

2019-2020  
HILL COUNTY  
JUVENILE PROBATION DEPARTMENT

JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM  
MEMORANDUM OF UNDERSTANDING

This agreement is entered into by, between, among Hill County, the Hill County Juvenile Board and the independent school districts as follows: Abbott, Aquilla, Blum, Bynum, Covington, Hillsboro, Hubbard, Itasca, Malone, Mt. Calm, Penelope, Whitney, (hereinafter referred to as Districts), adopt this memorandum of understanding in compliance with the Texas Education Code, Section 37.010 et seq.

The parties agree that the program is a cooperative effort between the educational community and the juvenile justice system with primary goals of the program being education, discipline, and rehabilitation. The academic mission of the program is to enable the students to perform at grade level. The program provides a Hill County Juvenile Justice Alternative Education Program (JJAEP) alternative classroom site to allow continued education for expelled or adjudicated students, despite severe behavioral problems. The program shall be located at the Hill County Juvenile Probation Department, 401 W. Walnut, Hillsboro, Hill County, Texas.

The parties agree that the daily administration of the Hill County Juvenile Justice Alternative Education Program will be conducted by the Hill County Juvenile Probation Department under the direction of the Chief Juvenile Probation Officer. The parties agree that the Memorandum of Understanding pertains to all students attending school districts with administrative offices in Hill County, Texas. The Juvenile Board of Hill County will staff the facility.

#### PLACEMENT

A student enrolled in the District but expelled for conduct as provided in the Texas Education Code 37.007 (a), (d), or (e) (mandatory expulsion) shall be expelled for a period not to exceed six (6) months unless approved by school district and Chief Juvenile Probation Officer. The student shall attend the JJAEP immediately after the District's expulsion hearing, provided that the student is not detained or receiving treatment under the order of the juvenile court. All discretionary expulsions or mandatory expulsions will be completed by the student successfully completing the established phases in the JJAEP program and no longer than six months unless approved by the JJAEP Administrator and the sending school district. A semester will be defined as the first day of the school year through December break and first day of the return from the December break through the last day of the school year. The sending school district will send the expulsion documentation to the Hill County JJAEP prior to the expulsion meeting to ensure that all elements to request expulsion exist. The JJAEP Administrator, JJAEP Caseworker or a representative from the juvenile probation department shall attend the expulsion meeting unless non-attendance by the JJAEP Administrator is approved.

A student enrolled in the District but expelled for conduct as provided in the Texas Education Code Sec. 37.007 (e) shall be expelled for a period of at least one year (subject to modification of said expulsion by the superintendent or other chief administrative officer of the school district) and shall attend the JJAEP immediately after the expulsion hearing, provided the student is not detained or receiving treatment under the order of the juvenile court.

In certain circumstances, the Districts and Juvenile Probation Officer could agree to variances with approval of the Juvenile Judge, with regards to placement periods. Early return may be possible pursuant to the "early return" section herein provided.

Students expelled for conduct as provided in the Texas Education Code 37.007 (c) are those students expelled for serious misconduct in violation of the District's Student Code of Conduct. Students may still be expelled for serious misbehavior if deemed necessary by the sending school district. For school districts which are classified as Districts of Innovation, the Innovation Plan will be reviewed in regards to student discipline and how it relates to expulsion to the JJAEP.

Students expelled for conduct as provided in the Texas Education Code 37.0081 are those students that have engaged in Title 5 Felony offense regardless of where the offense occurred. If the school district elects to expel a student under this code the offense could not have occurred prior to September 1, 2007 and the school district must state in writing which of the three reasons allows for said expulsion.

A student may be placed into the JJAEP for emergency placement pending the expulsion hearing if approved by the JJAEP Administrator.

#### STUDENT CODES OF CONDUCT

The Hill County JJAEP will be created and operated pursuant to Chapter 37 of the Texas Education Code and the Memorandum of Understanding. Each District has developed a Student Code of Conduct, specifying the circumstances under which a student may be removed from a classroom, campus, or alternative education program.

The Student Code of Conduct adopted by each District shall set forth the circumstances under which the student will be eligible for expulsion from the school setting and placed into the Hill County JJAEP. Each District agrees to adopt the following definitions of serious misbehavior that may result in expulsion from the school district alternative education program as set forth in the Texas Education Code Section 37.007 (c):

Serious misbehavior shall include, but not be limited to, the following conduct: deliberate violent behavior that poses a direct threat to the health and safety of others; extortion; coercion; or conduct that constitutes the offenses of public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment under Penal Code 42.07 (a)(1) of a student or employee.

