthorized persons are prohibited from receiving test results, whether hard copy or electronic. (3) For statewide standardized tests, the JJAEP must adhere to all testing protocols required by the Texas Education Agency. (4) The JJAEP must administer the standardized test selected by TJJD to measure progress in reading and mathematics for students who will be enrolled in the JJAEP for at least 75 school days. (A) The pre-test must be administered within 10 school days after the student's enrollment. (B) The post-test must be administered no sooner than 65 days after the student's enrollment.

POLICY

It is the policy of the El Paso County JJAEP to comply with [Texas Administrative Code, Chapter 348.208 \(a\) and \(d\)](#). Additionally, each JJAEP High School will provide a High School Equivalency Program course to appropriate JJAEP students to prepare them to take the high school equivalency exam.

PROCEDURE

1. All high school equivalency candidates will be enrolled in a high school equivalency preparation program for the high school equivalency testing. Attendance requirements will remain the same as for a student seeking a regular high school diploma.
 - a. The assigned Juvenile Probation Officer will submit a recommendation for high school equivalency testing for any JJAEP student currently under the jurisdiction of El Paso County Juvenile Court.
2. All JJAEP students 16 years old or older having a total of four (4) high school credits or less will be considered a priority if student choose to pursue the high school equivalency testing.
3. Candidates 18 years or older may test when they have achieved the proper scores on pretests.
4. Parents/Guardians will be responsible for the fee for the five tests, plus transportation to the testing site unless other arrangements are made and/or agreed by the assigned Juvenile Probation Officer and/or JJAEP Administrator.
5. Candidates for high school equivalency certificates will be given a pre-test at the College, Career, and Technology Academy (CCTA) which is operated by El Paso Independent School District and through the Ingenuity (software) (YISD). High school equivalency testing software have the pre-test embedded into the program to determine what areas the student will be required to take tutoring in. High school equivalency testing materials should be readily available for any auditing entity to examine.
6. The high school equivalency curriculum shall address the elements required to pass the high school equivalency test, but program components may be integrated into the regular program curriculum.
7. Candidates who do not master the practice tests will be required to continue to attend instruction integrated into the regular program in order to improve their skill level. Candidates who participate in the high school equivalency preparation program may retest when the teacher/instructor determines the student is prepared. Written permission from the teacher/instructor is required for re-testing.
8. When the student has mastered all five core-tests or a designated core-test, the student will be sent to the El Paso Community College (EPCC) or the respective certified high school equivalency ISD testing site within El Paso County to take final high school equivalency exams.
9. Scores or certificates will be mailed two or three weeks after the last test is taken. Once the certificate is received, arrangements will be made for the student to exit the JJAEP. Notification by the ISD will be provided to the JJAEP.
10. Prior to taking the final high school equivalency test, the student will have to get a TX ID and pay a cost for the high school equivalency the testing. The JJAEP will have to keep up with any cost changes to advise the family when the time comes for high school equivalency testing.
11. Verification documents at the time of a TJJD monitoring visit will include:
 - a. High school equivalency file;
 - b. High school equivalency class work;

- c. High school equivalency curriculum.
- 12. Other areas of verification for high school equivalency completion:
 - a. High school equivalency examinations results;
 - b. Testing documentation, if applicable.

(e) Counseling. Counseling services (individual or group) shall be available to all students enrolled and in attendance at the JJAEP.

POLICY

Any social service or counseling needs demonstrated by the student constitutes a referral to the appropriate social service agency. Counseling services shall be available to all students enrolled and in attendance at a JJAEP. Counseling services may be provided via contracts with appropriate community-based service providers. Any subcontracted provider must undergo and pass a NCIC/TCIC background check and attend the JJAEP New Orientation Training (ANE portion only).

PROCEDURE

1. The assigned Juvenile Probation Officer and any assigned school-based caseworker or social worker (contracted or ISD employed) will utilize interviews, screenings and/or assessments to determine the needs of the student and his/her family.
2. The JJAEP campus and Juvenile Probation Officer will share information to ensure a JJAEP student's academic and emotional needs are met.
3. If student is referred to the Juvenile Justice System, the assigned Juvenile Probation Officer will provide a Pre-Pact assessment and/or Full-Pact assessment (as appropriate based on case status within Juvenile Justice System) and provide referrals based on youth's identified criminogenic risk factor(s) and other identified needs.
4. If student is an adult and not referred to the Juvenile Justice System, a social service assessment may be given (if student makes themselves available) by the assigned Juvenile Probation Officer, JJAEP Administrator, or Court Representative. JPD will work in cooperation with any school-based caseworkers, counselors, social workers and/or adult Probation Officers to ensure appropriate service coordination.
5. Students requiring social services will be referred to the appropriate social service agencies by the supervising Probation Officer (adult or juvenile), JJAEP Administrator, school counselor, social worker, or Community in Schools (CIS) caseworker. Social services may include:
 - a. Academic tutoring.
 - b. Mentoring services.
 - c. After-school activities.
 - d. Drug, gang, and violence prevention activities/counseling.
 - e. Career assistance and exploration.
 - f. Work experience opportunities.
 - g. Enrichment activities and field trips (includes restorative discipline circles, as appropriate).
 - h. Peer pressure, self-esteem, anger management programs, and cognitive skills.
 - i. Referrals to health clinics.
 - j. Referrals to family counseling (mental health professionals).
6. The Juvenile or Adult Probation Officer will refer the family to their department's service providers or other appropriate community-based social service providers to address the youth's needs. Families with private insurance may attain services through their own providers.
7. Some JJAEP facilities may have nurses, counselors, and caseworkers available such as Communities in Schools (CIS) caseworkers, or school counselors that may assist in determining other needs; they are available to make referrals for other services that are not provided by the school with outside agencies such as medical, teen pregnancy services, or vocational agencies.
8. The Juvenile Probation Officer will ensure that if the youth is in need of counseling services due to risk and under El Paso County 65th District Court's jurisdiction; such requirements must be included on the Judgment

of Probation or Deferred Prosecution Agreement in order to ensure the youth's needs are properly addressed as part of formal or informal supervision.

9. Any therapeutic or counseling services will be provided through a qualified and/or credentialed service provider or the family's health provider.

(f) Meals. (1) Written policies and procedures must require that each student in attendance at the JJAEP is provided a lunch meal on each school day. (2) A student may not be denied a lunch meal as a disciplinary measure.

POLICY

It is the policy of the El Paso County JJAEP that all meals be eaten in an orderly and quiet fashion. JJAEP students shall be provided at least one (1) lunch meal during the course of the school day.

PROCEDURE

1. YISD shall provide lunch for each student assigned to the program pursuant to the Interlocal Agreement.
2. Students must be properly monitored during meal hours by JJAEP operational staff.
3. Meals shall not be withheld, delayed, or interfered with as a form of discipline or sanctions against a JJAEP student for their behavior.
4. Every student will be provided with a food tray regardless of their preference or willingness to consume the meal.

(g) Medical. (1) Authorization to Consent to Treatment. The JJAEP must have on file for each student: (A) an authorization to consent to medical treatment in accordance with Section 32.001, Family Code, signed by the student's parent, guardian, or custodian; or (B) documentation indicating the parent, guardian, or custodian has refused to sign. (2) Medication Administration. The JJAEP must have written policies and procedures governing the administration of medication to students. The policies and procedures must: (A) specify which personnel are authorized to dispense medication to students; (B) identify requirements for the storage, use, and distribution of all medication provided to students; (C) require the student's parent, guardian, or custodian to provide a written request for the administration of the medication; (D) specify that the JJAEP will not accept medication unless it is in the original, properly labeled container; and (E) require that distribution of all medication be documented, including the date/time administered, name of the person who administered, student's name, type of medication, and dosage.

POLICY

El Paso County JJAEP will adhere to TJJD standards and school district policy regarding medical procedures. JJAEP does not have an intensive physical education component but will adhere to guidelines regarding medication and related matters pursuant to the Texas Human Resources Code.

PROCEDURE

1. The Cesar Chavez Academy (CCA) JJAEP site shall obtain a medical release signed by the student's parent/guardian.
2. As part of the JJAEP school intake, the school nurse will complete a medical intake to inquire if the student has any special needs or medical conditions that may require the JJAEP staff's attention.
 - a. A Medical Consent Form will be obtained at the time of the student's intake. If parent, guardian, or custodian refuses to sign the medical consent form, documentation indicating refusal must be maintained in the student's file.
 - b. Students with medical conditions must notify administration and/or nurse.
 - c. Students on medication must have a written order or prescription by a Texas Physician.
 - d. Nurse/parent is permitted to administer medication.
 - e. Medication must be stored in locked cabinet in the nurse's office.
 - f. Medications shall be in the original properly labeled container.
 - g. Log must be kept of all medications dispensed.
3. If the student poses a concern which may require screening, the nurse will refer the family for further medical evaluation.

4. If the parent/guardian advises of an existing medical condition or life-long condition (such as diabetes or seizures), the nurse will take appropriate measures to assure that the JJAEP can handle any concern or problem that may arise regarding the safety and care of the student.
5. If the parent/guardian advises that the condition is a heart or respiratory condition, the nurse may require medical clearance for the student to participate in any strenuous physical activity or community service.
6. In instances of medication error, including but not limited to, ingestion of incorrect medication or overdose of medication, or if a student alleges to have ingested incorrect or overdose of medication; the following procedures must be adhered to immediately:
 - a. Contact poison control at 1-800-222-1222;
 - b. Contact nurse;
 - c. If nurse is not on duty, contact EMS;
 - d. Student should be transported immediately to the hospital;
 - e. Parents/guardians, district officials, and JJAEP Administrator/JPD officials should be contacted immediately;
 - f. A TJJD incident report must be completed within 24 hours of incident (Serious Injury and/or Supervisory Neglect).
 - g. If the nurse has any medical records that could be beneficial to emergency personnel or doctors, copies should be provided to emergency personnel.

(h) Programs that Include Intensive Physical Activity. (1) Weather-Related Policies. A JJAEP that has an intensive physical activity component must develop written policies and procedures regarding extreme weather conditions. These policies and procedures must address the following: (A) gradual acclimatization to hot weather; (B) student clothing for various weather conditions; (C) specific criteria for temperature and humidity level and other weather conditions that indicate when outside activity is not allowed; and (D) the provision of a water break to students at least once every 30 minutes during the intensive physical activity period. (2) Pre-Participation Physical Evaluation. (A) A student may not participate in intensive physical activity unless the student has received a pre-participation physical evaluation performed by a Texas-licensed: (i) physician; (ii) physician assistant; (iii) advanced practice registered nurse; or (iv) doctor of chiropractic. (B) The pre-participation physical evaluation must have been completed within one calendar year prior to the student's participation in intensive physical activity. (C) The pre-participation physical evaluation must indicate whether or not the student has any temporary or permanent physical limitations or conditions that would limit or prohibit participation in intensive physical activity. (D) The JJAEP must adhere to the limitations or prohibitions noted in the pre-participation physical evaluation report.

POLICY

The El Paso County JJAEP does not have an intensive physical activity component at any of the JJAEP facilities and will not require students to undergo any screening for physical activity.

§348.210 STUDENT ATTENDANCE ACCOUNTING

(a) Administrator's Responsibility. The JJAEP Administrator must ensure that attendance records for all students enrolled in the JJAEP are accurately documented, maintained, and reported to TJJD. **(b) Aggregate Attendance Accounting.** (1) The expulsion category of each student enrolled must be recorded on the student attendance records. (2) A specific character on the student attendance record must be used to identify a student's status as present, absent, or inactive. **(c) Student Entry and Exit Accounting.** (1) The student's recorded entry date is the first day the student is physically present at the JJAEP. (2) A student's recorded withdrawal date is the first school day on which the student is no longer enrolled in the program. The withdrawal date cannot be a date on which the student was present. (3) The JJAEP must maintain daily student sign-in sheets that contain each student's printed name and signature. (4) The time of entry or exit must be noted on the student sign-in or sign-out sheet for a student who arrives late or leaves early on any school day. (5) During the regular school year, a student must be present for at least four hours of the school day for it to qualify as an attendance day. **(d) Inactive Status.** (1) A student must be placed on inactive status if he or she: (A) is in juvenile detention and is not permitted to attend the JJAEP; (B) is in jail; (C) is a documented runaway; (D) is absent for a minimum of four consecutive school days due to an illness or other medical reason documented by a licensed physician, physician assistant, or advanced practice registered nurse; or (E) is absent for a minimum of 10 consecutive school days, which may roll over to the start of the next semester attended by the student. (2) Inactive status begins on the date the event resulting in placement on inactive status begins, as noted on the verification documentation. The documentation must be maintained in the student's file. If verification documentation is not provided, inactive status may not begin until the 11th consecutive school day of absence. (3) A student who is maintained on inactive status for 30 consecutive school days must be withdrawn on the 31st day of inactive status. A student may not be maintained on inactive status for more than 30 consecutive school days, which may roll over to the start of the next semester attended by the student. **(e) Reporting Absences.** The JJAEP must have written policies and procedures that specify which staff member is responsible for reporting absences to the sending school district, which must occur at least once per week.

POLICY

It is the policy of the El Paso County JJAEP to accurately validate students' expulsion category, attendance in the program (total student attendance days and total student absences) and inactive status.

PROCEDURE

1. El Paso County JJAEP shall maintain student sign-in sheets. Student must sign in at the exact time of arrival and sign out at the exact time of departure to ensure accuracy and minimize errors on the monthly activity report. The sign-in sheets shall be recorded daily and include the student's printed name with their legible signature beside it.
2. Students must remain in attendance within the JJAEP for a minimum of four (4) hours of the school day during the regular school year to be considered present for JJAEP standards and reimbursement. However, for purposes of improved academic outcomes, JJAEP students should remain in attendance for the entire school day.
3. For purposes of attendance accounting, a student officially begins JJAEP the first day youth is physically present in JJAEP course instruction for a minimum of four (4) hours (does not include the JJAEP intake unless student attends JJAEP courses for a minimum of four (4) hours to include the JJAEP intake).
4. The school attendance clerk/registrar for the JJAEP campus shall provide all student attendance records by the third calendar day of each month as part of the MAR process interlocal provisions.
 - a. The school attendance record (for the entire month) and the monthly sign-in sheet for each student is used as part of the Monthly Activity Report (MAR) and both documents must be submitted for each JJAEP student.
 - b. The JJAEP campus attendance clerk/registrar is required to notify the assigned Probation Officer or JJAEP Administrator of any absences a student incurs by the same operational day. As per truancy mandates, the JJAEP will adhere to any reporting requirements or mandates of the Texas Compulsory Attendance Law. In accordance with this law, referrals will be made to the corresponding entity.
5. Absences for more than ten (10) consecutive school days will be recorded as "Inactive days" and must have documentation attached to the monthly attendance records notifying that the student was detained or jailed; absconded; runaway status or has an extended illness or medical reason documented by a licensed physician or physician's assistant.
6. If it is determined that the student will not/has not return(ed) within thirty (30) school days, the JJAEP shall withdraw the student from the program on the 31st day. A student will not be maintained on "Inactive Status"

for more than thirty (30) consecutive school days. In the event the JJAEP campus implements online instruction as part of their COOP plan due to extenuating circumstances, a youth who is unable to locate or becomes inactive may not be withdrawn or removed from JJAEP.

7. The withdrawal date shall represent the date in which the student is no longer enrolled in the program. This date is not the last or final day youth attended JJAEP courses, but the following full school day in which youth was not in attendance.
8. The participating ISDs will complete, review, approve and sign the JJAEP Monthly Activity Report (MAR) (**APPENDIX K- JJAEP MONTHLY ACTIVITY REPORT**) on a monthly basis and submit the form and all related supporting documentation to the JJAEP Administrator by the 3rd calendar day of the month. If the third calendar days fall during a weekend or holiday, the report will be due by the following work day. Late or inaccurate submissions will result in a non-compliance finding.
 - a. If any alterations are made and not initialed, it may result in a non-compliance finding.
9. The identified Campus Administrator will review and approve the MAR prior to submission to JPD as part of accountability and JJAEP campus quality assurance. This will also assist to minimize errors on the MAR report.
10. The JJAEP Administrator has the authority to reconcile any discrepancies. Any discrepancies, errors, or lack of supporting documentation originating from the ISD that cannot be reconciled will be considered non-compliance and noted as part of the monthly compliance report, Annual Management Review and/or Annual Performance Review.
11. Upon final internal approval, the JJAEP Administrator will forward the Monthly Activity Report, attendance voucher and all supporting documentation to TJJD by the 10th calendar day of each operating month.
12. Late submissions are non-compliance and will require the JJAEP Administrator to send an email to the TJJD Performance Accountability Specialists and cc copy the Chief Juvenile Probation Officer and the El Paso County Auditor's Office specifying the reasons for lateness and action plan to submit MAR documentation as soon as possible.
13. Reimbursement to districts is done on a quarterly basis, however, voucher is submitted to the state on a monthly basis.
14. Due to the complex process required for accurate submissions, attendance to MAR training is required by ISD staff and administrators as part of the annual refresher training.

§348.212 INTER-LOCAL COOPERATION

Inter-Local Cooperation. (a) Parent, Guardian, or Custodian. (1) Progress reports must be given to the student and the student's parent, guardian, or custodian a minimum of once every 120 school days. (2) Except in cases where a parent, guardian, or custodian withdraws a student, the JJAEP must notify the student's parent, guardian, or custodian in writing of the student's withdrawal from the JJAEP prior to the withdrawal date unless the date is not known prior to the withdrawal. The JJAEP must maintain this documentation. (b) School District. (1) Student Entry and Exit Transition Plans. (A) For each student, the JJAEP must coordinate with the sending school district to develop a written transition plan for entrance into the JJAEP. (B) For each student, the JJAEP must develop a written exit transition plan, provide the plan to the receiving school district, and maintain written verification that the plan was sent. The exit transition plan must include all information regarding courses in progress or completed, current grades for courses in progress, and number of attendance days and absent days. (C) The JJAEP must provide the student and the parent, guardian, or custodian with a copy of the exit transition plan. (2) Student Assessment. All students enrolled in the JJAEP must take the statewide assessment as required under [Section 39.023, Education Code](#). The JJAEP must have policies and procedures addressing: (A) the delivery of testing materials to and from the JJAEP if the assessment is administered on-site; and (B) the administration of the statewide assessment to the students.

POLICY

Each school district's expelling entity shall notify a student's parent, guardian, or custodian, the JJAEP campus, and the JJAEP Administrator of the student's enrollment into and exit from the JJAEP. A strong emphasis on parental engagement will be placed by the JJAEPs through the JJAEP intake and exit transition meetings, in which a regular educational review will be required to inform the parents regarding youth's educational status. Throughout

youth's participation in a JJAEP setting, each JJAEP ISD will also advise parents of child's academic progress every semester or earlier if requested by El Paso County 65th District Court.

