MEETINGS WITH JUVENILE BOARD

The Board or designee shall regularly meet with either:

1. The juvenile board for the county in which the District's central administrative office is located; or
2. The juvenile board's designee.

The meeting shall be called by the Board President and shall address supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs (DAEPs).

Matters for discussion shall include:

1. Service by probation officers at the DAEP site;
2. Recruitment of volunteers to serve as mentors and provide tutoring services; and
3. Coordination with other social service agencies.

Education Code 37.013

JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

For the purposes of the following provisions, only a DAEP operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program (JJAEP).

MANDATORY JJAEP

The juvenile board of a county with a population greater than 125,000 shall develop a JJAEP, subject to the approval of the Texas Juvenile Justice Department (TJJD).

VOLUNTARY JJAEP

The juvenile board of a county with a population of 125,000 or less may develop a JJAEP. Such a JJAEP is not required to be approved by the TJJD. Further, it is not subject to Education Code 37.011(c), (d), (f), (g), (k) or (m).

Education Code 37.011(a), (k), (m)

COUNTY POPULATION

A county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if:

1. The county had a population of 125,000 or less according to the 2000 federal census; and
2. The juvenile board of the county enters into, with the approval of the TJJD, a memorandum of understanding (MOU) with each school district within the county that:
   a. Outlines the responsibilities of the Board and school districts in minimizing the number of students expelled without receiving alternative educational services; and
   b. Includes the coordination procedures required by Education Code 37.013, above.

3. Has a population of 180,000 or less; is adjacent to two counties, each of which has a population of more than 1.7 million; and has seven or more school districts located wholly within the county's boundaries.

4. Has a population of more than 200,000 and less than 220,000; has five or more school districts located wholly within the county's boundaries; and has located in the county a JJAEP that, on May 1, 2011, served fewer than 15 students.

Education Code 37.011(a-1)–(a-3)

Note: The following provisions apply to all districts that operate JJAEPs, whether voluntary or mandatory.

PLACEMENT OF STUDENTS IN JJAEP—EXPELLED STUDENTS

An expelled student shall, to the extent provided by law or by the MOU, immediately attend the educational program from the date of expulsion. *Education Code 37.010(a)*

COURT-ORDERED PLACEMENT

If a student admitted under Education Code 25.001(b) is expelled for conduct for which expulsion is required under Education Code 37.007, the juvenile court, juvenile board, or juvenile board's designee, as appropriate, shall:

1. If the student is placed on probation under Family Code 54.04, order the student to attend the JJAEP in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

2. If the student is placed on deferred prosecution under Family Code 53.03 by the court, prosecutor, or probation department, require the student to immediately attend the JJAEP in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

3. In determining the condition of the deferred prosecution or court-ordered probation, consider the length of the District's expulsion order for the student; and

4. Provide timely educational services to the student in the JJAEP in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student. This provision does not require that educational services be provided to a student who is not entitled to admission under Education Code 25.001(b).

Education Code 37.011(b)–(b-1)

A student transferred to a JJAEP must participate in the program for the full period ordered by the juvenile court, unless the District agrees to accept the student before the date ordered by the juvenile court. *Education Code 37.011(i)*

STUDENTS WHO MOVE

If a student who is ordered to attend a JJAEP moves from one county to another, the juvenile court may request the JJAEP in the county to which the student moves to provide educational services to the student in accordance with the local MOU between the District and the juvenile board in the receiving county. *Education Code 37.011(n)*

FUNDING FOR JJAEPS

MANDATORY EXPULSIONS

Except as determined by the Commissioner, a student served by a JJAEP on the basis of conduct for which expulsion is required under Education Code 37.007 is not eligible for Foundation School Program funding if the JJAEP receives funding from the TJJD. *Education Code 37.011(h)*

COURT-ASSIGNED STUDENTS

The District is not required to provide funding to a juvenile board for a student who is assigned by a court to a JJAEP but who has not been expelled. *Education Code 37.012*

TITLE 5 FELONY PLACEMENTS

The District shall reimburse a JJAEP in which a student is placed under Education Code 37.0081 [see FOE] for the actual cost incurred each day the student is enrolled in the program. For purposes of this subsection:

1. The actual cost incurred each day for the student is determined by the juvenile board of the county operating the program; and

2. The juvenile board shall determine the actual cost each day of the program based on the board's annual audit.

Education Code 37.0081(g)

FUNDING FOR DISCRETIONARY EXPULSIONS

Subject to Education Code 37.011(n) [see STUDENTS WHO MOVE, above], the district in which a student is enrolled on the date the student is expelled for conduct for which expulsion is permitted but not required under Education Code 37.007 shall, if the student is served by the JJAEP, provide funding to the juvenile board in an amount determined by the MOU under Education Code 37.011(k).