A student may be subject to discretionary expulsion for serious misbehavior if the student is in a school district alternative education program, and engages in or continues to engage in serious misbehavior. A student may be subject to discretionary expulsion for serious misbehavior from a campus in some circumstances if the student continues to engage in serious misbehavior, typically on two or more occasions.

The Student Code of Conduct adopted by each District shall provide the students committing conduct described in the Texas Education Code 37.007 shall first be placed in the school district AEP according to school district policy, unless waived by the sending school district. If, after placement in the school district's AEP the student engages in, or continues to engage in conduct described in the Texas Education Code Section 37.007, the student may then be subject to expulsion from school.

## GOVERNANCE OF THE HILL COUNTY JJAEP

### COMPOSITION OF GOVERNING BODY

The Hill County JJAEP shall operate as a function of the Hill County Juvenile Board, independent and apart from the other parties to the Memorandum of Understanding. It shall not be an independent political subdivision, nor shall it operate under the direction or control of any party to the Memorandum of Understanding other than the Hill County Juvenile Board.

### GOVERNANCE COMMITTEE

The role of the Hill County JJAEP Governance Committee shall be to provide advice and consultation to the Hill County Juvenile Board in matters involving the operation of the JJAEP. Upon execution of the Memorandum of Understanding, the Juvenile Board will establish a JJAEP Governance Committee consisting of one administrative representative from each District, generally being the superintendent or his/her designee. The representative will be selected by the District. The JJAEP administrator will serve as an ex-officio member of the Committee. The Districts agree to use their best efforts to appoint representatives to the JJAEP Governance Committee that reflect the diversity of the respective District's expelled student population. All representatives of the Governance Committee shall be chosen not later than thirty days from the effective date of the Memorandum of Understanding. Vacancies on the Governance Committee shall be filled by appointment by the governing body represented thereby.

### QUORUM & VOTING

Eight members of the Hill County JJAEP Governance Committee shall constitute a quorum. The Governance Committee shall act by and through resolutions, motions, or orders adopted or passed by the Governance Committee attending the meeting at which the issue was presented. Each member shall be entitled to one vote on each matter submitted to the vote of the members. In the event of a tie vote, the Chair shall have two votes.

### CHAIR & VICE CHAIR

At the initial meeting of the Hill County JJAEP Governance Committee, the members in attendance shall select a Chair and Vice Chair by the affirmative vote of the majority of the members. The Chair shall preside over the meetings of the Committee and shall be responsible for scheduling regular and special called meetings of the Committee, including the provision thereof. In absence or disability of the Chair, his/her duties shall be performed and his/her duties may be exercised by the Vice Chair. The Vice Chair shall assist the Chair, have powers, and perform duties and services as may be delegated to him/her by the Chair of the Governance Committee.

The Chair and Vice Chair shall serve in their respective capacities until tendering written resignations or until replacement by a majority vote of the members of the Hill County JJAEP Governance Committee. The Chair and Vice Chair shall be entitled to vote on all matters before the Hill County JJAEP Governance Committee.

#### MEETINGS

The Hill County JJAEP Governance Committee shall hold regular meetings at such time and place as shall be determined by the Committee. If the Committee does not designate the place of meeting, the meeting shall be held at a location determined by the Hill County Juvenile Probation Department. Procedures for meeting shall be governed by the most current version of *Robert's Rules of Order*. Special meetings of the Governance Committee shall be called by the Chair or by affirmative vote of not less than one-third (1/3) of the members of the Committee.

#### NOTICE OF MEETINGS

Written notice of the regular meetings of the Hill County JJAEP Governance Committee shall be mailed or delivered to each member not less than five (5) days prior to the date of the meeting. Written notice of any special meeting of the members shall be given to each member not less than 24 hours or as soon as reasonably possible prior to the date of the meeting. The notice shall state the date, place, time, who called the meeting, and the general purpose(s) for which the meeting was called. Notice shall be given by or at the direction of the Chair of the Committee, or the members calling the meeting, and mailed by the staff of the Hill County Juvenile Probation Department, unless otherwise agreed by the Committee.