PROCEDURES

A. JJAEP PROGRAM REFERRAL AND ENTRY:

1. Pursuant to the [Texas Education Code §37.0081](#) the authority to expel and place a student in an alternative school setting vests with the Board of Trustees of a school district, or the Board's designee.
2. The designated Behavior Coordinator for each expelling campus/district shall fulfill their duties as described in Texas Education Code, Chapter 37 rules prior to placement in JJAEP and in the event a student in JJAEP is subject to in-school suspension or out-of-school suspension.
3. Each ISD expelling entity/designee must conduct an expulsion hearing and forward the expulsion notice with the required data information (must include TSDS #) to the JJAEP Administrator no later than three (3) business days after the final appeal hearing is concluded and decision to expel is upheld. Failure to provide such written notice shall result in the child remaining in the Participating District's educational program.
4. Any youth placed in DAEP, while on waiting list for JJAEP placement will be credited those days towards JJAEP term. The JJAEP Administrator has the authority to change/update the JJAEP estimated exit date.
5. Documentation received for JJAEP placement will be reviewed by the JJAEP Administrator to ensure JJAEP criteria are met. (Pursuant to the [Texas Education Code, Chapter 37.007](#) and in accordance with the Interlocal Agreement) Such documentation is as follows:
 - a. The alleged offenses **MUST** have occurred on school property or at a school sponsored or school related activity;
 - b. If the offense is drug or alcohol related and is punishable as a felony, the offense **MUST** have occurred on or within 300 ft of school property, as measured from any point on the school's real property boundary line, or while attending a school sponsored or school related activity on or off school property;
 - c. The student **MUST** be **expelled** by the school district pursuant to a mandatory expulsion offense listed in [§37.007 \(a\), \(d\), and \(e\) of the Texas Education Code](#). (**SEE APPENDIX L-JJAEP OFFENSE CODES**).
 - d. Participating Districts shall adhere to the guidelines established under Texas Education Code 37.302-.303, 37.304, 37.305, 37.306, 37.309-.310, 37.311 with regard to students placed in a JJAEP due to an offense which requires them to register as a sex offender. Participating Districts must adhere to expulsion term established guidelines as delineated in this policy and reflected on the JJAEP Interlocal Agreement.
 - e. The school district **MUST** file an offense report with the appropriate law enforcement agency regarding the alleged incident made the basis of the expulsion.
 - f. The respective law enforcement agency **MUST** make a formal referral to the Juvenile Court or Adult Justice System.
 - g. To be accepted for placement in the JJAEP, a student must be expelled for a minimum of 75 school days. The maximum term may not exceed 180 program days, except for an expulsion involving a firearm, for which the maximum term is one (1) calendar year.
 - (i) Based on the current capacity under building code regulations, YISD is required to have no more than 32 students placed at JJAEP at one time. However, should special circumstances arise in the event that JJAEP enrollment is at 90% of capacity, or if any one Participating District has more than 67% of the students enrolled in JJAEP. In such case, the Participating Districts agree that YISD, may limit the length of a student's placement at JJAEP to a maximum of 100 school days, and the "75-day placement review" may occur at any earlier date acceptable to the Participating District.

- (ii) In the event that JJAEP enrollment is at 90% of capacity, a waiting list shall be established for acceptance into JJAEP. Participating districts may place expelled students in their own district's DAEP.
 - (iii) Students shall be accepted into JJAEP in the order placed on the waiting list. However, the student will only be accepted if there are a minimum of 45 days remaining in the term of expulsion.
 - (iv) A student whose expulsion involved violence, a terroristic threat, or a firearm will have priority on the waiting list and will be accepted for placement in JJAEP up to the 100% capacity limit.
 - (v) In the event a student enrolled in the JJAEP commits an infraction that violates the YISD or the JJAEP Student Code of Conduct, YISD may take disciplinary action as per the JJAEP Student Code of Conduct. Such action may extend the student's term of expulsion and JJAEP placement.
 - (vi) The JJAEP Campus will not accept any referrals within the last three (3) weeks of YISD's instructional school year. Any referrals submitted during this time shall be denied placement and the referred student will remain the responsibility of the Participating District to place in its own DAEP setting for the remainder of the school year.
- h. Pursuant to [Section 37.011\(k\)\(3\) of the Texas Education Code](#), a student may be placed in the JJAEP if the student engages in serious misbehavior as defined in [37.007\(c\), TEC](#). However, El Paso County and YISD shall only accept students expelled for mandatory offenses as outlined in **EXHIBIT A** of the Interlocal Agreement between the Juvenile Probation Department and the ISD's operating and participating in JJAEP services.
 - i. In order to be accepted for placement in JJAEP, a student must be aged ten (10) and over and in grade 6 or higher and be expelled. The Participating District will fully consider all mitigating factors, exhaust all appeals and alternative DAEP placement before determination is made to place the student in JJAEP.
 - (i) The Participating District is aware and agrees that such student shall be placed and will receive educational services with middle school students at Cesar Chavez Academy Middle School.
 - (ii) Placement in JJAEP will not exceed twenty (20) school days, and enrollment of the elementary school student will not require YISD to add or reassign staff to meet teacher to student ratios on secondary levels.
 - (iii) Participating districts acknowledge and accept that El Paso JJAEP may, but is not required to separate middle school students from high school students in accordance with the Interlocal Agreement.
- 6. Each school district shall provide a copy to the El Paso County Juvenile Probation Department of the order expelling a District's student pursuant to §37.007 of the Texas Education Code along with all information required pursuant to [§52.041 of the Texas Family Code](#) no later than the third (3) business day after a hearing is held pursuant to [§37.009 of the Texas Education Code](#) and the JJAEP Interlocal Agreement. Failure to provide such written notice shall result in the child remaining in a district's alternative educational program until proper notice is given to the JJAEP Administrator.
 - 7. Expulsion Notice shall also be provided to parent/guardian, JJAEP Campus, and JJAEP Administrator. At a minimum, expulsion notice should contain:
 - a. Student's Name and DOB.
 - b. Mandatory Offense.
 - c. Offense Code.

- d. Expulsion Term.
 - (i) Expulsion Date.
 - (ii) Expulsion Term Expiration.
 - (iii) Identified Review Date.
 - e. Texas Student Data System (TSDS) number.
 - f. PIEMS number.
 - g. Law Enforcement Agency (LEA) incident report number.
 - h. If student is classified as special education and/or 504. Special education and 504 documents must be provided to the JJAEP Administrator alongside the expulsion notice package.
8. If student is eligible for special education services, the Participating District must provide a copy of the Admission, Review, and Dismissal report (ARD). The ARD committee documentation must be maintained for each special education eligible student to include the most recent full and complete ARD meeting paperwork, the manifestation determination ARD meeting paperwork, and the most recent evaluation of eligibility for special education services.
9. Each school district shall provide a copy of the law enforcement report or "Notice of Delinquency" for the offense for which the student is being placed into the JJAEP along with the Expulsion Letter/Notice.
- a. For adult students pending charges within the Adult Criminal Justice System, the JJAEP Administrator may not require an offense report to be provided by the participating school district, if offense report is obtained directly from On-Call Records (WebRMS) and confirmation determines that the offense meets the mandatory criteria and probable cause has been established.
10. The JJAEP Administrator will forward the "REFERRAL ACCEPTANCE FOR JJAEP PLACEMENT" to the referring district and Campus Administrator within three (3) business days upon receipt of the appropriate documentation to include: the police report or Notice of Delinquency notification, Expulsion Order and/or Expulsion Letter in its entirety. **(SEE APPENDIX M – JJAEP ACCEPTANCE FORM)**
11. The JJAEP Administrator will forward a "REFERRAL DENIAL" form to the referring school district if criteria on the police report does not meet the requirements specified in the JJAEP Interlocal Agreement pursuant to [§37.007 of the Texas Education Code](#). **(SEE APPENDIX M-1 – JJAEP DENIAL FORM)**
12. Failure to enroll in the JJAEP program within ten (10) school days of the JJAEP acceptance (in which no appeal is pending) will result in the reversal of the JJAEP acceptance.
13. To facilitate a smooth transition, facilitate a student's placement in a JJAEP and meet standards pursuant to [Texas Administrative Code 348.212](#), the home school (sending school) will immediately provide a written transition plan to include all transcripts and appropriate documentation, and any special education and LEP documentation to the JJAEP Campus Administrator.
- a. Along with the JJAEP Acceptance Form, the JJAEP Administrator will submit the JJAEP Request for School Records on all new JJAEP enrollments. The expelling district agrees to immediately, but not later than three (3) school days from JJAEP acceptance determination, provide and advise the JJAEP campus of all necessary school withdrawal and educational records; to include any special education or 504 paperwork in order to facilitate an appropriate educational plan.
14. The school records request form includes the following:
- a. The withdrawal form from the home school.
 - b. Transcripts.
 - c. CUM file.
 - d. Special Education Records, if applicable to include ARD documentation such as the Manifest documentation and IEP upon exit.
 - e. Notification of Expulsion.
 - f. Immunization.
 - g. Grades and credits; and
 - h. State assessment scores (SEE EXIT DATA REPORTING)

15. The JJAEP Campus will schedule a JJAEP Intake appointment with the student and parent within seven (7) to ten (10) school days of JJAEP acceptance. If a student's JJAEP Intake appointment cannot be fulfilled within such timeline, the JJAEP campus must communicate reasoning to JJAEP Administrator.
16. Although a student may be accepted into JJAEP, enrollment in the JJAEP may be delayed due to capacity limits or other special circumstances.
17. During the JJAEP intake, the parent and student will receive a copy of the JJAEP Student Code of Conduct (SCC) and sign the **JJAEP STUDENT CODE OF CONDUCT ACKNOWLEDGMENT STATEMENT (APPENDIX N)** along with other JJAEP intake documents to include the **Abuse, Neglect and Exploitation Form (SEE APPENDIX S)**. An emphasis will be placed on the JJAEP's policy regarding a zero-tolerance for sexual abuse, prevention of Abuse, Neglect or Exploitation and compliance with the Prison Rape and Elimination Act (PREA) for all juvenile justice programs, to include JJAEP.
18. Upon the commencement of the school year and as deemed appropriate, Participating Districts will hold review under Interlocal Agreement Placement Review section for returning JJAEP students that carried over from prior school year and have met the 75th day placement day in JJAEP.
19. For students who are expelled into the JJAEP and are accepted but do not enroll under the JJAEP due to parents withdrawing the student, the student will remain eligible for JJAEP expulsion upon enrolling back into a formal school district. The expelling district would need to hold another expulsion hearing and provide a new expulsion term along with the required expulsion package.

B. PROGRESS REPORTS

1. Copies of the JJAEP student's progress report will be provided to the parent, guardian, or custodian and the JJAEP Administrator at a minimum of every 120 days or earlier. The JJAEP Administrator or 65th District Court may request grades more frequently.
2. The JJAEP Campus shall regularly review the student's progress towards meeting adequate academic standards. The JJAEP Exit Transition Meeting is intended to review the youth's JJAEP placement and achievements, develop youth's graduation or educational plan due to return to home school and identify supports for youth to remain successful.

C. JJAEP EXIT CRITERIA

1. A student shall exit from the JJAEP upon the expiration of the term of expulsion as stated on the student's expulsion letter, upon completion of their court ordered or deferred supervision; or at the discretion of the school district after advising the JJAEP Administrator in writing of the district's decision. It is highly recommended that the sending school expel for a minimum term of 75 school days. This minimum term allows for adequate timeframe for student to demonstrate progress and take the IOWA standardized test as part of the JJAEP Performance Measurement.
 - a. All ISDs afford an appeal process to the expulsion decision and a school district has the discretion to make an administrative decision and remove a student from the JJAEP at any time and return the student to the home school or place in the district's Disciplinary Alternative Education Program (DAEP). Written notification to the JJAEP Administrator from the school district, JJAEP Campus, or designee will be required advising of their action. The letter will be placed in the student's JJAEP electronic file.
 - b. Should the ISD overturn their ruling, the ISD or designee must notify the JJAEP Administrator within same day of decision.
2. The student will be JJAEP post-tested (IOWA Basic Skills Test, Complete or Survey on-line versions) prior to projected exit date if he/she has been enrolled in the JJAEP for a minimum of 65 days.

3. Assigned Probation Officers must inform the JJAEP Administrator (in writing) within 30 days in advance of projected early termination date if youth will be recommended for an earlier termination than what was originally advised on the JJAEP Collaboration and Status Notice. This notification is vital as youth must be post tested prior to exit from a JJAEP campus and for purposes of reimbursement. Once youth's supervision status changes and he/she is no longer under the supervision of the Court, it may result in the Post Test not being given due to youth's JJAEP exit.
4. If a student has completed Deferred Prosecution (DP), Court Ordered Probation, Adult Community Supervision, a Motion to Terminate, Review Hearing Order (terminating the student), Letter of Closure/Completion from Deferred Prosecution (DP) or other official closure action the JJAEP Administrator or designee shall be responsible for communicating the change in legal status to the JJAEP Campus and the respective School District.
5. The School District will make the determination to transfer the student into their Disciplinary Alternative Education Program (DAEP) or return the student to their home school. Notification will be required from the school district advising of their decision within five (5) business days. The email and ISD response will be placed in the student's JJAEP case.
6. If the student Court disposition includes: prosecution refused, found not guilty, or dismissed by court, paperwork (Order of Dismissal, Decline, and Not delinquent by trial) must be obtained and forwarded to ISD expelling entity establishing that the disposition has occurred. The school district will make a determination to transfer the student into DAEP or to reintegrate the student into his/her home school. ISD response will be required within five (5) workdays advising of their action. The letter will be placed in the student's JJAEP case.
7. JJAEP campuses will submit a withdrawal or a Universal Lever form to the JJAEP Administrator within five (5) school days of exit indicating the student's JJAEP exit date along with the JJAEP exit data reporting form.
8. A withdrawal packet will assure that that the home school receives all the necessary information needed for the student's continued success. **(APPENDIX O – EXIT DATA REPORTING FORM)**
9. Students exiting JJAEP during the summer due to completion of supervision will be counted in the previous school year. The cut-off date for counting summer exits is the day before the new school year starts.

D. EXIT TRANSITION MEETINGS

1. Upon notification from the JJAEP Administrator of youth's exit due to termination of court ordered supervision or completion of JJAEP term, the JJAEP Campus Administrator will coordinate an Exit Transition Meeting with the returning home school.
2. The purpose of this meeting will be to meet [Texas Administrative Code §348.212](#) and develop the foundation for academic and social success after JJAEP exit and upon return to student's home school.
3. The following will be invited to the Exit Transition Meeting: JJAEP Campus Administrator or designee, CIS, special education teacher (as applicable), guidance counselor, student, parent/guardian, assigned Probation Officer or JPD representative and home school Administrator or designee. The meeting's purpose will be to review youth's JJAEP placement and achievements, develop youth's graduation or educational plan due to return to home school and identify supports for youth to remain successful. The following information is also reviewed during the JJAEP Exit Transition Meeting:
 - a. A review of educational courses attended.
 - b. Credits earned and credits pending.
 - c. Youth's discipline and behavior progress and areas of improvement.
 - d. Attendance record.
 - e. IOWA assessment pre and post test scores, if available.
 - f. STAAR or TAKS assessment scores.
 - g. Transcript and grades in progress.

- h. Youth's accomplishments and improvements.
- 4. At the time of official exit, the parent will be provided with a withdrawal packet (Withdrawal packet or Universal Lever) –from the JJAEP facility which may include Withdrawal form/Universal Lever, grades, credits, attendance records and immunization.
- 5. The JJAEP will forward the student's transcript to their respective home school.
- 6. Respective JJAEP registrar shall transfer all grades and course credit earned to the sending school districts when a student is transferred back to the home school district.
- 7. A transcript for graduating students will be required. The transcript must advise that the student is being "recommended for graduation".
- 8. If the student's court disposition/status changes such as charges being downgraded, lowered to a misdemeanor charge, not found guilty, case was dismissed, or no disposition ordered, each school district determines whether a student returns to the home school or is placed into the district's Disciplinary Alternative Education Program (DAEP).

E. STATEWIDE ASSESSMENT

It is the policy of the El Paso County JJAEP that all students enrolled in the program shall take the State of Texas Assessment of Academic Readiness (STAAR) examination and it shall be administered at the appropriate grade level to the student at the JJAEP.

- 1. If required due to grade level classification, JJAEP students will take the state assessment (STAAR replaced TAKS). Students that were started with the TAKS test will continue to be tested with TAKS. Students beginning to be assessed will begin with the STAAR assessment. Eventually the TAKS will phase out.
- 2. Teachers are trained in accordance with TEA guidelines at a staff development prior to the scheduled testing.
- 3. Each JJAEP has a designated testing coordinator (usually the school counselor) to assure that the TAKS or STAAR is carried out appropriately and is responsible for safeguarding the confidentiality of the test and ensuring the test is administered as per established guidelines.
- 4. Designated teachers may assist the principal in verification of grade status, securing test materials, and administering the TAKS or STAAR test in accordance with TEA guidelines.
- 5. All TAKS or STAAR scores shall be reported to the student's home school district as part of the exit process.
- 6. Scores for students that took any state assessments will be requested from designated person who has access to TEA website on score results; scores are required for the TJJD Annual Performance Evaluation. **(SEE APPENDIX O – EXIT DATA REPORTING FORM)**
- 7. Any JJAEP student who did not pass STAAR grades 3-8 or EOC assessments must receive accelerated instruction. Accelerated instruction entails either assigning a classroom teacher who is certified master, exemplary, or recognized teacher; or delivering supplemental instruction (tutoring) before or after school or embedded in the school day.

(c) Juvenile Probation Departments. (1) The JJAEP and the local juvenile probation department must jointly coordinate the provision of needed social services for the students enrolled in the JJAEP. (2) Local juvenile probation departments must provide to the JJAEP information regarding the probation status of each student and the name of the student's juvenile probation officer. (3) The JJAEP must provide the local juvenile probation department with monthly attendance records of juvenile probationers enrolled in the JJAEP.

POLICY

The El Paso County Juvenile Probation Department shall cooperate in providing JJAEP students with needed social services for students. JPD and the JJAEP Campus will coordinate and share necessary information regarding probation status of any JJAEP student, and the JJAEP campuses will provide the JJAEP Administrator with monthly attendance, discipline and grades for students enrolled in the JJAEP.

