

Texas Juvenile Probation Commission

Juvenile Justice Alternative Education Programs

March 2009



Texas Juvenile Probation Commission

Linda Brooke, Director Government Relations and Education Service

4900 North Lamar Boulevard, 5th Floor East

P.O. Box 13547

Austin, Texas 78711

512.424.6700

www.tjpc.state.tx.us

Juvenile Justice Alternative Education Programs

Introduction

The Texas Legislature created the concept of juvenile justice alternative education programs (JJAEP) in 1995 during an extensive re-write of the Texas Education Code (TEC). This new educational placement was created to serve the educational needs of juvenile offenders and at-risk youth who are expelled from the regular classroom or the school district disciplinary alternative education program (DAEP). The legislative intent was for JJAEPs to provide a quality alternative educational setting for expelled youth that would focus on discipline, behavior management and academic achievement.

The 1995 legislation that created JJAEPs mandated a separate educational setting to ensure safe and productive classrooms through the removal of dangerous and/or disruptive students while addressing and resolving the issue of expelled youth receiving no educational services during the period of expulsion. Prior to the creation of JJAEPs, disruptive and dangerous students either remained in the classroom or were expelled to the street. Thus, the State of Texas had a critical interest in ensuring safe classrooms for teachers and students while providing educational services in an alternative setting for expelled students.

Local juvenile boards in counties with a population over 125,000, as determined by the 10 year census, were required by law to implement and operate JJAEPs. The twenty-seven JJAEP counties encompass 283 school districts. These counties accounted for approximately 76% of the State's juvenile age population. Texas has many fast growing counties and anticipates after the 2010 Census as many as six additional counties will be required to begin the operation of JJAEPs.

Funding

The funding mechanism for JJAEPs differs in part from the funding mechanism in place for the public schools in Texas. JJAEPs are funded primarily through county tax revenues that flow through school districts and county commissioner's courts along with state appropriations that flow through Texas Education Agency (TEA) and the Texas Juvenile Probation Commission (TJPC). Public schools are funded through county tax revenues, state general appropriation funds and federal funds.

TJPC provides funding to local juvenile boards on a per diem basis for students who are mandated by state law to be expelled and placed into the JJAEP. The juvenile board and the school districts in a county jointly enter into a memorandum of understanding (MOU) regarding the cost of those students expelled at the discretion of the school districts and non-expelled (court ordered) students who may attend the JJAEP. Local school districts may provide funds and/or in-kind services to the JJAEP as agreed upon in the MOU.

In addition to those counties mandated to operate JJAEPs, Texas has a method by which other counties may voluntarily choose to establish a JJAEP. These programs may be funded through a combination of TJPC grants to local juvenile probation departments and through funding provided by local school districts.

Statutory Requirements

Section 37.011 of the Texas Education Code (TEC) primarily governs the programmatic parameters of JJAEPs. The main academic and programmatic standards that must be followed by all JJAEPs are highlighted below.

- The statutorily established academic mission of the JJAEP is to enable students to perform at grade level pursuant to TEC Section 37.011(h);
- JJAEPs are required to operate seven hours a day for 180 days a year pursuant to TEC Section 37.011(f);
- JJAEPs must focus on English / language arts, mathematics, sciences, social studies and self-discipline but are not required to provide a course necessary to fulfill a student's high school graduation requirements pursuant to TEC Section 37.011(d);
- JJAEPs must adopt a student code of conduct pursuant to TEC Section 37.011(c);
- The juvenile board must develop a written JJAEP operating policy and submit it to TJPC for review and comment pursuant to TEC Section 37.011(g);
- JJAEPs must adhere to the minimum standards set by TJPC and found in Title 37, Texas Administrative Code (TAC) Chapter 348 pursuant to TEC Section 37.011(h) and Texas Human Resources Code (HRC) Section 141.042(6). JJAEPs are required by these standards to have one certified teacher per program and an overall instructional staff-to-student ratio of no more than 1 to 24. Additionally, the operational staff-to-student ratio is required to be no more than 1 to 12;
- The juvenile board or the board's designee shall regularly review a JJAEP student's academic progress. For high school students, the review shall include the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan per TEC Section 37.011(d); and
- All students enrolled at the JJAEP are also administered the statewide assessment instrument and those scores are attributed back to the student home campus as if the student were enrolled at the home campus. This provision was put into place to ensure school districts retained interest in their students and interest in the quality of the program.