#### DUTIES

The duties of the Hill County JJAEP Governance Committee shall include, but not be limited to, the following:

- A. To develop recommended operating policies, review the operations, policies, and procedures of the JJAEP and to make advisory recommendations to the Juvenile Board regarding such operations, policies, and procedures including suggested changes or amendments;
- B. To periodically evaluate and report to the District regarding the ongoing success of the JJAEP in providing alternative education to students within the JJAEP;
- C. To participate in an advisory capacity in the development of the annual operating budget for the JJAEP, to recommend the initial criteria for and monitor the District's billing and payment schedule for the JJAEP, and to monitor payment to the Fiscal Agent for its expenses in connection with the operation of the JJAEP;

- D. To review the contractual agreement between the Juvenile Board and third-party providers of goods and services in connection with the creation and operation of the JJAEP and to make recommendations to the Juvenile Board in connection with such contracts;
- E. To advise the local community of all matters within the public interest relating to the creation, operation, and performance results of the JJAEP;
- F. To facilitate coordination with the parties of the Memorandum of Understanding on matters relating to the supervision, educational and rehabilitative services available for expelled students and students assigned to the JJAEP and the subsequent transition through the District's alternative education programs;
- G. To assist the Chief Juvenile Probation Officer in developing a priority system for acceptance of discretionary expulsions of the JJAEP in the event space becomes limited;
- H. To formulate and recommend other policies and procedures as appropriate to the governance of the JJAEP as may be necessary to obtain approval of the Texas Juvenile Justice Department and the Juvenile Board.

#### COMPENSATION

No member of the Hill County JJAEP Governance Committee shall receive compensation from the Committee for his/her services as a member on the Committee. Nothing herein contained shall be construed to preclude any Committee member from receiving compensation or reimbursement for expenses from the member's respective employers for serving on the Committee.

#### CONFLICT OF INTEREST

No member of the Hill County JJAEP Governance Committee shall participate in any vote or discussion upon any matter in which the Committee member or any person related to that member within the second degree of affinity or consanguinity has a pecuniary interest. In the event of a conflict of interest the Committee member shall state the nature of such conflict and thereafter shall refrain from further participation in the matter.

#### PLACEMENT AFTER DETENTION

A student that is released from juvenile detention pursuant to the Juvenile Justice Code and is expelled pursuant to the Texas Education Code shall attend the Hill County JJAEP in accordance with the terms of the District's expulsion order or by order of the Court.

#### PLACEMENT REVIEW

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

In the event that a District receives notice pursuant to the Juvenile Justice Code Section 52.041(d) that no probable cause existed to believe that the child engaged in

delinquent conduct or conduct indicating a child in need of supervision, that no deferred prosecution or formal court proceedings have been or will be initiated involving the child, that the court or jury finds that the child did not engage in delinquent or conduct indicating a need for supervision and the case has been dismissed with prejudice, or that the child was adjudicated but no disposition was or will be ordered by the court, then such student shall be continued at the Hill County JJAEP for the original term of the expulsion unless the District notifies the Juvenile Board that the assignment of the JJAEP shall be for a lesser period than the original assignment or that the student shall be returned to the District for the provision of educational services.

#### CURRICULUM

The Hill County JJAEP shall focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in the JJAEP as credit earned in a district school. The JJAEP shall operate at least 7 hours per day and the amount of days of the adopted school calendar and approved by TJJD per year, unless a waiver of days is approved by the Texas Juvenile Justice Department. The JJAEP shall offer a high school equivalency program or GED Program, with the district being charged for tuition for any student in this program if the student is court ordered or expelled from the campus. The core subjects will be taught through use of self-paced modules, computer based programs, and through textbooks from the sending school districts. The remaining courses will be taught with the use of the sending school textbooks with the sending school district developing the curriculum.

Prior to the expulsion meeting, the Instructor for the JJAEP will request records to establish curriculum and will make every effort to ensure that the student will receive all course credits for the subjects to be offered provided the student successfully completes the subject.

The Juvenile Board through the fiscal agent or Chief Juvenile Probation Officer, as its designee, and the parent or guardian of each student shall regularly review the student's academic progress. In the case of a high school student, the Juvenile Board through the fiscal agent or the Principal or Chief Juvenile Probation Officer as its designee, and the 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 District shall furnish a specific graduation plan for each high school student attending the JJAEP. The JJAEP is not required to fulfill a student's high school graduation requirement other than the course specified herein.

#### TRANSPORTATION

The JJAEP is NOT responsible for transportation of students attending the JJAEP program, including students with disabilities who require transportation as a related service. Transportation of students attending the JJAEP program will be responsibility of the home school district or the student's parent/guardians.