PROCEDURE

1. The JJAEP Administrator will forward the JJAEP Collaboration and Status Notice within five (5) days of JJAEP acceptance to inform the JJAEP Campus and assigned Juvenile Probation Officer of the following, if not yet provided:
 - a. Student's JJAEP start and projected end date.
 - b. JJAEP eligible offense.
 - c. Student's Court and/or supervision status, start and projected review and/or end dates.
 - d. If pending adjudication or disposition, student's pending Court dates.
 - e. School record request and JJAEP Exit Transition Meeting information.
 - f. Student's assigned Juvenile Probation Officer (if applicable).
 - g. Juvenile Probation Manager and Director will be copied to provide for support to respective Juvenile Probation Officer (as needed) or in the event officer is unavailable.
 - h. An updated Collaboration and Supervision Notice will be sent once youth's case disposition changes and to advise school of changes in Juvenile Probation Officer(s).
 - i. Placement status due to end of the academic year.
2. The JJAEP campus liaison will provide the following documentation to the JJAEP Administrator on a monthly basis. If updated, records are needed for Court purposes:
 - a. Monthly Activity Report (MAR).
 - b. Spreadsheet/Roster; (Accompanies MAR, designates when a JJAEP student enters and exits).
 - c. Attendance Records - (Accompanies MAR, JJAEP students on court ordered probation require Probation Services Officers to request educational records or referrals for Court purposes).
 - d. Grades in Progress; Discipline Referrals (required for all major violations of the JJAEP Student Code of Conduct, but all referrals are needed for Court reporting).
 - e. JJAEP campus will provide an updated JJAEP Staffing and Certification Log listing and CPR, First Aid, and CPI certification log every month at the time the MAR is submitted (Sent with MAR).

§348.214 PHYSICAL PLANT POLICY

Physical Plant. (a) The JJAEP must conform to all applicable federal, state, and local ordinances and codes. Each JJAEP must have on file the most recent inspections (i.e., health and fire) conducted by the local governmental authority having jurisdiction. (b) The number of occupants in the JJAEP may not exceed the rated capacity as determined by the appropriate fire authority. The JJAEP must maintain documentation from the appropriate fire authority for the rated capacity of each classroom and for the entire building. (c) The classroom space and common areas must be adequate to meet the programmatic requirements for each student enrolled and in attendance in the JJAEP, including sufficient seating and desks or tables. (d) All fixtures, including any emergency lighting, must be in working order. (e) Repairs must be made promptly to all furniture, equipment, and fixtures currently in use that are not in safe working order.

POLICY

The JJAEP will abide by federal, state, local ordinances, and codes, and TJJD Standards for Physical Plant compliance. The PHYSICAL PLANT COMPLIANCE MONITORING ASSESSMENT will be utilized once per year to monitor current health and fire inspections, occupancy signs in the classrooms and common areas, and that classroom space, fixtures and common areas are adequate to meet the programmatic requirements for each student. **(SEE APPENDIX E AND E1 – PHYSICAL PLANT COMPLIANCE MONITORING ASSESSMENT).**

PROCEDURE

1. All emergency exits within each of the JJAEP campuses should be:
 - a. Properly positioned.
 - b. Clear of obstruction
 - c. Permanently marked for evacuation in the event of fire or another emergency.
2. Places of assembly must have a minimum of two (2) operational exit options.

3. The local Fire Marshal has issued occupancy limit notices (capacity signs) for the El Paso County JJAEP campus. Each facility establishes that they will comply with the state and local fire authority regarding:
 - a. Rated capacity in classrooms.
 - b. Rated capacity in the cafeteria with tables in room; or without tables in the room.
 - c. Rated capacity in the gymnasium area (if applicable).
 - d. Capacity of the JJAEP facility as determined by the local Fire Marshal.
4. Each school district will ensure that the JJAEP facility provides comprehensive insurance coverage that includes property insurance and comprehensive general liability insurance. Insurance coverage includes workers compensation in accordance with the laws of the jurisdiction.
5. A copy of the policy can be obtained through the school districts' central offices.
6. Each JJAEP facility will ensure that interior finishing materials; furnishings in classroom areas, exit areas and places of public assembly are in accordance with recognized National Fire Safety Codes and the referenced guideline.
7. Separate and adequate space in the El Paso County JJAEP campus is provided for all mechanical equipment such as heating, air conditioning, electricity, etc.
8. The YISD JJAEP campus will ensure that the facility has appropriate means and steps implemented to provide comprehensive safety and protection to students within the facility and to prevent access by the general public without proper authorization or clearance.
9. The YISD will assure that the JJAEP campus conform to all applicable Federal, State and Local Building Codes and shall have available for inspection at all times a "Certificate of Occupancy" issued by the city of El Paso verifying that all necessary local building codes have been met in order for the program to operate within each JJAEP campus.
10. To determine compliance with this standard, the following will be reviewed:
 - a. Review the facility's most recent fire inspection report for any violations cited by the appropriate authority. Fire Inspection Report should be posted within the facility where it is easy visible.
 - b. Review the current health inspection report, if applicable. Health Inspection Report should be posted in the facility's kitchen area where it is easily visible.
 - c. Review the current food handler's certification, if applicable. Food Handler's certification should be posted in the facility's kitchen area where it is easily visible.
11. The JJAEP will use the **COMPLIANCE MONITORING ASSESSMENT-PHYSICAL PLANT** to examine the applicable areas. A compliance monitoring assessment will be conducted yearly by JPD/JJAEP. If findings show that there are continued non-compliances the JPD/JJAEP may need to conduct more frequent compliance monitoring assessments.
 - a. Facility Administrators will be notified of the discrepancies to be corrected as soon as possible. On the Physical Plant under [Texas Administrative Code §348.214](#) a period of two weeks to correct non-compliance will be given.
 - b. The Physical Plant Compliance Monitoring Assessment will be reviewed by the Director of Intake Services for approval and guidance on actions to be taken on any incidents of non-compliance found within any of the JJAEP facilities.
 - c. Compliance Monitoring reports will also be forwarded to the Juvenile Chief Probation Officer who will provide compliance/non-compliance matters to district superintendents, school administrators, and other district officials in charge of their alternative schools.

§348.216 SAFETY, SECURITY, AND EMERGENCY RESPONSES

(a) Security Plan. The JJAEP must have a written plan that addresses security: (1) within the JJAEP building(s); (2) on the JJAEP campus; (3) at JJAEP-sponsored events that take place off campus property; and (4) during transportation of JJAEP students; if applicable. **(b) Transportation** The JJAEP must have written policies and procedures that govern the use of motor vehicles to transport students enrolled in the JJAEP. The policies and procedures must address the following: (1) authorized methods of transportation; (2) security and supervision requirements; (3) authorized transport personnel; (4) procedures for responding to emergencies while transporting students; (5) a requirement to possess appropriate auto liability insurance when transporting students in personal vehicles, if allowed; and (6) circumstances under which a student is allowed to drive a personal vehicle to the JJAEP campus. **(c) Emergency Situations.** The JJAEP must have written policies and procedures regarding emergency situations. The policies and procedures must address the following: (1) emergency evacuation plans; (2) assignment of staff responsibilities; (3) notification of emergency services; and (4) procedures for specific emergency situations, including: (A) fire; (B) bomb threat; (C) hazardous weather conditions; (D) active shooter event; and (E) riot. **(d) Medical Emergencies.** The JJAEP must have written policies and procedures addressing medical emergencies. The policies and procedures must address the following: (1) obtaining medical assistance; (2) when emergency medical services must be called; (3) notification to appropriate staff and to the parent, guardian, or custodian of the student involved; and (4) documentation of the incident.

POLICY

The El Paso County JJAEP security plan shall ensure that a control location be provided to ensure that students remain safely within the facility; to prevent access by the general public without proper authorization; and to accommodate general staff communication and information gathering. The front desk at every JJAEP campus shall be the designated control area for the facility. A written security plan is also provided for school-sponsored events, off school property and during transportation of JJAEP students.

PROCEDURE FOR CRISIS SITUATION

Staff or designated person will advise front desk/control area of crisis situation.

1. Alarm system activation may be necessary to activate the evacuation/lockdown procedures.
2. Support staff radios; security supervisor on duty; and designated response staff will announce a designated code, i.e., a "Code Red".
3. Supervisor and response staff will deploy to location of the crisis.
4. To ensure timely response by supervisory staff during the designated code, a fire drill shall be conducted a minimum of twice (2) per academic year. A fire drill code report shall be filled out by a School Administrator or designated person performing the drill and submitted to the School Administrator after each drill.

Front Desk/Control Area:

1. The front desk/control area shall be staffed with at least **one (1) staff member** during regular business hours.
2. Supervision staff will rotate monitoring the front desk/control area whenever JJAEP support staff is unavailable.
3. The use of the JJAEP phones at the front desk/control area shall be limited to business related calls to authorized personnel only. Any necessary personal phone calls that must be made shall be kept to a minimum to ensure security of the incoming and outgoing persons, JJAEP students, etc.

School Sponsored Events Off Campus:

1. JJAEP students participating in any type of outings will be adequately supervised. Precautions will be taken to assure that there are enough authorized personnel to supervise students.
2. Headcounts will be conducted periodically to assure that all students are present.
3. If JJAEP staff uses their personal vehicles to transport, they must have adequate liability insurance which should be current and, in their employee, electronic file.
4. A Parental Authorization form for students participating in an outing must be obtained prior to the departure on the outing.
5. In the event of a serious incident occurring during an outing, the same procedures will be practiced as outlined for any serious incident or emergency situation while on campus. Report the incident immediately to emergency personnel, administrators, and to TJJD if applicable. In the latter, a TJJD Incident Report must be submitted within 24 hours for all TJJD serious incidents or ANE allegations.

General Public/Visitors:

1. At no time will citizens from the general public be allowed to access the main corridor, or interior of the facility without prior clearance and approval from JJAEP operational staff.
2. All visitors shall report to the front desk/control area for verification, sign-in and declare the nature of their business.
3. No visitors will be allowed to pass the control area without prior authorization or clearance.
4. Visitors roaming the outside campus grounds should be reported immediately to campus security or ISD police, or city police (if stationed on campus).

SCHOOL BUS TRANSPORTATION

Transportation of students attending the JJAEP will be the responsibility of the student's sending District. Neither the JJAEP, nor the Educational Fiscal Agent is responsible for transportation of students sent by other Districts attending the JJAEP, including students with disabilities who require transportation as a related service. Before making the decision to place an expelled student at JJAEP, the Participating District shall determine the student's access to transportation to JJAEP and put a transportation plan in place. If a transportation issue is identified after placement at the JJAEP, an emergency meeting with all involved parties, to include invitation to parent(s), will be held. Should transportation be an ongoing barrier to attendance, the student may be exited from JJAEP and returned to the sending school district.

The Sending District's transportation plan for its student(s) must acknowledge and adhere to YISD's board approved calendar then in place; and in doing so, observe all YISD approved Professional Development days, early release, holiday closures, intersession, Spring Break, start and end of instructional year, and other calendar conflicts and shall make any modifications necessary to its student transportation plans.

Parents or other designated responsible adult are expected to provide supervision of their own child at the bus stop site. Parents, or other designated responsible adult are expected to remain at the pick-up site in the morning until the student boards the bus as well as be at the bus stop site when the child gets off the bus in the afternoon. If the participating district does not provide bus transportation, parents/guardians are ultimately responsible for transporting the JJAEP student to and from the JJAEP facility. Students are expected to arrive on time to school regardless of their method of transportation. JJAEP personnel authorized to transport JJAEP students must have proof of adequate auto liability insurance and a current driver's license when transporting in personal vehicles.

PROCEDURE

1. Before making the decision to place an expelled student at JJAEP, the Participating District shall determine the student's access to transportation to JJAEP and put a transportation plan in place.
2. If a transportation issue is identified after placement at the JJAEP, an emergency meeting with all involved parties, to include invitation to parent(s), will be held.
3. Should transportation be an ongoing barrier to attendance, the student may be exited from JJAEP and returned to the sending school district.
4. The sending district's must adhere to the YISD's board approved calendar regarding Professional Development days, early release, holiday closures, intersession, Spring Break, start and end of instructional year, and other calendar conflicts.
5. Any serious incident or negative behavior of a JJAEP student will be reported to the School Administrator/Assistant Principal.
6. Bus drivers will follow their districts policy on maintenance and transportation of students.
7. Negative behavior on a school bus will warrant an incident report to be submitted to the School Administrator/Principal and JJAEP Administrator due to the potential of harm to others. The School Administrator or JJAEP Administrator may take administrative/legal action deemed appropriate for the student's negative behavior.

8. A copy of the incident report will be forwarded to the JJAEP Administrator and maintained in the student's JJAEP/JPD case.
9. Emergencies while transporting students will be handled appropriately by notifying police, EMS, administrators, parents, TJJD, and JJAEP Administrator in a timely manner. They will be handled like any other emergency situation.
10. Adult students that present a dire need to use their personal vehicles and the permission of their parents to get to school may be considered. The student will be required to present proof of current insurance and possess a current TX Driver's License to their JJAEP campus.

EMERGENCY SITUATIONS

The JJAEP shall have written policies and procedures regarding emergency situations and will address emergency evacuations plans; assignment of staff responsibilities; and notification of emergency services. It is the policy, procedure, and practice of the El Paso County JJAEP to have emergency procedures including but not limited to:

- A. Fire;
- B. Bomb Threats;
- C. Hazardous Weather Conditions;
- D. Active Shooter Event; and
- E. Riots

PROCEDURE

A. FIRE

1. JJAEP fire prevention regulations and practices shall ensure the safety of staff, students, and visitors at all times.
2. The El Paso Fire Department will respond to any-and-all emergencies experienced at the JJAEP.
3. The El Paso Fire Department shall inspect the JJAEP Campus fire safety plan, which includes the appropriate location of fire extinguishers, first-aid supplies and emergency exits.
 - a. Fire extinguishers within the JJAEP Campus will be inspected, certified, and tagged as properly charged and workable on an annual basis by an independent and authorized agent.
 - b. If extinguishers are used at any time, they shall be recharged and returned to fully operational as soon as possible.
4. The JJAEP Administrator shall ensure that all staff is trained and knowledgeable in the use of all fire safety equipment and in implementation of written emergency plans and procedures.

Combustible Refuse:

All other combustible refuse (i.e., rags used with flammable liquids) will be disposed of immediately after use in the outside metal dumpster. At no times will combustible materials such as this be kept or stored within the JJAEP campus facilities.

Fire Drill Procedures:

Fire drills shall be conducted at least twice (2) a year; however, some school district policies require fire drills no less than once a month during the JJAEP daily program. The following protocol applies for Fire Drills:

1. The School Administrator or designee shall schedule the drills. Prior notification to students about the drill shall not be given to increase drill effectiveness and real life response time.
2. The School Administrator or designee conducting the drill shall monitor all aspects of drill operations.
3. The School Administrator or designee shall contact security personnel to inform them of the need to perform a fire drill.
4. Security personnel or designee shall activate the fire drill alarm system.
5. The students and staff shall evacuate the facility to the designated safe zone (staff parking lot).
6. A head count shall be performed of all students to ensure all students are accounted for.
7. Once all staff and students are accounted for, and the "all clear" on the drill is issued, all persons shall return to the regularly assigned areas.

8. Fire drills shall be timed to measure effectiveness and efficiency of the fire plan.
9. The School Administrator or designee shall make entries of all fire drills conducted into a reporting form/log.
10. Records reflecting the fire drill(s) shall be maintained and provided to the JJAEP Administrator.

Evacuation Plan:

It is the policy of JJAEP to provide an evacuation plan for staff members, students, and visitors in the event of fire or a major emergency requiring evacuation of the JJAEP facility. All JJAEP staff are trained in the implementation of written emergency plans through the Campus Administrator upon assignment to the JJAEP Campus and this component is also reviewed as part of JJAEP New Orientation Training.

1. The JJAEP Campus Administrator shall ensure all staff is familiar with the building floor plans and primary and secondary evacuation routes.
2. Fire or exit drills may be conducted monthly as per certain ISD policy. For all fire drills conducted, the JJAEP Campus Administrator/designee shall maintain a log and documentation of drill results and forward results on a monthly basis (or when drills occur) to the JJAEP Administrator to utilize toward compliance monitoring. Favorable ratings will be highlighted as part of Physical Plant compliance monitoring for ISDs that emphasize safety through drills that exceed frequency and standards.
3. A copy of the JJAEP floor plan and emergency evacuation routes shall be posted on prominent readily visible areas throughout the JJAEP buildings.
4. Exit signs are located in principal areas throughout the buildings and aid in the prompt evacuation of students and staff.

Fire Prevention Practices:

JJAEP Staff should always be on the lookout for fire hazards such as altered electrical outlets, overloaded electrical units, used/empty fire extinguishers and improper trash storage. It is essential that all staff make fire prevention a basic part of their daily activities. All staff shall be attentive to maintaining good housekeeping standards to enhance fire safety practices, including:

1. Proper storage of combustible material.
2. Prevention of hazardous electrical situations.
3. Training for students in fire safety procedures.
4. Fire drills.
5. Equipment checked regularly.
6. Purchase of fire-resistant furnishings and materials within facility.

The Staff Member first detecting smoke or signs of a fire shall:

1. Utilize a fire extinguisher to put fire out if fire is small and controllable. However, the main purpose of the extinguishers is to assist in evacuation from the building.
2. After use, contact the JJAEP Campus Administrator to report the incident requiring the use of an extinguisher and request that the extinguisher be serviced and refilled.
3. After removing extinguisher from its mounting bracket, to activate and employ the fire extinguishers, the "PASS" methodology shall be utilized:
 - P** - Pull the silver-colored pin.
 - A** - Aim at the base of the flame.
 - S** - Squeeze the handles together, and
 - S** - Sweep side to side and from the bottom of the fire.

Fire Plan Review

The JJAEP Campus Administrator shall review the fire and emergency plan with JJAEP staff as specified in this document and update annually, if necessary.

Fire Investigations

The JJAEP Campus Administrator shall investigate or ensure adequate investigation by a qualified person is conducted for all reported fires in the facility, regardless how minor they are.

Firefighting Equipment and Fire Fighting Personnel

The emergency number for fire and EMS assistance is 911. The emergency dispatcher should be provided all information necessary describing the nature of the emergency.

Emergency Lighting

Emergency lighting must be available and provide sufficient illumination to exit areas in the event of any emergency resulting in a power outage.

Fire Hydrants

Fire hydrants are accessible and properly maintained in accordance with city ordinances and regulations. El Paso County JJAEP campus will advise staff and students where all fire hydrants are located. The fire/smoke detection system within the JJAEP campuses, are comprised of the following elements:

1. Emergency pull stations.
2. Smoke detectors.
3. Fire extinguishers.
4. Audio/visual alarm indicators.

Emergency Pull Stations

Emergency pull stations may be utilized when staff detect fire or smoke before the installed smoke detectors engage, or in any other emergency requiring staff and students to immediately evacuate the building according to posted safety floor plan. To set the alarm, pull down the handle and the alarm will sound. (Emergency pull stations will be tested annually).