The amount of the funds transferred is determined by the portion of the school year for which the JJAEP provides educational services to the District.

Education Code 37.012(a)

ARBITRATION OF DISPUTES

If the District elects to contract with the juvenile board for the placement of students who are expelled for conduct for which expulsion is permitted but not required under Education Code 37.007, and the juvenile board and the District are unable to reach an agreement in the MOU, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator.

Each party shall pay its pro rata share of the arbitration costs and shall submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the District shall select an arbitrator, and those two arbitrators shall select an arbitrator who shall decide the issues in dispute.

DECISION OF ARBITRATOR

The arbitration decision is enforceable in a court in the county in which the JJAEP is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a JJAEP must provide an amount sufficient based on operation of the JJAEP. In determining the amount to be paid by the District for an expelled student enrolled in a JJAEP, the arbitrator shall consider the relevant factors, including evidence of:

1. The actual average total per student expenditure in the District's DAEP;
2. The expected per student cost in the JJAEP as described and agreed on in the MOU and in compliance with Education Code Chapter 37; and
3. The costs necessary to achieve the accountability goals under Education Code Chapter 37.

Education Code 37.011(p)

LOCATION AND STAFFING

A JJAEP may be provided in a facility owned by the District. The District may provide personnel and services for a JJAEP under a contract with the juvenile board. *Education Code 37.011(e)*

ACADEMIC MISSION OF JJAEP

Academically, the mission of the JJAEP shall be to enable students to perform at grade level.

ACCOUNTABILITY

For purposes of accountability under Education Code Chapter 39, a student enrolled in a JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program.

Education Code 37.011(h)

FEES

Except as otherwise authorized by law [see FP], a JJAEP may not require a student, or the parent or guardian, to pay any fee, includ-

ing an entrance or supply fee, for participating in the program. *Education Code 37.012(e)*

Note: The following provisions apply only to districts located in counties with a population greater than 125,000 that are not exempt from the application of the provisions as detailed in Education Code 37.011(a-1), (a-2), or (a-3) [see COUNTY POPULATION, above].

MEMORANDUM OF UNDERSTANDING

The District and the county juvenile board shall, no later than September 1 of each school year, enter into a joint MOU that:

1. Outlines the responsibilities of the juvenile board concerning the establishment and operation of a JJAEP;
2. Defines the amount and conditions on payments from the District to the juvenile board for students who are served in the JJAEP whose placement was not made on the basis of expulsion required under Education Code 37.007(a), (d), or (e);
3. Establishes that a student may be placed in the JJAEP if the student engages in serious misbehavior, as defined by Education Code 37.007(c);
4. Identifies and requires a timely placement and specifies a term of placement for expelled students for whom the District has received a notice under Family Code 52.041(d);
5. Establishes services for the transitioning of expelled students to the District before the completion of the student's placement in the JJAEP;
6. Establishes a plan that provides transportation services for students placed in the JJAEP;
7. Establishes the circumstances and conditions under which a juvenile may be allowed to remain in the JJAEP setting once the juvenile is no longer under juvenile court jurisdiction; and
8. Establishes a plan to address special education services required by law.

Education Code 37.011(k)–(m)

PLACEMENT IN JJAEP

Every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program. *Education Code 37.010(a)*

OPERATING REQUIREMENTS

The JJAEP shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the TJJD for

review and comment. The JJAEP is not subject to a requirement imposed by Education Code Title II, other than a reporting requirement or a requirement imposed by Education Code Chapters 37 and 39. *Education Code 37.011(g)*

STUDENT CODE OF CONDUCT

The JJAEP shall adopt a Student Code of Conduct in accordance with Education Code 37.001. *Education Code 37.011(c)*

EDUCATIONAL PROGRAM

The JJAEP shall focus on English language arts, mathematics, science, social studies, and self-discipline.

ASSESSMENT

The JJAEP shall administer assessment instruments under Education Code Chapter 39, Subchapter B.

EQUIVALENCY

The JJAEP shall offer a high school equivalency program.

REVIEW OF PROGRESS

The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified above.

Education Code 37.011(d)

DAYS AND HOURS

The JJAEP must operate at least seven hours per day and 180 days per year, except that a JJAEP may apply to the TJJD for a waiver of the 180-day requirement. The commission may not grant a waiver to a JJAEP for a number of days that exceeds the highest number of instructional days waived by the Commissioner during the same school year for a district served by the program. *Education Code 37.011(f)*