JJAEP Student Population

As defined, JJAEP students are not in regular classrooms, but would otherwise be expelled to the street. Students served in JJAEPs have been expelled from their home school campus, have been placed into the program as a requirement of supervision by the juvenile court or have been placed by a local agreement. These programs serve students between the ages of 10 to 21. During the 2006-07 school year, approximately 7,000 individual students were served in these programs.

The student population served by JJAEPs fall into two basic categories: expelled students and non-expelled students who are referred to as *other*. *Expelled students* include those students who are required to be expelled under Texas Education Code (TEC) Section 37.007 and those who are expelled at the discretion of local school district policy.

A *mandatory expulsion* occurs when a student has been expelled pursuant to TEC Section 37.007(a), (d), or (e). The Code mandates school districts to expel students who engage in specific serious criminal

offenses including violent offenses against persons, felony drug offenses and weapons offenses. To be designated as a mandatory expulsion, offenses must occur on school property or at a school-related function. The mandatory expulsion offenses are listed below.

- Felony Drug Offenses
 - Weapons Offenses (includes expulsion for a non-illegal knife)
 - Aggravated Assault
 - Aggravated Sexual Assault and Sexual Assault
 - Aggravated Robbery
 - Arson
 - Indecency with a Child
 - Retaliation Against School Employee or Volunteer*
 - Murder or Attempted Murder
 - Manslaughter and Criminally Negligent Homicide
 - Aggravated Kidnapping
- *regardless of location

A *discretionary expulsion* occurs when a school district chooses to expel a student for committing an offense or engaging in behavior as described in TEC Section 37.007(b), (c), and (f). Some discretionary expulsions may occur in a regular classroom, on a school campus or at a school related event while serious or persistent misbehavior may only occur in a school district's Disciplinary Alternative Education Program (DAEP). Unlike mandatory offenses, specific discretionary offenses are not required to have been committed on school property or at a school-related function.

Those offenses for which expulsion is discretionary are listed below.

- Serious or Persistent Misbehavior
- Any Mandatory Offense within 300 feet of school campus
- Aggravated Assault, Sexual Assault, Aggravated Robbery, Murder or Attempted Murder occurring off campus against another student
- Misdemeanor Drug and Alcohol Offenses
- Assault on a teacher or employee
- Felony Criminal Mischief
- Deadly Conduct
- Terroristic Threat
- Inhalants
- Title V felony offenses (Offenses Against Person) whether they occur on or off school property

Other students include non-expelled students who are ordered to attend the JJAEP by a juvenile court judge or who attend the JJAEP under an agreement with the local school district as authorized by TEC Section 37.011. Not all JJAEPs serve non-expelled students. JJAEPs that do serve *other* students include provisions in the local memorandum of understanding between the juvenile board and school district detailing which students may be served and how the placement will be funded.

Program Design

The design and implementation of JJAEPs is determined locally primarily through the development of a memorandum of understanding (MOU) between the school district and juvenile board. While the juvenile board is the entity ultimately responsible for operating the JJAEP, most programs have various levels of school district participation in programming.

JJAEPs are required by statute to teach the core curriculum of English/language arts, mathematics, science and social studies, as well as self-discipline. Attending students earn academic credits for coursework completed while attending the JJAEP. The length of time a student is assigned to a JJAEP is determined by the school district for expelled students and by the juvenile court for *other* placements. Once a student has completed the term of expulsion or their condition of probation, the student is transitioned back to his or her home school district.

Programmatic Elements

This section takes a comprehensive look at the programmatic components of the JJAEPs operating in Texas.

Capacity. JJAEPs vary in size according to the needs of the county and populations served by the program. The capacity of JJAEPs ranged from 27 to 442. JJAEPs must serve all juveniles expelled for a mandatory offense. Programs at capacity cannot refuse to accept a student expelled for a mandatory offense so most manage their population through adjustments to student length of stay and/or by limiting the number of discretionary and *other* students accepted into the program.

Program Operator. JJAEPs may be operated solely by the local probation department, or in collaborations with a local school district, or a private vendor. The county juvenile board, however, makes the official determination of how a JJAEP will be designed and operated. This decision is based on a variety of factors, most important of which is the memorandum of understanding with the school districts in the county. Other factors that may influence the choice of the program operator are available resources, programmatic components and needs of the local community and school districts. Regardless of who operates the program, JJAEPs must conform to all juvenile probation and educational standards set out in Title 37 Texas Administrative Code Chapter 348 and the Texas Education Code, Section 37.011.

Program Format. JJAEPs characterize their program format into one of three basic categories: therapeutic, traditional school or military -style. Therapeutic models place a heavy emphasis on counseling and behavior management, often using on a cognitive skills curriculum. Traditional school models are patterned after a regular, independent school district setting. A military-component includes one or more of the following components: drill instructors, physical training, and/or military-style discipline, drill and regiment.