Trash Receptacles

Trash receptacles are located throughout the facility they shall be maintained to reduce the possibility of fire. Trash receptacles shall be:

1. Fireproof.
2. Readily accessible.
3. Empty and cleaned daily.
4. Operational

Emergency Plans

A copy of the floor plans shall be posted throughout the JJAEP campus facilities.

First Aid Equipment

JJAEP staff has access to any of the emergency First Aid kits located throughout the facility and regular status JJAEP employees will also receive periodic First Aid training as part of JJAEP standards.

B. BOMB THREAT

Written Bomb Threat:

1. Save all the materials including any envelope or container.
2. Handle the material as little as possible, to preserve possible fingerprints.
3. Contact local law enforcement immediately to assess and intervene in the suspected bomb threat danger.
4. After police are notified, contact the JJAEP School Administrator/designee and advise of the status of the situation at hand. Turn over all material to the police upon their arrival at the scene.

Telephone Bomb Threat:

1. The staff member answering the telephone should refer to the FBI Information card on the next page and conduct the following instructions:
 - a. Exact words of the caller.
 - b. Exact time the call was received and ended.
 - c. Description of the caller's voice.
 - d. Questions to ask (try to get specifics):
 - When is the bomb going to explode?
 - Where is it?
 - What type of bomb is it?
 - What does it look like, etc.?
2. Remain calm, be polite, and show interest; DO NOT hang up, even if the caller does.
3. Try to keep the caller talking to learn more information regarding the potential threat.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify law enforcement.
5. Report the call to the School Administrator immediately when call is terminated.
6. Take the students outside and move them to a safe distance away from the building.
7. Law Enforcement or proper emergency response authorities upon deciding that a search is warranted will conduct search of the premises.
8. In the event that facility has to be evacuated due to an imminent bomb threat, all students, staff, and visitors will be moved in an orderly manner out of the building to a safe location. Each facility has their evacuation plan to follow. Only emergency personnel will remain in the building and will be the only authority to approve the return into the facility. School Administrators and designated staff to assist in the evacuation shall be responsible for facilitating the evacuation from and back into the building when Law Enforcement and/or Fire Marshal give order to reenter the facility.
9. Student's parents should be contacted and advised on the status and condition of their child within four (4) hours of the "all clear" given by law enforcement via telephone.

C. HAZARDOUS CONDITIONS

In the case of a **SEVERE STORM ALERT**: Students, staff, and visitors should be moved to a designated safety area in hallway. In case of **LOSS OF ELECTRICAL POWER**: Emergency power automatically will be provided to a JJAEP facility via an automated emergency power generator, which will provide emergency lightening and back up to any other essential operational equipment.

D. ACTIVE SHOOTER EVENTS

The JJAEP campus must have policy and procedures in place and readily accessible to staff addressing active shooter events. Drills must be conducted as per district policy, statute, or Texas Education Code standards to ensure students and staff are aware of the necessary steps needed to ensure preservation of life during an active shooter situation. Cesar Chavez Academy (CCA) classify active shooter drills as "lockdown drills".

E. RIOTS

1. In case of a riot, fight, or hostage situation, police officers on campus will be notified immediately. The El Paso Police Department will take command of the situation and will instruct School Administrators of necessary actions.
2. Students not involved in the disturbance will be moved to a safe place where they can be supervised and accounted for.
3. Once the disturbance is under control a headcount of students will be made to assure that the facility is secure, that no one has escaped, or may be hiding.

4. Police will detain students participating in the event for further investigation.
5. Police will take appropriate action on students involved to include detention or release pending outcome of investigation.
6. School Administrators will report the incident to the JJAEP Office immediately and submit an incident report to the JJAEP Administrator.
7. A copy of the incident report will be placed in the student's case.

F. MEDICAL EMERGENCIES

To ensure the safety of the JJAEP students, all medical emergencies (illness or injury) shall be responded to immediately. The JJAEP Nurse or designated staff member will call 911 for a medical emergency.

DEFINITION:

Emergency Care: An emergency refers to any serious illness, injury, or situation, which may require surgery and may or may not be life threatening. The following guidelines will be followed in an emergency health related situation that may present itself as a life-threatening situation:

1. The staff member first to arrive on the scene will begin administering first-aid until professional medical care arrives. While one staff member is administering first-aid, another shall be responsible for calling 911 and obtaining EMS services, contacting the School Administrator, parents, and police on campus. The student's welfare is the highest priority, therefore all necessary actions to assure their well-being.
2. Life threatening situations will warrant EMS to transport the student to the University Medical Center of El Paso. A copy of the signed Consent for Medical Treatment will accompany the student with EMS personnel.
3. Once the student has been stabilized or transported, a JJAEP staff member will be responsible for the following:
 - a. Brief all necessary personnel on the situation and await further instructions from the school administration.
 - b. Assure that the parent or a staff member will be at the hospital to provide caring support. (If parent cannot be located, the student may have to be transported back to the school or home after a medical clearance has been obtained).
 - c. If School Administrators are not readily available, proceed immediately in obtaining medical services. Do not delay in securing medical attention.
 - d. In non-life-threatening situations, a staff member or nurse will contact the parent to pick up the student.
 - e. All medical emergencies are required to be documented. A TJJD Incident Report will be submitted when any medical treatment has been provided. If it is a serious incident, it shall be reported via a telephonic call within one (1) hour to police and within four (4) hours to TJJD. The ANE Incident Report must be submitted within twenty-four (24) hours of the incident.

(e) Cardio-Pulmonary Resuscitation(CPR) and First Aid. Each JJAEP must have at least two staff members certified in CPR and first aid on duty and in close proximity to the students at all times when students are present at the JJAEP campus. Proof of current certification must be maintained in personnel or training files. Documentation must reflect the day certification expires.

POLICY

TJJD standards require that two (2) staff members be certified at all times in Cardio-Pulmonary Resuscitation (CPR) and First Aid at all times when on duty and in close proximity to the students when students are present at the JJAEP campus. In accordance with the JJAEP Interlocal Agreement, the standard will be followed and both EPISD and YISD will ensure that at least two (2) regular staff members on duty at all times will be certified in CPR and First Aid. These certified staff members must be in close proximity of JJAEP students throughout the course of the workday. Although the use of substitutes is a common practice, substitutes are not regular status employees

and are not required to be certified in CPR/First Aid. As such, it is vital that school administrators work closely with the JJAEP Administrator to ensure that at least two (2) staff members included in the daily ratio and in close proximity to JJAEP students are certified in CPR/First Aid at all times.

PROCEDURE

1. The JJAEP must have at least two (2) JJAEP staff certified in CPR and First Aid at all times on-site. New employees must acquire their certifications (CPR/ First Aid and CPI) within 60 days of hire.
2. Certification of all regular status employees will be submitted as part of the **STAFFING AND CERTIFICATION LOG (APPENDIX F)** on a monthly basis along with the TJJD Monthly Activity Report to demonstrate that at least two regular status staff members are updated on their CPR and First Aid certifications.
3. Certification Logs will not contain names of short- or long-term substitutes as both ISDs only provide this certification for regular status employees. Copies of cards with expiration dates will also be submitted as proof of certification to the JJAEP Administrator.
4. Certification records will be safely stored at the JJAEP Administrator's electronic repository.
5. **Nurses** are required to have proof of CPR/First Aid, and CPI certifications and should be an identified employee that does not lapse in above certifications.
6. Communities Activities Officers (CAO) must be certified in Crisis Prevention Intervention and CPR/First Aid in order to be certified as a CAO and meet recertification requirements every two years thereafter as per TJJD standards.

(f) Emergency Exit Drills. The JJAEP must conduct at least two emergency exit drills during the school year unless local fire codes or ordinances require these drills more frequently. At least one drill must be conducted during the first half of the school year (August–December) and at least one drill must be conducted during the second half of the school year (January–June). (1) Written documentation (e.g., fire drill log) of the emergency exit drills must be maintained. Documentation must include the date, time, and staff involved in the emergency drill. (2) The JJAEP must post emergency exit routes in all classrooms and common areas. **(g) JJAEP Closure.** The JJAEP must have written policies and procedures addressing the cancellation of classes due to an emergency situation. The policies and procedures must: (1) address the cancellation of classes due to inclement weather and/or emergency situations; (2) identify the individual responsible for making the decision to cancel classes; and (3) specify the method(s) by which the closure is to be communicated to the students and their parents, guardians, or custodians.

POLICY

Fire drills are practice sessions designed to teach participants the best means to escape in case of fire or another emergency. The JJAEP facility shall conduct fire drills at least twice (2) a year. A minimum of one (1) of the emergency exit drills shall be conducted during the first half of the school year (August-December) and one (1) shall be conducted during the second half of the of the school year (January-June).

PROCEDURES:

See Evacuation Plan

1. JJAEP fire prevention regulations and practices shall ensure the safety of staff, students, and visitors at all times.
2. The JJAEP School Administrators shall ensure that all staff is trained and knowledgeable in the use of all fire safety equipment and in implementation of written emergency plans and procedures.
3. Written documentation (i.e., fire drill log, etc.) of the emergency exit drills, active shooter drills or lockdown drills shall be maintained. Documentation shall include the date, time, outcome, and staff involved in the drills.

The JJAEP shall have written policies and procedures addressing the cancellation of classes due to an emergency situation and inclement weather. The School District will be responsible in making decisions to close down schools due to inclement weather or emergency situations.

JJAEP CLOSURE

The JJAEP must have written policies and procedures addressing the cancellation of classes due to an emergency situation.

1. In case of inclement weather, staff, students, and parents are asked to listen to the media to keep informed of school closures, delays, or cancellations.
2. The ISDs may send out recorded phone messages to give further instructions or information on the closures, delays, or cancellations of classes.
3. In case of inclement weather during the school day, staff and students will move to a safe place within the facility, if necessary. If there is a loss of electrical power, emergency power will automatically be provided through an automated emergency power generator.
4. In case of an emergency situation while classes are in progress. The JJAEP will be secured and locked-down. No one will be allowed to leave or come on to the campus until law enforcement or emergency responders inform that it is safe to resume normal activity.
5. JJAEP closures not only pertain to inclement weather but may also deal with emergency situations such as schools closing down due to a safety or health-related issues.
6. Parents, guardian, or custodians will be notified by the school of the emergency situation and given instructions of actions that may need to be taken.
7. During the JJAEP Intake, parents must be advised to keep school updated of any changes to their contact information to ensure expedient notification can occur during emergency situations.

(h) Supervision Upon Removal From a Classroom. (1) The JJAEP must have written policies and procedures that ensure students removed from the classroom for disciplinary reasons and placed in isolation, administrative segregation, time-out, in-school suspension, or any other location are under continuous visual supervision by a JJAEP staff member. (2) Policies and procedures must prohibit: (A) use of a locked room for disciplinary removals; and (B) the use of electronic monitoring equipment as a substitute for continuous visual supervision. **(i) Searches.** (1) All students entering the JJAEP must be subjected to a pat-down search or a metal detector screening on a daily basis. (2) Searches must be conducted in accordance with written policies and procedures. The policies must: (A) address: (i) when a search is appropriate and/or required; (ii) who is authorized to conduct the search; (iii) what types of searches are permissible; (iv) how pat-down searches will be conducted, if applicable; and (v) what to do when contraband is found; (B) if pat-down searches are used, require that the staff member conducting a pat-down search is the same gender as the student unless an exception is approved and documented by the JJAEP administrator; and (C) prohibit strip searches and anal and genital body cavity searches.

POLICY

It is the policy of the El Paso County JJAEP that adequate staff supervision is provided to students at all times within the facility, on facility grounds, at school sponsored events, and if a student is removed from the classroom for disciplinary purposes, such as administrative segregation, time-out, in-school suspension, or other disciplinary removals. Staff positions responsible for supervision include, but are not limited to teachers, teacher aides, security personnel, and caseworker aides to ensure proper supervision of students. The El Paso County JJAEP prohibits the use of a locked room for disciplinary removals and the use of electronic monitoring equipment as a substitute for staff continuous visual supervision. All students removed from the classroom for disciplinary reasons to include being placed in an unlocked isolation area, administrative segregation, time-out, in-school suspension, or other disciplinary removals from the regular classroom shall remain under continuous visual supervision. JJAEP students should always be under the visual supervision of JJAEP staff.

The following guidelines will be used to move JJAEP youth:

General Movement & Supervision within JJAEP Campus Facilities:

To ensure JJAEP student and public safety, students will never be left unattended in any area inside or outside the facility. JJAEP staff supervision should promote a positive relationship between staff and students as the primary and most effective means of control.

The El Paso County JJAEP campus staff shall be aware of the location of all students at all times including during outdoor or off-site activities, daily routines/chores, meal time, and school hours. Staff shall not leave his/her area of responsibility without first informing another JJAEP staff member.

When a student leaves the JJAEP facility for any reason this action should be communicated to all appropriate staff. JJAEP staff should make periodic head counts to ensure the earliest possible detection of an absent student. While moving students from one area of the facility to another, staff should walk behind the group to avoid a student leaving the group. A head count should be conducted when the group arrives at its destination.

Group Movement outside the Facility:

1. JJAEP staff will explain behavioral expectations to students before going outside the facility on activities, field trips, or school sponsored events. General expectations of students outside the facility shall include, but not be limited to:
 - a. Participation in all activities.
 - b. Sit in assigned areas.
 - c. Remain with the group at all times.
 - d. Act and behave accordingly.
2. No less than two (2) JJAEP staff must monitor any outdoor activities with JJAEP students unless otherwise approved by the School Administrator or designee under special circumstances.
3. In the event that a student must be returned to the facility due to behavioral problems or other circumstance, one or more staff members leaving the group shall not compromise staff-to-student ratio. Either the whole group shall be returned, or the School Administrator or designee shall be contacted. Staff should use another staff member, or an administrative staff member to return the student to the facility.

Student Arrival and Dismissal Protocol:

Students that are dropped off by their parents have a designated area to meet in the mornings with supervision provided at all times from the moment they arrive on campus. JJAEP students that are dropped off or bused in will be escorted to the search area. All students will be searched upon arrival and prior to the breakfast meal. Some campuses may instruct their students to wait in an area near the cafeteria while other campuses have a designated wait area until they can be escorted to get their breakfast. Some campuses will let the JJAEP students have their breakfast in the cafeteria at a designated time when DAEP students are not present. Other campuses will escort JJAEP students after they receive their food trays to a classroom where they normally have their meals.

Upon dismissal all students are escorted to the area where they meet in the mornings until their buses/parents arrive. JJAEP staff, campus police, or city police (located in some campuses) will be available to supervise students loading buses and students having to wait for their parents. Students shall be supervised at all times by JJAEP staff or police officers.

Supervision by Other Students:

At no time shall a student or a group of students be placed in charge of other student(s).

Use of Handheld Radios by Staff:

1. It is the policy of the El Paso County JJAEP that staff responsible of supervising students in the JJAEP shall use handheld radios to ensure student safety, prompt staff response, and general order within the facility.
2. The El Paso County JJAEP utilize handheld security radios made available to all most staff responsible for supervision of JJAEP students.
3. Each supervisory staff shall be strictly responsible for maintaining control over their radio throughout the shift and at no time shall set down or leave the radio unaccompanied anywhere within or outside the facility.

4. Staff shall utilize the radios only for the express purpose of communicating pertinent information from one staff to another necessary to maintain general order, accountability, and control of the students within and outside the facility.
5. Staff shall be responsible for returning the radios to their designated area.
6. Any violation of this policy may result in disciplinary action against the staff member responsible as deemed appropriate by the Campus Administrator.

SEARCHES

It is the policy of the El Paso County JJAEP that all students shall be subjected to pat down/clothed searches on a daily basis by school personnel who have been trained and are authorized to complete this task. Searches of the students and the facility are conducted for the safety and security of the students and staff. JJAEP staff conducting searches will be trained in the proper search techniques and in the conditions and purpose leading to searches of students and their property as part of new employee training and during annual refresher training, (i.e.; safety and security, probable cause, contraband control, etc.). Staff will only follow techniques specified by JJAEP policy and procedure. Staff member conducting a pat-down search must be of the same gender as the student unless an exception is approved and documented by the JJAEP Administrator. A metal detector wand will be utilized to detect weapons. Only clothed searches are allowed. Strip searches and anal and genital body cavity searches are strictly prohibited.

Searches will be conducted for safety and security reasons only. The searches procedure may be modified to ensure the safety and security of JJAEP students and staff in light of a pandemic or natural disaster in respect to the existing procedures. Any modifications to the searches procedure must be noted and reported to the JJAEP Administrator.

When **clothed** searches are conducted the following guidelines should be followed:

DEFINITIONS

Contraband: Property, merchandise, or personal belongings prohibited by facility policy or law in order to maintain proper care, control, and safety of all personnel and students within the facility and general program operations of the JJAEP Campus.

Metal Detector Wand: A metal detector wand may be utilized to detect any metal type weapon/object carried within or taped to the body. The wand will scan the entire body to include limbs and torso.

THE PURPOSES OF THE SEARCHES: In order to prevent the introduction of weapons or other dangerous contraband into the school/facility; or to discover hazards to health or safety that may go unnoticed during a more routine inspection. Searches are required to maintain student accountability and security of the facility.

GUIDELINES

1. Be professional. Never use a search as a form of punishment or as a means of harassment. Always exhibit a professional demeanor while conducting a clothed search. This reduces hostility and opposition to the search and diminishes the threat of physical confrontation.
2. Stay focused. Complete the entire procedure and continue searching when you find something. Do not become distracted or discontinue your search. This may be a decoy to deter you from other contraband the student may be holding.
3. Be orderly and systematic in your approach. Security personnel/staff must conduct clothed searches in the same manner each time; always following policy and procedure. This requires discipline, concentration, and consistency each and every time.

4. Ensure all staff and following the same steps (There should be no difference between the procedure you use and another officer's procedure). Students recognize inconsistency and incompleteness immediately and your inability to follow procedure puts the security of the school at risk.
5. Use the squeeze method of search. Do not just pat the area being searched, but gently and firmly squeeze the clothing between your fingers and palms.
6. Start your search top to bottom and back to front. If you remember this, you will remember the rest of the steps in the clothed search procedure.

PROCEDURE-CLOTHED/PATDOWN SEARCHES

All JJAEP staff participating in the mandatory pat down/clothed searches will be trained by the JJAEP Administrator or designated trainer. Pat downs/clothed searches will always be conducted in an area the line of sight of another staff member. **Searches will be conducted for safety and security reasons only.** At all times, efforts will be made to keep the student's dignity intact. Professional actions, language, and behaviors by staff towards the students during searches will be adhered to at all times. When clothed searches are being conducted there must always be a witnessing staff member present.