#### EARLY RETURN

Students enrolled in the Hill County JJAEP shall be discharged from the JJAEP and returned to their District upon completion of the term of expulsion, subject to

further order of the Juvenile Court continuing a period of expulsion. Except as provided for a Placement Review Committee in the Texas Education Code, prior to completion of the term of expulsion, a student expelled for a violation other than Texas Education Code Section 37.007(e), and may be returned to their District upon the recommendation of a review committee. The committee shall include a juvenile probation officer, representative from the District, and a Hill County JJAEP staff member. The committee shall convene upon the request of any member and shall consider a student's early return to the District on a case by case basis. A majority of members of the committee shall vote to determine whether or not the student shall be returned to the District prior to the completion of the term of expulsion. A student shall not remain at the Hill County JJAEP after completion of the term of expulsion unless otherwise detained or receiving treatment under order of the juvenile court.

#### STATE TESTING

All students that attend the JJAEP will be administered the state testing assessment according to the state adopted calendar. Student testing can occur on home campus if so determined by the sending school district or on the JJAEP campus. The District will be responsible for administering all statewide assessments to include providing all required materials and/or supplies and actively monitor students at the time of testing.

#### TRANSITION SERVICES

The Juvenile Board shall establish services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the Hill County JJAEP. The Districts shall cooperate with any reasonable request of the Juvenile Board regarding the provision of services.

#### PERSONNEL SERVICES

Employees of the JJAEP are considered county employees exempting those who are directly employed by an Independent School District or the School Cooperative and are under contract to the JJAEP. Those employed by the county, Juvenile Probation Department, or by state funds provided to the JJAEP will be governed by TJJD Standards and local personnel policies adopted by the Commissioner's Court, the 66<sup>th</sup> District Court, and the Hill County Court at Law, Hill County. In addition to the county's personnel regulations, employees of the department will adhere to the policies and directives promulgated by the Juvenile Board, Chief Juvenile Probation Officer, and the Texas Juvenile Justice Department. All codes of ethical conduct applicable to state certified educators and juvenile probation officers will apply.

#### RECORDS AND SPECIAL EDUCATION SERVICES

Districts shall cooperate with the Hill County JJAEP for the purposes of ensuring a prompt and orderly transfer of all student records from the District to the JJAEP. Upon written request of the JJAEP or its fiscal agent, the District shall furnish all information necessary to enroll the student in the JJAEP and vice versa.

Districts shall cooperate with the Hill County JJAEP for the purposes of the development of an individual education plan by an Admission Review Dismissal committee for students identified as qualifying for special education services. The

Districts agree to furnish necessary personnel and information as deemed necessary or appropriate to the JJAEP. Such meetings may be convened at the Hill County JJAEP facility or at a location designated by the sending school district. A juvenile probation officer shall attend the meeting if such attendance serves a legitimate educational interest.

All extraordinary expenses incurred as the result of a provision of special education services shall be reimbursed by the District that expelled the student.

It will be the Districts responsibility to ensure that any student qualifying for special education services or Section 504 plans shall be afforded those provisions while in attendance at the JJAEP. The provisions of services for the student qualifying for special education services or Section 504 plans will be the responsibility of the sending school district. The JJAEP will cooperate with any and/or all recommendations made by the District in ensuring that the student's special educational needs are met. During the ARD meeting for the student, the Instructor or JJAEP staff member will establish with the school district the plan for special education services by the sending school district.

#### FISCAL AGENT

As general fiscal agent, Hill County shall maintain records for all educational costs for the Hill County JJAEP. Such accounting shall include, but not be limited to, staff payroll, administrative payroll, technology support, educational supplies and equipment.

Compensation for employees assigned to the program by the fiscal agent shall be commensurate with compensation enjoyed by comparable professional employees of Hill County, Texas, and at the pleasure of the Juvenile Board of Hill County, Texas. Faculty and staff shall be sufficient to serve an anticipated maximum of 15 students from age 10 up to 17 years of age. In accordance with rules adopted by the board of trustees for the Teacher Retirement System of Texas, a certified educator employed by the Juvenile Board in the Hill County JJAEP shall be eligible for membership and participation in this system to the same extent that an employee of a public school district is eligible.

#### JUVENILE BOARD

The Juvenile Board shall be responsible for and shall supply all facilities, utilities, as necessary, and county wide phone service. In addition the Juvenile Board shall provide classroom and probation services, metal detectors, and social services as necessary, including but not limited to psychological evaluations and counseling other than as required for educational purposes.