In addition to the core courses all programs provide additional services to students which may include individual counseling, life skill training, drug/alcohol prevention/intervention, substance abuse counseling, group counseling, anger management programs, mental health evaluation, service learning projects, community service, tutoring or mentoring, parenting programs (for students' parents), physical training or exercise program, vocational training or job preparation, experiential training, wrap around and family support services.

Program Staffing. JJAEPs are staffed by a variety of professionals and paraprofessionals. Programs are required to maintain on instruction staff to student ratio of 1:16 preferred and 1:24 maximum; caseworker ratio of 1:44 maximum and an overall supervision ratio of 1:8 preferred and 1:12 maximum.

Program Measures and Performance

Academic Measures

The Texas Legislature requires TJPC to maintain a system of accountability for JJAEP performance. Two academic areas are measured and three behavioral areas are measured.

Texas requires that all students enrolled in a JJAEP be administered the assessment instrument utilized in all public schools, the Texas Assessment of Knowledge and Skills (TAKS). The TAKS measures student achievement in reading in Grades 3-9; in writing at Grades 4 and 7; in English language arts in Grades 10 and 11; in mathematics in Grades 3-11; in science in Grades 5, 8, 10 and 11; and in social studies in Grades 8, 10 and 11. The Spanish TAKS is administered at Grades 3 through 6. Satisfactory performance on the TAKS at Grade 11 is a prerequisite to earning a high school diploma.

Analysis of TAKS results provides one assessment of overall JJAEP performance. Since the TAKS is administered annually it cannot measure student academic growth while in the JJAEP. During the 2006-07 school year student passage rates in the areas of reading and math increased over the previous school year, increased almost 20% in reading and by 19% in math.

The second academic measure used is the Iowa Test of Basic Skills (ITBS) and the Iowa Test of Educational Development (ITED). ITBS measures academic growth for students in grades three through eight while the ITED measures growth for students in the ninth through twelfth grades. The tests are a “norm-referenced achievement battery” and have been normed with various groups, including racial-ethnic representation, public and private school students and students in special groups.

The ITBS/ITED is administered to all students that are enrolled in the JJAEP for a period equal to or greater than 90 school days. Students are measured for performance levels in reading and mathematics at entry to and exit from the program. Students perform a reading comprehension and vocabulary evaluation which provides the program with a reading total. The mathematics total includes computation, concepts and problem solving. Results from the 2006-07 school year indicate that for students enrolled 90 school days or longer at the time of their exit from the program on average grade equivalency growth in math and reading was demonstrated, .39 and .51 respectively.

Behavior Analysis

In addition to academic performance, JJAEPs are also assessed on several behavioral measures. A goal of JJAEPs is to improve the behavior of students who attend the program.

Attendance rates for students in JJAEPs are used as one measure of program success. Maintaining high attendance rates for these programs is difficult, the population of youth served in these programs have a history of high absenteeism and because these are county-wide programs, students are being brought in from across the entire county.

School Disciplinary Referrals

Another measure of the behavioral impact of the program is the change in school disciplinary referrals for students in JJAEPs before and after program participation was analyzed. Students may receive a disciplinary referral at a school for a number of reasons.

A comparison of the average number of disciplinary referrals prior to entering the JJAEP and after exit from the program conducted. The “before” period consisted of the two complete six-week periods prior to program entry. The “after” period consisted of the two complete six-week periods after program exit. During the 2006-07 school year, student disciplinary referrals declined by 48.4% after returning to their regular education program.

Re-contact Rates

The effectiveness of JJAEPs was also examined by exploring the rate of subsequent contact with the juvenile justice system for students who attended JJAEPs. Following their exit from the JJAEP, are students tracked in the juvenile probation system for two time periods, six months and one year. A re-contact is defined as any

subsequent formal referral to the juvenile probation department regardless of the offense or disposition of the case. During 2006-07 school year, 71% of the students who returned to their home school upon exiting the JJAEP did not have a re-contact within 6 months of their exit, 56% did not have a re-contact within one year.

Summary

The 75th Texas Legislature made bold changes to the juvenile justice and to the public education system. Assuring that no child falls out of the educational system. The key to successful implementation is local cooperation and a seamless system where students are not allowed to fall between the cracks. Participants must appreciate each other's roles, set aside differences and foster communication and cooperation. Ultimately, the juveniles in these programs benefit by being served in this unique education setting.