A. When searches are appropriate:

1. When a student arrives to school in the mornings;
2. Upon a student's return from an appointment outside the facility;
3. In the event that property or equipment cannot be located; and
4. In the event that there is reasonable suspicion or information has been received that a student may be in possession of a weapon or have contraband in their possession or on their person.

B. Components of a pat down search:

1. Searches must be systematic and orderly.
2. Searches must be conducted with care and attention.
3. The search must be conducted in an area providing distance away from other students to prevent distractions or the transference of contraband from one student to another.
4. Searches are conducted for security, never as discipline.
5. Staff members of the same gender will search students, no exceptions. Cross-gender pat searches are not permitted as per PREA 115.315 (f).
6. The searching staff must use verbal commands to instruct the student in his or her body movement. Searching staff should never use force or unnecessary physical contact to facilitate movement during a pat down search.
7. Oral cavity searches shall be conducted to prevent concealment of contraband (only ears, nostrils, and mouth).

C. Procedures for conducting an individual pat down search:

1. Metal detector will be used to scan the body. Outline the body with the wand and front and back of body. The metal detector technique will be performed by the same sex gender.
2. Always wear gloves when conducting pat down searches.
3. Advise the student on what is about to occur. Ask the student if he/she has any contraband. If the student admits being in possession of contraband, they should be instructed to remove it from their possession and turn it over to the searching staff.
4. Instruct student to pull out shirt and empty all pockets. NEVER reach inside a student's pockets. Instruct the student to turn their pockets inside out and place all contents in a pile on the floor in front of them. The items should include belt (if applicable), shoes, socks, and money if applicable.
5. Seasonal months may require students to wear layered clothing. Student will remove the layered clothing and instruct them to pile the clothing in front of them for inspection. Items may include jackets, sweaters, and gloves.
6. Clothing must be inspected by searching staff after the conclusion of the search. Inspect all outer garments carefully. Place them out of reach of the student, but within your sight. (Insoles, soles, and tongue of tennis shoes should be checked carefully). Shoes will be stomp together and inspect them for concealed contraband; check between insoles, rubber of soles, and between insoles.

7. Visually inspect the student's hair without touching it. Check head area for any concealed items. When applicable, have student run fingers through hair. Female students must remove any pins or bands in the hair. Never pull or tug the hair of a student.
8. Check the student's nostrils.
9. Visually inspect the ears by instructing the student to pull their ears forward so you can clearly see behind each ear and visually inspect the inside of each ear.
10. Visually inspect the mouth. Instruct the student to open his mouth, stick out their tongue and rotate their tongue and move it side to side, up and down. Instruct the student to pull his/her lower and upper lip away and down from his mouth.
11. Instruct the student to face the wall with palms on the wall to secure the body in a steady and balanced position.
12. During all pat down/clothed searches, the searching staff must give verbal commands for the students to follow and not physically touch the student beyond what is necessary to facilitate the actual search. Specifically, searching staff are not to give physical prompts for movement, examples are, but not limited to, slapping the thighs to instruct the student to raise a leg, tapping head to instruct student to move head forward or backward. All searches should be open handed, not closed fist or tight squeezed.
13. The searching staff shall be positioned behind the student with his right foot between the student's feet while searching the right side of the body.
14. Starting on the right side, inspect the clothing carefully with fingers spread. Pat down the shoulder the arm and check the arm pit carefully. Inspect the seams of the clothing carefully. Pat down the hollow of the shoulders and the small of the back. Then move down the sides of the upper torso to the belt line. Check the waist band from outside.
15. Move up the sides and back down across the front of the chest. Make sure you check the center of the chest.
16. Starting at the back of the waistline, move to the front and back again coming across the abdomen moving down the buttocks and around the front covering the lower abdominal area and zipper.
17. Examine the waistband closely feeling all along the outside of the waist band as this is an area where things can be hidden easily.
18. From the back of the waistline, proceed down the back and sides of the legs to the feet. Check the trouser cuffs, bottom of the feet.
19. Proceed back up the inside of the leg, and up to the mid-thigh.
20. Examine the other leg in the same manner.
21. When searching a female student instruct her to pull the center of her bra away from the skin in order to loosen any concealed items. Run your fingers in a crisscross motion to inspect the seams of the bra at the front and rear of the student. Pull the straps of the bra away from the body and run your finger under the bra straps. This step should be done in a private area.

Be thorough! Carefully inspect all seams, lapels, linings, hems, cuffs, collars, and zippers and use the squeeze method.

CONTRABAND

If contraband in the form of (weapons/drugs) are found, radio in for a police officer to take possession of the contraband. If no police officer is available, contraband must be bagged and labeled with student's name, date, time, and a thorough description of the item confiscated. The item should be locked in a secure place where no one can handle the item but you (chain of evidence) until it can be turned over to law enforcement. JJAEP students are not allowed to bring anything with them when they come to school. Students may bring in needed documents that should be turned over to the appropriate staff. The following items are considered contraband and not allowed in the facility:

1. Drugs, alcohol, or controlled substances.
2. Jewelry of any kind (males/females).
3. Any weapons or items that can be used as a weapon, including ammunition.
4. All tobacco products, including electronic cigarettes (vapes).

5. Lighters, matches or other incendiary devices.
6. Knives, box cutters or razors, to include pocketknives, keychain knives, letter openers and scissors not classified as "safety scissors".
7. Sprays of any kind or other chemical agents.
8. Glass containers or glass objects.
9. Food and drinks unless authorized by the JJAEP Campus Administrator or designee. Student may be under a specified diet.
10. Cell phones and electronics (except for volunteers, support, contract staff and employees).
11. Students requiring prescription medication while at school, must turn in those medications to the JJAEP nurse. Nurse may know or not know about the medication and its specific doses and will take the necessary action to contact parent regarding other information on the medication.

STRIP SEARCH TECHNIQUES ARE PROHIBITED

JJAEP staff will not conduct a strip search of a student at any time. If sufficient probable cause/suspicion exists that a student may be concealing contraband or weapon(s) underneath his/her clothing, the campus police or law enforcement shall be notified for further intervention and determination of next course of action to be pursued. If police are not available, then the JJAEP Campus Administrator must be notified immediately.

(j) Disciplinary Reports. (1) Written policies and procedures must require JJAEP staff to prepare a written disciplinary report for each incident occurring in the JJAEP that constitutes a major violation of the student code of conduct or of JJAEP rules. The policies must require that the written disciplinary report include: (A) details of the incident; (B) violation(s) that occurred; (C) action(s) taken by the staff member(s); (D) date and time of the incident; and (E) discipline imposed, if any. (2) The disciplinary report must be sent to the JJAEP Administrator no later than the next school day. Documentation that shows the date and time the disciplinary report was sent to the JJAEP Administrator must be maintained.

POLICY

Disciplinary reports must be submitted by the El Paso County JJAEP for any major violation of the Student Code of Conduct (SCC) or facility rules. The JJAEP Campus may provide disciplinary referrals for minor infractions deemed necessary. Major and minor violations resulting in any disciplinary referrals should be forwarded to the JJAEP Administrator and assigned Juvenile Probation Officer no later than the next school day. Disciplinary referrals resulting in out-of-school or in-school suspensions are also violations of a Judgment of Probation Order. Because all youth pending proceedings at JPD have the right to "due process", it is important that ISD's be descriptive and ensure all areas of a disciplinary referral are accurately noted. Such referrals may be entered as evidence at future court proceedings.

PROCEDURE

1. Any major or minor violation of the student code of conduct or facility rules that results in a disciplinary referral will be documented and parent notified as soon as possible but no later than twenty-four (24) hours after issuance of disciplinary referral. All disciplinary referrals for JJAEP students must also be forwarded to the JJAEP Administrator.
2. If violation is also a serious incident as defined under TJJD guidelines (Youth sexual conduct, youth-on-youth physical assault, attempted suicide or reportable injury-restraint related or not restraint related) emergency units will be notified immediately but no later than one (1) hour. TJJD should be called within four (4) hours followed by an Incident Report within twenty-four (24) hours via e-mail or phone call.
3. The JJAEP Administrator and the assigned Juvenile Probation Officer should receive an incident disciplinary report no later than the next school day. JJAEP numbers are located on Incident Report forms. (Form can be found in the electronic storage device provided to the employee at the beginning of the school year and during JJAEP New Orientation training.)
4. Details, violation, full name of the referring staff member, action taken by staff member(s) and administrator, date and time of incident, any staff members or students witnessing incident that is basis for the referral, and

outcome of incident will be required on documentation. Documentation of a disciplinary report being forwarded to the JJAEP Administrator shall be maintained in the student's JJAEP and JPD case file.

5. The JJAEP Administrator will provide a copy of the incident to the student's Probation Officers having probationers in JJAEP (if referral not already sent to Juvenile Probation Officer) for further court action if necessary.
6. Incident will be discussed with the JJAEP School Administrators to assure that all information was gathered and to see if any improvement or intervention can be made to facilitate handling the matter.
7. Parent will be contacted to discuss the student's behavior no later than 24 hours after incident.
8. Disciplinary reports are reviewed by TJJD on monitoring visits.

MAJOR DISCIPLINARY OFFENSES

1. Possession of contraband (Weapons).
2. Possession of or being under the influence of drugs.
3. A threat that is perceived as imminent toward any student, teacher, or staff member.
4. Destruction of property (may require incident report to TJJD).
5. Sexual Misconduct (requires incident report to TJJD).
6. Assault (requires incident report to TJJD if against another student).
7. Sexual assault (requires incident report to TJJD).
8. Any incident involving a restraint (requires incident report to TJJD).
9. Any incident involving abuse, sexual abuse, neglect, or exploitation (requires incident report to TJJD).
10. Any incident that causes substantial disruption during school day, whether on or off school campus, this includes any cyber bullying that may have occurred off-campus but is manifesting on campus (may require incident report to TJJD).
11. Any incident that may warrant an arrest or meets elements of a Class B misdemeanor or above may require incident report to TJJD).

REMEMBER THAT ANY SERIOUS INCIDENT (TO INCLUDE A RESTRAINT) IN WHICH MEDICAL ATTENTION IS NEEDED IS A MANDATORY ABUSE, NEGLECT OR EXPLOITATION MATTER (as per Texas Administrative Code Chapters [350](#) and [358](#)) AND MUST BE REPORTED TO TJJD WITHIN TWENTY FOUR (24) HOURS.

MINOR DISCIPLINARY OFFENSES

1. Refusal to follow administrators/staff directives.
2. Verbal disrespect.
3. Derogatory or offensive language.
4. Antagonizing others.
5. Walking off campus.
6. Dress code violations.
7. Tardies or unexcused absences.

WEAPONS

The El Paso County JJAEP Probation Officer(s) and JJAEP staff will not possess/utilize a weapon or chemical agent at any time while at any JJAEP facility. At no time shall visitors be in possession of firearms or other weapons. Law enforcement personnel on active duty and who are acting within the scope of their job and authority may maintain possession of their weapon(s) or chemical agents while within the facility. El Paso County Juvenile Probation Officers are not authorized to carry weapons or chemical agents.

Pursuant to [Texas Penal Code, Chapter 46.03\(a\)\(1\)](#), a person may not enter El Paso County JJAEP Campus with a firearm, location-restricted knife, club, or prohibited weapons listed in section [46.05\(a\) of the Texas Penal Code](#).

A SIGN NOTIFYING THE PUBLIC OF THE WEAPON POLICY SHALL BE POSTED IN CLEAR VIEW AT THE FACILITY ENTRANCES.

§348.218 RESTRAINT REQUIREMENTS

RESTRAINT REQUIREMENTS. (a) The JJAEP must adhere to the restraint requirements set forth in Chapter 341, Subchapter G, of this title. (b) Personal restraints may be used by any JJAEP staff member trained in the approved personal restraint technique in accordance with training requirements set forth in Chapter 341, Subchapter G, of this title.

POLICY

It is the policy of the El Paso County JJAEP that all JJAEP staff members adhere to the restraint requirements set forth in [Texas Administrative Code, Chapter 341, Subchapter G](#). Further, personal restraints may be used by any JJAEP staff member trained in the approved personal restraint technique in accordance with training requirements set forth in [Texas Administrative Code, Chapter 341, Subchapter G](#) and as permitted by respective ISD policy.

DEFINITIONS

The listed definitions and other relevant definitions to this policy shall be used to provide consistency for all staff members or involved others that may participate in a restraint.

- (1) Approved Personal Restraint Technique**--A professionally trained curriculum-based and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints. The approved personal restraint technique shall be approved for use by TJJD and adopted by the Juvenile Board.
- (2) Approved Mechanical Restraint Devices**--A professionally manufactured, and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The approved mechanical restraint devices shall be approved by TJJD. The following are TJJD approved mechanical restraint devices:
 - (A) Ankle Cuffs--Metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs;
 - (B) Anklets--Cloth or leather band designed to be fastened around the ankle or leg;
 - (C) Handcuffs--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;
 - (D) Plastic Cuffs--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms, or legs;
 - (E) Waist Belt--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body;
 - (F) Wristlets--A cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.
- (3) Mechanical Restraint**--The application of an approved mechanical restraint device which restricts or aids in the restriction of the movement of the whole or a portion of an individual's body to control physical activity.
- (4) Personal Restraint**--The application of physical force alone, restricting the free movement of the whole or a portion of an individual's body to control physical activity.
- (5) Physical Escort**--Touching or holding a student with a minimum use of force for the purpose of directing the student's movement from one place to another. A physical escort is not considered a personal restraint.
- (6) Protective Devices**--Professionally manufactured devices used for the protection of students or staff that do not restrict the movement of a student. Protective devices are not considered mechanical restraint devices.
- (7) Restraint**--Application of an approved personal restraint technique, an approved mechanical restraint device, or chemical restraint to an individual to restrict the individual's freedom of movement or to modify the individual's behavior.

Other Relevant Definitions to This Policy

- (8) Physical Force**--Is defined as the use of any body part of staff to physically move or restrict movement of a child, including but not limited to grabbing a student with hands to restrict movement or carry a student, pushing/shoving to physically move a student, wrapping arms around a student to restrict movement or carry them, etc.
- (9) Excessive Physical Force**--Is defined as physical force used by staff wherein less appropriate restrictive attempts to deal with a situation were ignored or not attempted; and/or force used outside of proper training techniques resulting in an injury to the student.
- (10) Crisis Situation**--Is defined as a situation where an individual is at imminent risk of serious bodily injury to themselves or another person(s).

MECHANICAL RESTRAINTS

The El Paso County JJAEP school personnel do not utilize mechanical restraints at their facilities. However, local and ISD law enforcement are available at each of the campuses; they are responsible for the use of mechanical restraints and personal restraint matters should a situation arise involving the need to restrain a student. These law enforcement officers are certified peace officers and thus, trained and authorized on the use of mechanical restraints. Only certified and properly trained Community Activities Officers (CAO) or Juvenile Probation Officers may use physical or mechanical restraints in a juvenile justice program.

PROCEDURE

Only a law enforcement officer may use mechanical restraints.

1. In no event are restraint techniques justifiable as punishment, discipline, compliance, or intimidation by any law enforcement officers.
2. The use of any force by any law enforcement officer shall be fully documented and recorded by the JJAEP Campus Administrator or staff who witnesses restraint.
3. Any restraint conducted by a law enforcement officer requires a TJJD incident report form as case may also meet elements of a resisting arrest or other appropriate charge.
4. Restraint shall be terminated as soon as the youth's behavior indicates that the threat of imminent self-injury or injury to others is absent.
5. Any restraint incident resulting in bodily injury or serious bodily injury to a student, as defined in the Texas Penal Code, shall be reported to the County Juvenile Board or its designee in writing within twenty-four (24) hours of the incident. The TJJD Incident Report will be utilized to report a restraint.

APPROVED PERSONAL RESTRAINT TECHNIQUE

It is the policy of the El Paso County JJAEP that only JJAEP staff trained and deemed competent in the approved personal restraint technique (Crisis Prevention Intervention) shall participate in any physical restraint of JJAEP students. Resource Officers-El Paso Police Department Officers and/or district campus police are also available during school hours to assist in any situation requiring law enforcement presence. YISD utilizes the Crisis Prevention Intervention (CPI) approved curriculum and have designated staff who are primarily responsible for searches and restraints. The JJAEP Campus also has staff certified in CPI such as Special Education personnel, nurses, or campus patrol. To ensure for the safety of both the staff and students, under no circumstances shall staff not trained nor deemed competent in the district's approved physical restraint technique, participate in a restraint of a JJAEP student.

PROCEDURE

When physical intervention is used, the philosophy of the CPI model is to provide for the care, welfare, safety, and security of the students in our charge. As such, policies and procedures are developed in relation to the Crisis Prevention Institutes' curriculum of Non-violent Crisis Intervention as the goal is to eliminate the use of physical and mechanical restraints through effective verbal de-escalation techniques, whenever possible. In the case where

certified JJAEP staff at the JJAEP campus, must engage in the use of force and a restraint, the following criteria shall be followed:

1. Certified ISD staff in the approved physical restraint technique shall only use the approved physical restraint technique (CPI). As taught and outlined in the YISD and JJAEP Student Code of Conduct (SCC) ISD staff who lapse in CPI certification throughout the year must not engage in a physical restraint of JJAEP youth. It will be the responsibility of the Campus Administrator to ensure that staff does not lapse in their certification and if a lapse occurs, staff are aware as to their limitations regarding restraints.
2. All El Paso County Juvenile Probation staff working directly with JJAEP youth at the JJAEP Campus shall be certified and maintain his/her certification in Handle With Care (HWC) technique accordingly; and
3. At no time shall an employee of the El Paso County Juvenile Probation Department or JJAEP ISD be involved in or assist in a physical restraint of a student or use any physical force against a student unless the employee has been deemed competent through the certified physical restraint technique.
4. Restraints shall ONLY be used in instances of:
 - a. Threat of imminent self-injury.
 - b. Injury to others.
 - c. Serious property damage.
 - d. Restraints shall only be used as a last resort; and
 - e. Only the amount of force and type of restraint necessary to control the situation shall be used; and
 - f. Restraints shall be implemented in such a way as to protect the health and safety of the student and others; and
 - g. Restraints shall be terminated as soon as the student's behavior indicates that the threat of imminent self-injury, injury to others, or serious property damage has subsided.
5. Under no circumstances will physical force of any type be utilized or imposed on a student for the purposes of punishment, intimidation, or discipline; and
6. Students are strictly prohibited from assisting staff in the discipline or physical restraint of other students. Students may assist staff by seeking assistance when or if directed to do so by staff.
7. Texas Education Code 37.0021 requires a written parental notice each time a restraint is used on a student receiving special education. The existing rules mandate a good-faith effort to provide verbal notice on the day the restraint occurs and written notice within one (1) school day.