#### ACCOUNTABILITY

For purposes of accountability under Chapter 39 of the Texas Education Code, to the extent allowed by law, a student enrolled at the Hill County JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program. The general fiscal agent, to wit: Hill County, shall be responsible for complying with a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending the Hill County JJAEP.



## FUNDING

The Districts agree to transfer to the general fiscal agent (Hill County, Texas) once monthly, all sums per student, per day, for each student enrolled at the Hill County JJAEP as a result of an expulsion or other than by reason of expulsion under the Texas Education Code 37.007 which that District would receive from the State of Texas if the student was still enrolled in the District. The Districts agree to fill out any and all forms or execute any documents required by the general or limited fiscal agent or by the State of Texas, to appropriately retrieve and capture funds, in order to make operation of the JJAEP practicable, to the benefit of all. The current funding provides \$95.00 per day tuition. Any expulsion into the JJAEP that is a TJJD parolee that is currently not under the jurisdiction of the Court will pay \$100.00 per day tuition.

## INSURANCE AND INDEMNIFICATION

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

The Juvenile Board shall maintain a policy of general liability insurance for liabilities arising from the operation and performance of official duties or duties of employment at the Hill County JJAEP. The Districts will maintain all transportation insurance for liabilities arising from the transport of any juvenile to the Hill County JJAEP from the District.

## POLICY AND PROCEDURES

The Hill County JJAEP shall adopt the student code of conduct contained in the JJAEP student Handbook. The student code of conduct outlines student expectations and proper disciplinary actions for violations.

The Hill County JJAEP shall be subject to written operating policy developed by the general fiscal agent on behalf of the Juvenile Board and submitted to the Texas Juvenile Justice Department and approved by said Department, together with all policies, personnel, and otherwise of the County of Hill.

## POPULATION

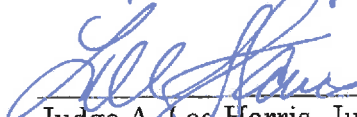
If it is so determined the Hill County Juvenile Board may cap the population of students in the JJAEP. Notification of the population cap would be forwarded to all superintendents of the school districts. The population cap would not include mandatory expulsions. If the school district wishes to expel a student that is over 17 years of age and not under the jurisdiction of the Juvenile Court in Hill County, the school district must contact the JJAEP Administrator to determine if there is available space in the JJAEP classroom.


## MISCELLANEOUS

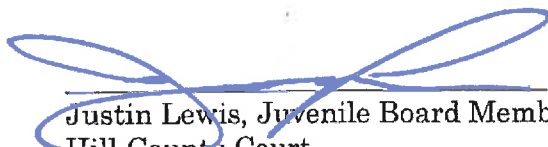
The Districts and the Juvenile Board agree that the memorandum does not concern the juvenile probation department's role in providing other support services for students in alternative education programs operated by the Districts.

The parties agree that this memorandum shall become effective August 1, 2019, and shall remain in effect unless and until modified by agreement of parties in writing and is annually self-renewing unless so modified.

The attached JJAEP Memorandum of Understanding is hereby approved on this 7 day of August, 2019.

  
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Judge A. Lee Harris, Juvenile Board Chair  
66<sup>th</sup> Judicial District Court

  
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Judge Matt Crain, Juvenile Board Member  
Hill County Court at Law Judge

  
\_\_\_\_\_  
Justin Lewis, Juvenile Board Member  
Hill County Court

# JUVENILE PROBATION

## DEPARTMENT

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HILLSBORO, TEXAS 76645-0892

HILL COUNTY MARCEL EUBANK  
DISTRICT CLERK  
HILL COUNTY

254/ 582-9553  
Fax 254/ 582-4015



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### NOTICE OF THE MEETING OF THE HILL COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM GOVERNANCE COMMITTEE

NOTICE is hereby given that there will be a meeting of the Hill County Juvenile Justice Alternative Education Program Governance Committee on September 18, 2019 at 1:00 p.m. at the Brockett Auditorium at the Harris Career Center, Hillsboro, Hill County, Texas 76645 with the following agenda:

1. Call to order.
2. Review and Approve the Hill County JJAEP Student Handbook
3. Review and Approve the Hill County JJAEP Memorandum of Understanding (MOU).
4. Review status report of the JJAEP for the JJAEP school year.
5. Review status report on the Juvenile Resource Officer Program/Truancy Prevention Program.
6. Other Business.
7. Adjourn.

Signed this the 1 day of August, 2019.

  
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Juvenile Board Chair