Staff Response against Sudden Assault:

Student against staff: If a staff person suddenly comes under attack by a student and is at imminent risk of serious bodily injury (i.e., a student grabs or chokes staff from behind; a student attacks staff from the front; student jumps on staff, etc.) staff may use whatever necessary force is required to escape and remove him/herself from the crisis situation and obtain additional help from other staff. STAFF SHALL NOT USE NECESSARY FORCE TO GAIN THE "UPPER HAND" IN ORDER TO RESTRAIN THE STUDENT ALONE!

Student against students: The use of force by a single staff member in a crisis situation where a student has suddenly attacked another student may be used only if the staff person is unable to obtain assistance from other staff AND one student is clearly at risk of being seriously hurt. In this situation, use of force may be used by the single staff person only to protect or remove the student being injured from the situation.

If a staff member ever finds him/herself in a situation where he/she is alone and someone, including themselves, is at imminent risk of being injured, force may be used only to AVOID, EVADE or ESCAPE from the imminent harm so that additional help may be obtained.

The Following Procedures Shall Be Followed When Physical Force Is Used Against a Student:

1. The Campus Administrators must be notified of the physical force/restraint used and an incident report shall be completed and submitted to TJJD within 24 hours of documented incident.

2. A copy of the report will be placed into the student's JJAEP case.
3. JJAEP Campus Administrators and JJAEP Administrator shall be informed of all incidents where staff has had to use force against a student.

Procedures to be followed when a student allegation is made against a JJAEP staff member can be found under the Grievance Process of this policy and also within the Student Code of Conduct, which is an appendix to this policy.

MEDICAL TREATMENT:

1. Any person (staff or student) injured during a physical restraint incident shall receive immediate medical attention and treatment using Standard First Aid Procedures.
2. If an emergency or life-threatening situation is apparent, contact EMS for assistance.
3. If serious injuries are suspected or detected, contact the School Administrator/JJAEP Administrator. The child or staff person will be transported to the University Medical Hospital Emergency Room either by staff or EMS.
4. All medical emergencies will be documented. After the incident has been controlled, all parties will complete and submit all appropriate documentation of the serious incident within 24 hours or by the end of the next working day documenting the nature of the injury.
5. All situations that meet criteria for serious incidents shall be reported to TJJD and law enforcement within required timeframes.

RESTRAINT PROHIBITIONS POLICY

The El Paso County JJAEP Campus will not utilize restraints that employ any of below listed techniques, which are strictly prohibited.

1. Restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
2. Restraints that deprive the student of basic human necessities including restroom privileges, water, food, and clothing;
3. Restraints that are intended to inflict pain;
4. Restraints that place a student in a prone or supine position with sustained or excessive pressure on the back, chest, or torso;
5. Restraints that place a student in a prone or supine position with pressure on the neck or head;
6. Restraints that obstruct the airway or impair the breathing of the student including a procedure that places anything in, on, or over the student's mouth or nose;
7. Restraints that interfere(s) with the student's ability to communicate;
8. Restraints that obstruct the view of the student's face;
9. Any technique that does not require the monitoring of the student's respiration and other signs of physical distress during the restraint; and
10. Percussive or electrical shocking devices.

Restraint Documentation

It is the policy of the El Paso County JJAEP, that restraints should be used as a last resort when all other behavior management techniques have failed, or the youth presents an immediate danger to himself/herself or others. JJAEP staff members and campus administrators should be mindful of their ISD policies and Employee Code of Conduct regarding physical contact and restraints of students and be cognizant that JJAEP policies may be stricter and apply additional measures of accountability. All restraints shall be fully documented, communicated to the JJAEP Administrator and TJJD and maintained in the student's case file. Written documentation regarding the use of restraints requires the submission of the **TJJD INCIDENT REPORT (SEE APPENDIX P)** by all involved staff members within 24 hours and will follow all policies, procedures, and timelines to start the process of reporting a restraint. **(SEE APPENDIX Q - INTERNAL INVESTIGATION REPORT)**

Only certified and properly trained Community Activities Officers (CAO) or Juvenile Probation Officers may use physical or mechanical restraints in a juvenile justice program. The exception in [Texas Administrative Code §348.218\(b\)](#) is that any JJAEP staff member who is trained in the approved personal restraint technique may use a personal restraint but not a mechanical restraint.

PROCEDURE

Incident Report Documentation

An Incident Report will be filled with the following information.

1. Name of student.
2. Staff member(s) name and title(s) who administered the restraint.
3. Date of the restraint.
4. Duration of the restraint including notation of the time the restraint began and ended.
5. Location of the restraint.
6. Description of preceding activities.
7. Behavior prompting the restraint.
8. Type of restraint applied.
9. Efforts made to deescalate the situation and alternatives to restraint that were attempted.
10. Any injury that occurred during the restraint.
11. Other entities/persons that must be notified should include: the JJAEP Administrator; School District Administrators, and parents/guardians.

§348.220 SERIOUS INCIDENTS

Serious Incidents. All JJAEP programs shall adhere to the serious incident requirements set forth in chapters 358 of this title.

POLICY

It is the policy of the El Paso County JJAEP that the School Administrator/designee, shall report a death, suicide, attempted suicide, and any serious injury, including youth-on-youth assaults, that requires medical treatment by a physician or physician's assistant that occurs in the JJAEP. In the cases of death, sexual abuse, or serious physical abuse (injury that requires medical treatment) emergency units and law enforcement should be called immediately and no later than one (1) hour and TJJD will be called within four (4) hours and a written report will be completed and submitted within twenty-four (24) hours. **(SEE APPENDIX P- TJJD INCIDENT REPORT FORM)**

The actual reporting, forms, and time frames shall follow the same guidelines as those established for reporting abuse, neglect, and exploitation of a juvenile under §358 as it relates to notifying the Texas Juvenile Justice Department. [See procedures for §358]

§348.222 ABUSE, EXPLOITATION AND NEGLECT

Abuse, Exploitation and Neglect (a) The JJAEP must adhere to the requirements related to abuse, neglect, and exploitation set forth in the [Texas Administrative Code, Chapter 358](#) (b) The JJAEP must have zero-tolerance policies and practices regarding sexual abuse, as defined in [Chapter 358 of the Texas Administrative Code](#), that provide for administrative and/or criminal disciplinary sanctions.

358 ANE DEFINITIONS

NOTE: All abuse, neglect and exploitation definitions and standards found within Texas Administrative Code Chapters [350](#) and [358](#) were consolidated under this section to help ensure consistency and consolidate information under the JJAEP Policy, Procedures and Standards.

TAC 358.100 DEFINITIONS

- (1) Abuse, Neglect, or Exploitation**--The terms "abuse," "neglect," and "exploitation" have the meanings given in Texas Family Code §261.001 and §261.401. For the purposes of this chapter, "abuse" includes sexual abuse and serious physical abuse as defined in this section.
- (2) Alleged Victim**--A juvenile who is alleged to be a victim of abuse, neglect, or exploitation.
- (3) Attempted Escape**--Committing an act that amounts to more than mere planning but that fails to effect an escape.
- (4) Attempted Suicide**--Any voluntary and intentional action that could likely result in taking one's own life.
- (5) Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including a juvenile probation department with multi-county jurisdiction.
- (6) Escape** --The unauthorized departure of a juvenile who is in custody or the failure of a juvenile to return to custody following an authorized temporary leave.
- (7) Founded**--The finding assigned to an internal investigation when the evidence indicates that the conduct which formed the basis of an allegation of abuse, neglect, or exploitation occurred.
- (8) Incident Report Form**--The form used to report to TJJD allegations of abuse, neglect, or exploitation, the death of a juvenile, and serious incidents.
- (9) Inconclusive**--The finding assigned to an internal investigation when the evidence does not clearly indicate whether or not the conduct that formed the basis of an allegation of abuse, neglect, or exploitation occurred.
- (10) Internal Investigation**--A formalized and systematic inquiry conducted in response to an allegation of abuse, neglect, or exploitation or the death of a juvenile.
- (11) Internal Investigation Report**--The written report submitted to TJJD that summarizes the steps taken and the evidence collected during an internal investigation of alleged abuse, neglect, or exploitation or the death of a juvenile.
- (12) Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.
- (13) Juvenile Justice Facility ("facility")**--A facility that serves juveniles under juvenile court jurisdiction and that is operated wholly or partly by or under the authority of the governing board or juvenile board or by a private vendor under a contract with the governing board, juvenile board, or governmental unit. The term includes all premises and affiliated sites of the facility, whether contiguous or detached. The term includes, but is not limited to:
- (A) A public or private juvenile pre-adjudication secure detention facility, including a short-term detention facility (i.e., holdover), required to be certified in accordance with Texas Family Code §51.12;
 - (B) A public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with Texas Family Code §51.125; and
 - (C) A public or private juvenile non-secure correctional facility required to be certified in accordance with Texas Family Code §51.126.
- (14) Juvenile Justice Program ("program")**--A program or department that:
- (A) Serves juveniles under juvenile court or juvenile board jurisdiction;
 - (B) Is operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:
 - (i) A juvenile justice alternative education program;
 - (ii) A non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court or juvenile board; and
 - (iii) A juvenile probation department.
- (15) Juvenile Probation Department ("department")**--A governmental unit established under the authority of a juvenile board to facilitate the execution of the responsibilities of a juvenile probation department enumerated in Title 3 of the Texas Family Code and Chapter 221 of the Texas Human Resources Code.
- (16) Medical Treatment**--Medical care, processes, and procedures that are performed by a physician, physician assistant, licensed nurse practitioner, emergency medical technician (EMT), paramedic, or dentist. Diagnostic procedures are excluded from this definition unless intervention beyond basic first aid is required.
- (17) Private Facility Administrator**--The individual designated by the governing board of the facility who has the ultimate responsibility for on-site management and operation of a facility operated under contract with the juvenile board.
- (18) Reasonable Belief**--A belief that would be held by an ordinary and prudent person in the same circumstances.

(19) Report--Formal notification to TJJD of alleged abuse, neglect, or exploitation, the death of a juvenile, or a serious incident.

(20) Reportable Injury--Any injury sustained by a juvenile accidentally, intentionally, recklessly, or otherwise that:

- (A) Does not result from a personal, mechanical, or chemical restraint and requires medical treatment; or
- (B) Results from a personal, mechanical, or chemical restraint and is a substantial injury.

(21) Serious Incident--Attempted escape, attempted suicide, escape, reportable injury, youth-on-youth physical assault, or youth sexual conduct.

(22) Serious Physical Abuse--Bodily harm or a condition that:

- (A) Resulted directly or indirectly from the conduct that formed the basis of an allegation of abuse, neglect, or exploitation; and
- (B) Requires medical treatment.

(23) Sexual Abuse--Conduct committed by an employee, volunteer, or other individual working under the auspices of a facility or program against a juvenile that includes sexual abuse by contact or sexual abuse by non-contact. A juvenile, regardless of age, may not consent to the acts as defined in paragraphs (24) and (25) of this section under any circumstances.

(24) Sexual Abuse by Contact--Any physical contact with a juvenile that includes:

- (A) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (B) Contact between the mouth and the penis, vulva, or anus;
- (C) Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire;
- (D) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire;
- (E) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire; and
- (F) Any attempt to engage in the activities described in subparagraphs (A) - (E) of this paragraph.

See specific definitions under 37 TAC Chapter 358

(25) Sexual Abuse by Non-Contact-- Any sexual behavior, conduct, harassment, or actions other than those defined as sexual abuse by contact, which are exhibited, performed, or simulated in the presence of a juvenile or with reckless disregard for the presence of a juvenile, including but not limited to:

- (A) Any threat or request for a juvenile to engage in the activities described in paragraph (24) of this section;
- (B) Any display of uncovered genitalia, buttocks, or breasts in the presence of a juvenile;
- (C) Voyeurism, which means an invasion of privacy of a juvenile for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile's naked body or of a juvenile performing bodily functions; and
- (D) Sexual harassment, which includes repeated verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

(26) Subject of Investigation--A person alleged as being responsible for the abuse, neglect, or exploitation of a juvenile through the person's own actions or failure to act.

(27) Substantial Injury--An injury that is significant in size, degree, or severity.

(28) TJJD--The Texas juvenile Justice Department.

(29) Unfounded--The finding assigned to an internal investigation when the evidence indicates the conduct that formed the basis of an allegation of abuse, neglect, or exploitation did not occur.

(30) Youth-on-Youth Physical Assault--A physical altercation between two or more juveniles that results in any of the involved parties sustaining an injury that requires medical treatment.

(31) Youth Sexual Conduct--Conduct between two or more juveniles, regardless of age, that is conduct described in paragraphs (24) and (25) of this section, regardless of whether the juveniles consented to the conduct.

POLICY

The respective JJAEP Program within the YISD serves juveniles that are under the jurisdiction of the El Paso County Juvenile Board and thus, are considered Juvenile Justice Programs. Due to this designation, JJAEPs must adhere to below procedures as set forth in [Texas Administrative Code §358](#) Identifying, Reporting and Investigating Abuse, Neglect, Exploitation, Death and Serious Incidents in Departments, Programs and Facilities in addition to the TECs, ISD or campus policy regarding abuse, neglect, or exploitation of students in their charge. To this end, the El Paso County JJAEP Program and respective campuses shall have a zero tolerance policy regarding sexual abuse as defined in [Chapter 358 of the Texas Administrative Code](#). These PREA standards provide for administrative and/or

criminal disciplinary sanctions that may apply, in addition to any school-based sanctions that may result from a failure to act or a willful act regarding ANE procedures. School Administrators/JJAEP Administrator and respective campus staff shall ensure that students in the program are not subjected to abuse, neglect or exploitation as defined below. The JJAEP Administrator shall oversee the implementation and adherence to the zero-tolerance policy and is responsible for the periodic training of volunteers, interns, and staff at both ISD JJAEPs.

APPLICABILITY: Unless otherwise stated, this policy also applies to:

Allegations of abuse, neglect, or exploitation involving a juvenile and an employee, volunteer, or other individual working under the auspices of a facility or program, regardless of the physical location of the alleged abuse, neglect, or exploitation.

Serious incidents involving a juvenile that:

1. Occur on the premises of a program or facility or;
2. Regardless of the physical location, occurs while in the presence of an employee, volunteer, or other individual working under the auspices of a facility or program (as in a JJAEP).

A death of a juvenile that:

1. Occurs on the premises of a program or facility or;
2. Results from an illness, incident, or injury that occurred, was discovered, or was reported on the premises of a program or facility.

In all cases, YISD-JJAEP will also fully adhere to [Texas Family Code §261.406](#) regarding Investigations in Schools under TEA jurisdiction.

PROCEDURES

SIGNAGE:

The JJAEP shall take a proactive approach and prominently display signage provided by TJJD regarding a zero-tolerance policy concerning abuse of JJAEP students. The signage must be displayed in:

1. Lobby or visitation areas of the department, program, or facility to which the public has access.
2. Student common areas to include common educational areas, common medical treatment areas (nurse's office) and other common areas.
3. Signs will be posted in both English/Spanish

§358.300 IDENTIFYING AND REPORTING ABUSE, NEGLECT OR EXPLOITATION AND DEATH

- 1. Duty to Report:** An employee, volunteer, or other individual working under the auspices of a JJAEP program must report the death of a juvenile or an allegation of abuse, neglect, or exploitation to TJJD and local law enforcement if he/she:
 - a. Witnesses, learns of, or receives an oral or written statement from an alleged victim or other person with knowledge of the death of a juvenile or an allegation of abuse, neglect or exploitation has occurred or;
 - b. Has a reasonable belief that the death of a juvenile or abuse, neglect or exploitation has occurred. Non-Delegation of Duty to Report: The duty to report cannot be delegated to another person.
- 2. Reporting Time Frames:**

Except sexual abuse or serious physical abuse: Upon receipt of an allegation/complaint of abuse, neglect, or other exploitation, the first person of knowledge must make a report to TJJD within twenty-four (24) hours from the time knowledge is gained or has a reasonable belief that allegation of abuse, neglect or exploitation has occurred.

Sexual abuse, serious physical abuse, or death: Upon receipt of an allegation of sexual abuse, serious physical abuse or actual death, a report must be made to law enforcement immediately, but no later than one (1) hour after the time a person gains knowledge or has a reasonable belief that allegation has occurred. A report to TJJD must be made immediately, but no later than four (4) hours after the time a person gains knowledge of or has reasonable belief that alleged sexual abuse or serious physical abuse, or death has occurred.

3. **Methods for Reporting:** Campus Administrator, JJAEP Administrator or designee will ensure law enforcement is notified through phone. The completed incident report to TJJD may be made by phone, fax, or email. If report is made via phone, the completed incident report form must be submitted within twenty-four (24) hours after the phone report.

§358.320 CONTACT TO PARENTS BY SCHOOL ADMINISTRATORS

School Administrators will also contact a student's parents as soon as possible but no later than twenty-four (24) hours when a student has died or is the alleged victim of abuse, neglect, or exploitation;

1. Methods to contact parents are by phone, email, text, or in-person.
2. All efforts to provide notification shall be documented on the TJJD Incident Report form and in the internal investigation report.

§358.340 PREVENTIVE MEASURES AND REPORTING OF ALLEGATIONS BY STUDENTS

1. JJAEP students have the right to report to TJJD allegations of abuse, neglect or exploitation and the death of a juvenile. During the JJAEP intake held at the school, JJAEP campus staff will provide **APPENDIX R ANE and R1- ANE (SPANISH)** outlining TJJD contact information.
2. Parent and youth will both sign form and be provided a copy that contains the toll free TJJD number.
3. The JJAEP Student Code of Conduct (SCC) will also advise the students of this right and information on reasonable, free, and confidential access to TJJD to report allegations.
4. If family attends the JJAEP Family Program Orientation held at JPD, this information and contact number to TJJD will be provided to them as an additional layer of oversight.
5. JJAEP staff shall make every effort to provide an environment that is free of coercion or any inappropriate conduct of any kind awareness and vigilance of behavior that may indicate abuse, neglect, or exploitation.
6. All students will be supervised by JJAEP staff to ensure that they are protected from sexual abuse. Security cameras can be utilized as additional security, but never as a substitute for face-to-face supervision.
7. If a student is identified as vulnerable to sexual abuse, steps will be taken to ensure the student's safety, i.e., additional supervision, follow up by JJAEP staff, etc.
8. JJAEP staff shall never be allowed as the sole supervisor of students of the opposite gender. No exceptions! This includes searches, restroom breaks or any function of the program where students are vulnerable or exposed.
9. Any student with any type of handicap to include deafness will be allowed to report any sexual activity through whatever means necessary to help them communicate. (Unimpeded.)
10. The YISD/Juvenile Probation Department shall not hire, transfer, or allow anyone who has engaged or is pending investigation on sexual abuse or inappropriate sexual conduct to come into any contact with JJAEP youth.

§358.360 ALLEGATIONS OUTSIDE OF THE JUVENILE JUSTICE SYSTEM

If an allegation of abuse, neglect or exploitation occurs outside of the JJAEP campus or JPD facility that is not under the jurisdiction of the Juvenile Board, it shall also be reported to the relevant regulatory agency for that site/facility/agency. (i.e., Texas Department of Family and Protective Services (TDFPS), Texas Department of State Health Services, etc.).

§358.400 INTERNAL INVESTIGATIONS

In every case in which an allegation of abuse, neglect or exploitation or the death of a juvenile has occurred, an investigation must be conducted by a person qualified by experience or training to conduct a comprehensive investigation.

INTERNAL INVESTIGATOR(S)

For purposes of internal investigations of allegations of abuse, neglect, or misconduct within the JJAEP, the primary investigator(s) will be assigned by School District. TJJD investigators may also be involved in the process as deemed appropriate.

If the employee is a JPD employee, volunteer, or contracted provider, JPD Administration will assign an investigator(s) and the Department's Internal Investigation Protocol will be followed. There will be instances when the investigator is assigned from other sections of the department rather than the section from which the alleged perpetrator is assigned, to ensure the integrity of the internal investigation.

INTERNAL INVESTIGATION PROCEDURES

An internal investigation must be conducted and documents prepared and submitted in accordance with TJJD required timelines. (**SEE APPENDIX Q - INTERNAL INVESTIGATION FORM**)

1. The initiation or completion of an investigation may be postponed if directed by law enforcement, requested by TJJD or the integrity of potential evidence could be compromised.
2. School district officials, school administrators, and staff, to include interns and volunteers are required to cooperate with the TJJD investigators and law enforcement investigating the reported case of an alleged abuse neglect and exploitation matter.
3. All JJAEP staff members, school districts, and JPD officials are required to cooperate fully and truthfully with any investigation of alleged child abuse or neglect.
4. School Administrators will make every effort to identify and make available for questioning all people with knowledge of abuse, neglect and exploitation or death which is the subject of a TJJD investigation.
5. For complaints that meet the Texas Family Code definition of abuse, neglect or misconduct, investigator(s) will:
 - a. Ensure that the JJAEP employee, intern, or volunteer who receives or witnesses the incident submits their report to TJJD within the required timeline.
 - b. Ensure that law enforcement and/or other relevant parties are notified, i.e., DFPS, parents of victim(s), victim(s), JJAEP Administrator, etc. (within six (6) hours of getting the assignment from their respective school district administration).
6. The JJAEP School Administrator or JJAEP/JPD designated officer in charge must always conduct a visual and verbal injury assessment after an incident or allegation of abuse and ensure it is documented on the incident report.
7. If any injury is reported or there is visual evidence of injury, the student must be seen by the nurse or physician immediately.
8. If a nurse or physician is not available, arrangements will be made for immediate transport to area hospital.
9. If a student makes an allegation of sexual abuse, the nurse or physician will immediately examine him or her.

10. A written medical assessment must be completed by the nurse or physician and made available to the investigating officer, including any other documentation or information that may be relevant to the investigation.
11. Contact the alleged perpetrator(s) and schedule a formal meeting within forty-eight (48) hours.
12. As per [Texas Administrative Code, Chapter 358.440](#) all persons must fully cooperate with any investigation of an allegation of abuse, neglect, or exploitation of the death of a juvenile.
13. An employee, intern or volunteer who has been identified as an alleged perpetrator has the right to refuse to be interviewed. However, the alleged perpetrator must cooperate with the investigation to the extent that the investigation does not violate individual rights against self-incrimination.
14. The alleged perpetrator(s) may have no contact with the alleged victim(s) or any other student served by the Juvenile Probation Department pending the conclusion of the internal investigation.
15. Collect and review all evidence related to the allegation. Include all documents, notes, receipts, computer printouts, chronological entries, grievances, incident reports, medical reports and video surveillance related to the allegations. All efforts will be made to collect written and oral statements from all persons with direct knowledge of the alleged incident.
16. A medical assessment must be completed if allegation is physical or sexual in nature or involves neglect or exploitation.
17. Schedule specific times for interviews with the complainant, sources of information, possible witnesses, and alleged offenders. Prepare questions sheet and all necessary forms beforehand.
18. If the JJAEP Administrator or Campus Administrator is the person alleged to have abused, neglected, or exploited a juvenile, the Juvenile Board Chair or School Board Chair or designees must place administrator on administrative leave or reassign him/her to a position having no contact with the alleged victim, relatives or the alleged victim or other juveniles.
19. An investigator will be appointed who is not the person alleged to have abused, neglected, or exploited the student, is not a subordinate of such person and is not a law enforcement officer currently acting as the criminal investigator for the same allegation.
20. Law enforcement may initiate a criminal investigation into the matter and report must be made to law enforcement, if deemed necessary by this standard.
21. An investigator will be appointed who is not the person alleged to have abused, neglected, or exploited the student, is not a subordinate of such person and is not a law enforcement officer currently acting as the criminal investigator for the same allegation.

OTHER: A Campus Administrator may also utilize ISD policy or Employee Code of Conduct as a guide to any misconduct or violation of policy on allegations, which do not rise to the defined level of serious physical abuse or sexual abuse made by students. Administrators have a duty to investigate conduct, which is the basis of the complaint made by students of unnecessary physical force or inappropriate contact or conduct (**SEE GRIEVANCE PROCESS**).

1. Areas to consider are whether incident was reported to administration, whether a discipline referral was made to include any witness statements to justify any use of force, inappropriate physical contact, or inappropriate conduct; and;
2. Whether any violation of JJAEP or ISD policy or Code of Ethics or Conduct occurred.

ALLEGATIONS AGAINST EMPLOYEES

If allegation against an ISD employee is disclosed to a JPD staff member, such information will be relayed in writing to the JJAEP Campus Administrator and District Associate Superintendent. Conversely, if an allegation against a JPD employee is disclosed to an ISD employee, such information will be relayed in writing to the JJAEP Administrator and JPD Chain of Command, if allegation is against the JJAEP Administrator.

WRITTEN AND ELECTRONICALLY RECORDED STATEMENTS

Diligent efforts shall be made to obtain written and electronically recorded statements from all persons with direct knowledge of the alleged incident.

ASSIGNMENT OR ADMINISTRATIVE LEAVE DURING INVESTIGATIONS

Campus Administrator has the discretion to either reassign or place person alleged to have abused, neglected, or exploited a JJAEP student on administrative leave or reassigned to a position having no contact with the alleged victim, relatives of the alleged victim, or other JJAEP students.

If alleged perpetrator(s) is/are not placed on administrative leave, then person must be reassigned within the district to a position having no contact with any students in the facility until the conclusion of the investigation. Employees placed on administrative leave may or may not be paid, at the discretion of the School District.

§358.460 CORRECTIVE MEASURES

At the conclusion of the internal investigation, the administrations involved shall take appropriate corrective measures, if warranted, which may include, but not limited to:

1. Review policies and procedures.
2. Revision/modification of any policies or procedures (as appropriate).
3. Administrative disciplinary action or appropriate personnel actions against all persons found to have abused, neglected, exploited a juvenile; or otherwise violated policy.
4. The provision of additional training for all appropriate persons to ensure the safety of the juveniles, employees, interns, volunteers, contractors, and service providers.

§358.500 INTERNAL INVESTIGATION REPORT AND COMPONENTS (APPENDIX Q)

Internal Investigation report shall include:

1. Facility name.
2. Alleged victim.
3. Alleged perpetrator.
4. Date allegation reported to TJJD.
5. Date of alleged incident.
6. Date incident reported to parents or guardian of the juvenile or documentation that diligent efforts to provide notification were made.
7. First person who learned or suspected allegation and date.
8. Dates internal investigation was initiated and completed.
9. Brief summary of allegation.
10. Applicable policy and procedure.
11. Summary and steps of investigation.
12. Findings of investigation (Founded, Unfounded or Inconclusive).
13. Code of Ethics violations.
14. Personnel action.
15. Supporting documentation.
16. Date the internal investigation was completed.
17. Signature of person completing the internal investigation report.

CONCLUSION OF INVESTIGATIONS AND REPORTING OF FINDINGS:

1. All persons involved such as the alleged perpetrator, victim, and complainant, etc., must be informed that they will be notified of the outcome as soon as that is determined.
2. At the conclusion of the collection of evidence and interviews, the investigator will take the following steps:
 - a. Summarize the nature of the complaint and allegation against the alleged perpetrator.
 - b. Summarize the steps taken during the investigation.
 - c. Obtain and review material evidence.
 - d. Summarize findings and recommendations and take appropriate measures to provide for the safety of the children (use relevant laws, regulations, policies, and procedures). If it is found that a Code of Ethics violation has occurred and staff member is a certified Juvenile Probation Officer, a separate investigation will be reported to TJJD in accordance with TJJD standards §345.300.
3. The assigned disposition of the internal investigation report shall indicate: founded, unfounded or inconclusive.
4. The investigator(s) (consisting of a district investigator, JPD or a TJJD investigator) may need to submit his/her written report to their supervisor (only as appropriate) if agency policies require a final approval and may make additional necessary revisions or incorporate further recommendations.
5. The summary and all relevant documentation will be reviewed and approved by district officials and their respective HR, and General Counsel when necessary.
6. The investigator(s) will report findings to the ISD Superintendent, to TJJD, the JPD designated person and JPD Administration.
7. Final version of the internal investigation will be submitted to school district officials. The investigating staff will provide periodic status reports of the ongoing investigation to the district and JPD, as appropriate.
8. The conclusions will be discussed with all relevant parties (alleged victim(s) and perpetrator(s)). All disciplinary actions, if applicable, will be administered within 24-48 hours of approval of the investigation and findings.
9. TJJD will be faxed a written copy of the final report of the investigation within thirty (30) business days after the initial report to TJJD. This timeframe may be extended upon request. Completed report must be submitted within twenty-four (24) hours of the investigation's conclusion, and no more than five (5) calendar days later. The report will include all written statements, medical documentation, training records and any other pertinent information.
10. In case of the death of a student, an internal investigation report must be submitted to the State Attorney General's office within thirty (30) days and to the TJJD within ten (10) days of conclusion.

Other recommendations that may be considered (based on severity of case and appropriate factors) may be a review of pertinent policies, administrative disciplinary action (for affirmative findings of ANE or policy violations), and additional training of students, employees, interns/volunteers, contractors, and service providers. Administrators will take all ANE allegations seriously and provide necessary administrative action when violations of policy or affirmative findings occur to ensure for the ongoing safety of JJAEP students.

(SEE APPENDIX Q - INTERNAL INVESTIGATION FORM)

§358.540 SUBMISSION OF INTERNAL INVESTIGATIONS REPORT

Upon conclusion of the investigation, the report, outcome, and any recommendations will be forwarded to the JJAEP Administrator and ISD Associate Superintendent within five (5) school days.

The following documentation collected during internal investigation must be submitted to TJJD within thirty (30) days after initial report to TJJD:

1. Written statements.
2. Relevant medical documentation.
3. Training records, if applicable.

4. Any other documentation used to reach the disposition of the internal investigation.

§358.220 ABUSE, NEGLECT AND EXPLOITATION DATA COLLECTION

For all allegations of abuse, neglect, or exploitation, the death of a JJAEP student, and serious incidents occurring within the annual TJJD reporting period, the below data must be provided to TJJD via the ANE Reconciliation Data spreadsheet. The initial report will include the following information. (to include a written synopsis of the allegation and incident):

1. Alleged victim(s) name and DOB.
2. Alleged victim(s) PID number.
3. Name of subject(s) of investigation; (alleged perpetrator(s)).
4. Date of birth and driver's license or state issued identification number of investigation subject(s).
5. Date and time of alleged incident.
6. Date and time incident was reported to the TJJD.
7. Type of alleged incident (abuse, neglect, or exploitation, death, or serious incident, etc.).
8. Type of injury, if applicable.
9. If restraint related (physical, mechanical, or chemical).
10. Disposition of internal investigation (i.e., founded, unfounded or inconclusive).
11. County generated case identification number.

§358.600 SERIOUS INCIDENTS

1. Duty to Report: Any person (staff member, volunteers/interns, visitors, teachers, short or long term substitute, counselor, etc.) who witnesses, learns of, receives an oral/written statement, grievance, etc. from a student in a JJAEP facility or other person with knowledge of or who has a reasonable belief as to the occurrence of a serious incident involving a student must follow department protocol of informing a program supervisor and subsequently reporting within the TJJD required timelines.
2. Time to Report and Methods of Reporting Serious Incidents. The JJAEP Campus Administrator or campus designee shall ensure that law enforcement is notified by phone within one (1) hour of the allegation, TJJD is notified by phone within four (4) hours (TJJD # 1-877-786-7263) and the completed Incident Report Form is completed, faxed, or emailed to TJJD within twenty-four (24) hours of the initial phone report:
 - Sexual behavior/conduct.
 - Youth-on-youth physical assault.
 - Attempted suicide.
 - Neglect.
 - Exploitation.
 - Attempted suicide.
 - Emotional abuse.
 - Verbal abuse.
 - Minor physical abuse.
 - Sexual abuse (contact or non-contact).
 - Serious physical abuse (injury that requires medical treatment).
 - Death.

See incident report form for breakdown of incidents and timelines for TJJD and Law Enforcement reporting

§358.620 MEDICAL DOCUMENTS FOR SERIOUS INCIDENTS

Any and all medical documentation that contains evidence of treatment pertinent to the reported incident will be submitted to the TJJD within twenty-four (24) hours of receipt. No exceptions.

§348.224 STUDENT CODE OF CONDUCT

Student Code of Conduct. (a) Adoption. (1) The JJAEP student code of conduct must be adopted annually by the juvenile board and must describe and define in writing the JJAEP's behavior management system. (2) The JJAEP Administrator must: (A) conduct an annual review of the student code of conduct after the conclusion of each school year and before the beginning of the next school year; and (B) no later than October 1 of each year, submit to TJJD documentation verifying the review was completed. **(b) Notice to Students, Parents, and Staff.** (1) The JJAEP student code of conduct must be provided to each student and to the student's parent, guardian, or custodian upon the student's entry into the JJAEP. (2) The student code of conduct must be reviewed with each student and the student's parent, guardian, or custodian and must be translated if necessary to ensure understanding of the content by all parties. (3) Acknowledgment of receipt of the student code of conduct signed by the student and by his/her parent, guardian, or custodian must be maintained in each student's file. (4) No later than the first day of each school year, each JJAEP staff member must sign an acknowledgement that he/she has read and understands the student code of conduct. This acknowledgement must be maintained in the staff's personnel file. (5) The student code of conduct must be readily accessible to every JJAEP staff member. **(c) Discipline and Sanctions.** The student code of conduct must include the following: (1) prohibited conduct described as minor violations and major violations and the corresponding disciplinary consequences available for each violation; (2) a description of the disciplinary process, including safeguards designed to promote consistent application of the process; (3) circumstances that will allow a student's removal from the classroom with staff supervision; (4) circumstances under which a student may be placed into another educational setting; (5) due-process procedures; and (6) a prohibition on one student sanctioning another student. **(d) Prohibited Sanctions.** (1) The following sanctions are prohibited in the JJAEP, and their prohibition must be noted in the student code of conduct: (A) corporal punishment, physical abuse, humiliating punishment, and hazing; (B) physical exercises imposed for discipline or intimidation, except as allowed under paragraph (2) of this subsection; (C) deprivation of food and water; and (D) expulsion from the JJAEP. (2) Physical exercise may be used for discipline only if: (A) the JJAEP operates an intensive physical activity program; (B) the JJAEP has established written policies and procedures that include limitations on the types of physical activity that may be used for discipline; and (C) the physical exercise does not cause bodily duress (i.e., physical punishment to the body). **(e) Dress Code.** The student code of conduct may establish a dress code or require uniforms for students in attendance.

POLICY

The El Paso County Juvenile Board will adopt the **STUDENT CODE OF CONDUCT (APPENDIX B)** for the YISD Juvenile Justice Alternative Education Program (JJAEP) and has included required information regarding discipline, sanctions, prohibited sanctions, dress code, grievance procedures and sexual abuse. The JJAEP Student Code of Conduct (SCC) will clearly outline prevention and intervention steps regarding sexual abuse as outlined under Prison Rape Elimination Act of 2003 (PREA) and as per ISD Policy. Staff, students, parents, guardians, and custodians will be required to sign an acknowledgement form upon receipt of the Student Code of Conduct which will be required annually at the start of the school year.

PROCEDURE

A. ADOPTION

El Paso County JJAEP will adopt the Ysleta Independent School District's Student Codes of Conduct through approval of the Juvenile Board and define the JJAEP behavior management system. YISD has implemented an in-house suspension system, whereby out-of-school suspension will be considered a last resort if other forms of behavioral management has been ineffective, or infraction requires removal from the campus (out-of-school suspension). Disruptive students may be removed from the classroom and placed in SAC. Students will be monitored and have continuous visual observation by JJAEP staff while being placed in SAC or in-school suspension (ISS).

B. NOTICE TO STAFF, STUDENT, PARENT/GUARDIAN

1. Students, parents, guardians, or custodians will receive a JJAEP Student Code of Conduct (SCC) at the time of intake.
2. Upon receipt and review, a signature will be required on the Acknowledgment of receipt of the JJAEP Student Code of Conduct (SCC).

3. A copy of the Acknowledgment form will be placed in the student's JJAEP electronic case file.
4. Prior to the start of the school year at the JJAEP Annual Refresher Training and during New Orientation Training at JPD, JJAEP staff will be provided with an electronic storage device containing the JJAEP Student Code of Conduct (SCC), and other pertinent JJAEP documents. All JJAEP staff will be required to sign an acknowledgment which will be maintained in their personnel electronic file.

C. DISCIPLINE AND SANCTIONS

The JJAEP Student Code of Conduct (SCC) outlines sanctions and disciplinary procedures applicable to students for specific behaviors, ensuring due process protections. The JJAEP Student Code of Conduct (SCC) will include sanctions and disciplinary procedures, including prohibited behaviors and conduct, disciplinary consequences, circumstances for classroom removal, and conditions for placement in another educational setting. YISD has adopted the JJAEP Student Code of Conduct (SCC) as a supplement to its Student Code of Conduct (SCC).

D. DISCIPLINE MANAGEMENT TECHNIQUES

During the student's enrollment, discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary actions will be based on the professional judgment of teachers and administrators. Discipline shall be correlated to the seriousness of the offense/infraction, a disability that impairs the student's capacity to appreciate the wrongfulness of the student's conduct, the frequency of misbehavior, a student's disciplinary history, the student's attitude, whether the student was acting in self-defense, the effect of the misconduct on the school environment, intent, or lack of intent at the time of the alleged incident of misconduct, and statutory requirements.

1. STUDENT WITH DISABILITIES

- a. Discipline for students with disabilities must comply with applicable state and federal laws, including the district's Student Code of Conduct.
- b. In accordance with the Education Code, students enrolled in Special Education programs (SPED) may not be disciplined for bullying, harassment, or making hit lists until an ARD meeting has been conducted to review the student's behavior.
- c. The JJAEP shall take into consideration a disability that substantially impairs a JJAEP SPED student's ability to understand the wrongfulness of their conduct.

2. MANAGEMENT TECHNIQUES

- a. Verbal correction (oral or written).
- b. Cooling-off time or "timeout".
- c. Seating changes within the classroom or bus transportation.
- d. Counseling by teachers, counselors, or administrative personnel.
- e. Parent/teacher conferences.
- f. Grade reductions for late assignments or academic dishonesty (including but not limited to cheating, copying the work of another student, plagiarism, and unauthorized communication between students during an examination).
- g. Assignment of community service.
- h. Withdrawal of privileges, such as participation in extracurricular activities.
- i. In-School Suspension (ISS). The term of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.
- j. Out-of-School Suspension (OSS).
- k. Call to law enforcement for new offense committed at the JJAEP.
- l. Restitution for damage.
- m. Notice of Absence will be issued for violation of the Texas Compulsory Attendance Law. In accordance with this law, referrals will be made, as required to school district employees, as necessary and

ultimately to a Truancy Court which may assess a fine and impose other requirements to prevent truancy.

- n. Other strategies and consequences as determined by school officials.
- o. Due to JJAEP expulsion, further expulsion is not an option, and any of the above consequences may occur.
- p. Due to JJAEP status, for a student under formal or informal supervision under the 65th District Court, negative behavior (whether a disciplinary referral is given or not) is reported to the Juvenile Probation Department and may result in further consequences imposed by a Juvenile Probation Officer or the 65th District Court.

3. EXPECTATION OF JJAEP STUDENTS

- a. Demonstrate courtesy, even when others do not.
- b. Behave in a responsible manner, always exercising self-discipline.
- c. Attend all classes, regularly and on time.
- d. Meet district and campus standards of grooming and dress.
- e. Obey all campus and classroom rules.
- f. Respect the rights and privileges of students, teachers, administrators, district staff, and volunteers.
- g. Respect the property of others, including district property and facilities.
- h. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- i. Adhere to the requirements of the JJAEP Student Code of Conduct.

4. BEHAVIOR COORDINATOR ROLE

- a. The responsibility of the Behavior Coordinator Role is taken by the principal of the JJAEP in El Paso County or designated person. Any inappropriate conduct that occurs is reported to the JJAEP Administrator and assigned Juvenile Probation Officer, who will document the conduct/incident.
- b. Consequences for any negative behavior are explained during the JJAEP intake to both the student and their parent/guardian; it is also outlined in the Student Code of Conduct and JJAEP Policies and Procedures.
- c. When a major infraction of the JJAEP Student Code of Conduct occurs or a serious incident (as defined by TJJD) occurs, the Campus Behavior Coordinator or designated person (if in a District of Innovation) must document the behavior through a disciplinary referral, noting any action taken. Notification to parent(s)/guardian(s) will be made as soon as possible, but no later than 24 hours after a disciplinary referral has been given or suspension or removal from the classroom into the In-School Suspension (ISS) occurs. The disciplinary referral must be submitted to the JJAEP Administrator and/or assigned Juvenile Probation Officer, who documents the incident in JMIS and uploads the referral into the youth's profile.
- d. Behavior management may involve counseling, suspension, conferences with parents/JPO or placement in ISS or OSS. If an arrest is warranted, further consequences may be incurred. Possible school-based consequences include the following:
 - i. **Suspension** – May be warranted in cases where there has been a serious violation of school rules/policies. The JJAEP Campus Administrator will have the discretion to suspend the student. Suspension is rare as sending the student home is not conducive to the JJAEP philosophy of maintaining the student in school.
 - ii. **In-School Suspension (ISS)** – When appropriate, will be used in place of suspension, particularly when the student engages in persistent class disruption.
 - iii. **Arrest** – Warranted if an offense occurs on school grounds or during transport on a district school bus.

- iv. **Counseling** – Provided for any inappropriate conduct/incident where there may have been a display of anger, threats to cause harm to staff or students. Such action will help intervene and prevent further incidents.
- v. **Conferences** – Notification to parents, administrators, JJAEP staff, and Juvenile Probation Officers will be made when there is a serious incident or recurrent inappropriate behavior such as bullying, harassment, or making hit lists. Conferences will be held by some or all of the above parties to prevent more serious consequences.
- vi. **Juvenile Probation Officer/JJAEP Administrator** – Will address the behavior/incident with the student and will inform the court of incidents if applicable.
- vii. **Home Visits** – Will be conducted if there is persistent unexcused absences. JJAEP Campus Administrator, Case Managers, Counselors, and/or Juvenile Probation Officer may conduct the home visit.
- viii. **Court Ordered Counseling Services** – The student’s counselor/therapist may be contacted by the Juvenile Probation Officer to discuss behaviors displayed in the school setting.

E. PROHIBITED SANCTIONS

The JJAEP Student Code of Conduct lists prohibited sanctions including, corporal punishment, physical abuse, humiliating punishment, hazing, deprivation of food and water, allowing one student to sanction another, expulsion from a JJAEP or imposing physical exercises/activity as a form of discipline or intimidation.

F. DRESS CODE PROCEDURES

PURPOSE: The dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

1. UNIFORM APPEARANCE

- a. **Expectations:** Students are expected to arrive in school uniform and groomed in a manner that is clean and neat, that will not be a health or safety hazard to themselves or to others.
- b. **Compliance:** Students out of compliance will be given an opportunity to correct the problem. Failure to correct the problem will require an immediate parent conference.
- c. **Severe Violations:** Students with severe violations will be sent home to change into appropriate clothing and must return to campus immediately. Failure to return will result in an unexcused absence.
- d. **Continued Noncompliance:** May result in a disciplinary referral.
- e. **Assistance with Uniform Items:** Campus Administrators will communicate and work collaboratively with the JJAEP Administrator in the event a JJAEP student requires assistance in obtaining uniform items.

2. FACIAL APPEARANCE:

- a. No facial hair is permitted. Beards, goatees, and mustaches are not allowed. Non-complying students will be escorted to the restroom by parent/guardian to shave, and the parent/guardian will be required to provide razors.
- b. Sideburns are allowed down to mid-ear only and must be maintained at all times.
- c. Cutting or shaving of eyebrows is NOT permitted.
- d. Tongue or facial piercings are NOT permitted.
- e. All fingernails must be kept short and trimmed. Nail polish or artificial nails are not permitted. Nails must not extend beyond the tips of the finger.
- f. No makeup of any kind is permitted, including but not limited to lipstick, concealer, foundation, primer, lipgloss, ChapStick, blush, eyeliner, brow liner, eyeshadow, and mascara.

- g. Makeup will be confiscated and not returned.
- h. Non-compliant students will be escorted to the restroom to wash off makeup.

3. TATTOOS:

All tattoos on the arms and neck must be covered with a white long-sleeve undershirt or other approved items by the Campus Administrator.

4. HAIRCUTS:

- a. All students must maintain a clean appearance at all times.
- b. Hair must not cover face or eyes.
- c. No spiked hair (no more than 1 inch in length) or Mohawks allowed.
- d. Student's hair must be of a natural hair color (no colors that may cause a distraction).
- e. Hair should be shampooed regularly.

5. JEWELRY:

For security reasons, no jewelry is allowed. This includes watches, necklaces, rings, and body piercings. Any jewelry brought in will be confiscated.

6. SHIRTS:

- a. Forrest Green polo shirts are required for High School JJAEP students; Navy Blue polo shirts are required for Middle School JJAEP students.
- b. Shirts must remain tucked in at all times.
- c. Students must wear only plain white undergarments under their shirts. Females must wear a white bra under their shirt.
- d. Shirts must be kept clean at all times.
- e. Shirts must be well maintained, free from wrinkles, tears, or any other damage.
- f. Oversized shirts are not permitted.

7. PANTS/BELTS:

- a. Khaki pleated or straight-front Dockers-style or dress slacks are required.
- b. Pants must be worn at or above the waistline at all times.
- c. No baggy pants, bell-bottoms, cut pant legs, dragging pant legs, capris, hip huggers/low-rise, jeans, cargo pants, leggings, or side pockets are allowed.
- d. Pants must be the appropriate size for the student, not to exceed ONE INCH LARGER than their waist, and not excessively tight to avoid creating a distraction.
- e. Pant length should touch the top of the shoe's heel and not be frayed at the edges. Extra gym shorts under the pants will not be permitted.

8. SHOES:

- a. Black dress shoes or solid black tennis shoes with regular width black shoelaces are required.
- b. Thick or colored shoelaces are not allowed. Shoes must remain laced and tied properly throughout the day.
- c. Extra socks in shoes are not permitted.
- d. Open-toed shoes such as sandals or steel-toed shoes are not allowed.
- e. Socks must be plain WHITE without any visible logo or design.

9. WINTER CLOTHING:

- a. A matching colored hooded or regular sweatshirt is required for cold weather conditions. Uniforms are available with the school administration.

- b. Black or white sweatshirts must FIT the student. Oversized sweatshirts are not allowed.
- c. White long sleeve shirts may be worn under student's polo shirt.

10. ADDITIONAL ITEMS:

- a. Cell phones and pagers are strictly prohibited at all times.
- b. No electronic equipment of any kind allowed, including electronic cigarette, toys, video games, tablets, laptops, smartwatch, headphones, etc.
- c. No weapons of any type are permitted, including small pocketknives and/or cutting instruments. Possession of certain illegal or location-restricted knives may result in criminal charges.
- d. Students shall not possess fireworks, smoke or stink bombs, or any other pyrotechnic device.
- e. Food, beverages, gum, and candy will be confiscated if brought onto the premises.
- f. Any loose items found in pockets or notebooks will be confiscated and not returned, including personal items.
- g. Students will not be allowed to enter the restroom while in possession of any type of writing utensil. Pens and pencils will be confiscated and not returned.
- h. Students will not be permitted to bring wallets, purses, or money.

(f) Grievance Procedures. The student code of conduct must state: (1) which issues are grievable and not grievable; (2) the process by which a student may submit a grievance; (3) the method(s) by which students may obtain and submit a grievance without the assistance or permission of staff; (4) that retaliation by staff against a student for submitting a grievance is prohibited; (5) that the student will receive a written response within five school days after submitting the grievance; (6) that, upon request, a student's parent, guardian, or custodian will be provided a copy of a grievance submitted by the student, including the response; (7) the deadline for submitting an appeal of the initial response, which must be no earlier than five school days after the student receives the initial response; and (8) that the student will receive a written response within 10 school days after submitting an appeal.

POLICY

GRIEVANCE PROCEDURES

1. Procedure and practice provides a grievance procedure to address complaints or concerns that students or parents/guardians may have in reference to mistreatment, instructional or programmatic issues, or perceived violations of student's rights by staff, policies, or another student. Retaliation in any form against a student who files a complaint is strictly prohibited. Grievance procedures shall ensure that each student is afforded one level of appeal on all grievance complaints.
2. Upon request, a copy of each grievance submitted by a student shall be provided to the student's parent/guardian. **(SEE APPENDIX S – JJAEP STUDENT GRIEVANCE FORM)**
3. Students and parents/guardians may submit the grievance form to a staff member at the JJAEP Campus (Counselor, Administrator, CIS) or may go directly to YISD's Department of Student Services at 9600 Sims Drive, El Paso, Texas 79925 or 915-434-0743. Student or parent/guardian may also contact the assigned Juvenile Probation Officer or the Diversionary and JJAEP Administrator, Ramon E. Hernandez at 915-273-3491 Ext. 2110 or by email at Ram.Hernandez@epcountytexas.gov to further discuss the issue or submit grievance.

COMPLAINTS

1. General complaints should be resolved at the lowest possible administrative level. General complaints or questions regarding campus level decisions should be addressed with the School Principal/Assistant Principal and/or the JJAEP Administrator. If student or parent/guardian does not believe a complaint or

grievance was appropriately addressed, efforts should be made to discuss the complaint with the School Principal or Assistant Principal.

2. Students are encouraged to discuss and attempt to resolve problems directly with JJAEP operational staff whenever possible. The JJAEP staff will take reasonable and appropriate steps in an attempt to correct the problem. If unable to resolve the matter, students can report it to the JJAEP Administrator or School Principal/Assistant Principal verbally or in writing. A Student Grievance Form must be provided to the student upon request by school staff.
3. Grievance procedures shall ensure that each student is afforded one level of appeal on all grievance complaints. The JJAEP Administrator, Principal, or Assistant Principal will investigate the grievance and attempt to resolve it. Upon request, a student's parent/ guardian will be provided a copy of the Student Grievance Form, including the response within five (5) school days after submitting the grievance. Efforts to resolve the matter will be documented on a Student Grievance Review form, which will serve as verification as to what actions were taken by the administration to address the grievance. **(SEE APPENDIX – S1 JJAEP STUDENT GRIEVANCE REVIEW FORM FOR ADMINISTRATORS)**.
4. Copies will be forwarded to the JJAEP Administrator and uploaded in the student's file. Upon request, a student's parent/guardian will be provided with a copy of the Student Grievance Form, including the response and findings.
5. If not satisfied with the response provided by School Administrators or the JJAEP Administrator, students or parents/guardians have the right to appeal to YISD's Department of Student Services or the Juvenile Probation Department and appeal.
6. The deadline for submitting an appeal of the initial response must be no earlier than five (5) school days after receiving the initial response. The student will receive a written response within ten (10) school days after submitting an appeal.

GRIEVANCE FORM FOR PARENTS

El Paso County JJAEP facilities will respond quickly to all complaints/grievances from parents/guardians or members of the community against any employee of the Juvenile Probation Department and/or employees of the YISD. Corrective action will be taken if deemed necessary. Parents/Guardians must receive a copy of the JJAEP STUDENT GRIEVANCE REVIEW FORM FOR ADMINISTRATORS and will sign to acknowledge receipt. **(SEE APPENDIX S1 - GRIEVANCE REVIEW FORM FOR ADMINISTRATORS)**. A copy of the Student Grievance Form is attached to this Student Code of Conduct.

(g) Sexual Abuse. The student code of conduct must include information relating to the JJAEP's zero-tolerance policy for sexual abuse. The information provided must address the following: (1) prevention and intervention; (2) methods of minimizing risk of sexual abuse; (3) reporting sexual abuse and assault; and (4) treatment and counseling.

POLICY

SEXUAL ABUSE PROCEDURES

PRISON RAPE ELIMINATION ACT OF 2003 (PREA)

The Prison Rape Elimination Act of 2003 (PREA) is a federal law that addresses the prevention of sexual abuse in adult and juvenile facilities as well as community correction programs. Although the El Paso County JJAEPs are not correctional facilities, they are designated Juvenile Justice Programs and will maintain a zero-tolerance policy (in conjunction with PREA) regarding all forms of sexual abuse. The Student Code of Conduct (SCC) will outline a zero-tolerance policy and provide students and parents with information on who to call to report inappropriate behavior or report outcries. School administrators, school staff and JJAEP personnel are designated as coordinators to oversee the implementation and adherence to this zero-tolerance policy.

All JJAEP personnel shall adhere to the abuse, exploitation and neglect requirements set forth in chapters 358 of the Texas Administrative Code Supervision of JJAEP students is critical to ensure that prevention and intervention of sexual abuse.

JJAEF personnel will report any type of abuse immediately to school administrators, JJAEF Administrator, law enforcement, Texas Department of Protective and Regulatory Services, and the Texas Juvenile Justice Department. Law enforcement will be notified within one (1) hour; TJJD will be notified within four (4) hours; and the TJJD Incident Report will be submitted within twenty-four (24) hours. The following persons must also be notified for any sexual abuse outcries.

- School Administrators.
- School Nurse.
- Law Enforcement – 911.
- Texas Department of Protective and Regulatory Services - 1-800-252-5400.
- Texas Juvenile Justice Department - 1-877-786-7263; Submit TJJD Incident Report.
- JJAEF Administrator – Ram.Hernandez@epcountytexas.gov
- The student must be examined by a nurse and/or physician.

When sexual abuse or other related outcry is made or need determined, service referrals must be made to an appropriate school-based or community-based provider that can adequately address student's needs. Regarding sexual abuse, a referral to CENTER AGAINST SEXUAL AND FAMILY VIOLENCE would be appropriate.

§348.300 TJJD PERFORMANCE REPORTS

(a) TJJD completes a JJAEF performance assessment report as required by the General Appropriations Act (GAA). The report addresses factors identified by the GAA. TJJD provides each JJAEF Administrator and each chief administrative officer with a copy of the report. (b) At mandatory JJAEFs (i.e., JJAEFs whose operation is required by law), the JJAEF Administrator must provide a copy of the report to the juvenile board and to the superintendent of each school district that participates in the JJAEF.

POLICY

Each biennium, TJJD provides statistical and performance data for every mandatory JJAEF indicating if the JJAEF is impacting the measures being utilized in the evaluation.

PROCEDURE

TJJD publishes statistical and performance data gathered statewide from all counties which will indicate how each JJAEF in the state has performed within the last two (2) years. Once the JJAEF Performance report is published, it is disseminated by the JJAEF Administrator to the Juvenile Board, Chairman of the School Board of trustees and each ISD Superintendent and stakeholders participating in the JJAEF, as well as JJAEF School Administrators to show how the El Paso County JJAEF rated among other counties in above areas (c 1-6).

§348.400 FUNDING FOR THE JJAEFs

(a) Funding for JJAEFs is provided in accordance with requirements in the General Appropriations Act. (b) TJJD will not release funds to a JJAEF until it has received the following: (1) memorandum of understanding with completed signature page(s), as required by [Texas Administrative Code §348.200](#); (2) student code of conduct for the current school year; and (3) school calendar. (c) TJJD will not release funds to a JJAEF whose school calendar is not in compliance with [Section 37.011\(f\), Education Code](#), unless an application for a waiver has been approved by TJJD.

POLICY

It is understood by the YISD that the daily rate of compensation for educational services is determined by the State of Texas and is subject to change throughout the year. In accordance with Texas Education Code, participating school districts that provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board is entitled to count such students in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program.

El Paso County Juvenile Justice Alternative Education Program is committed to provide a safe, educational, and productive environment for students who have been expelled from their home school under [Texas Education Code, Chapter 37](#). Academically, the mission of JJAEP shall be to enable the students to perform at grade level and we will continue to empower the students to achieve academic and personal development.