

EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 37. EMPLOYMENT, CERTIFICATION, AND TRAINING

PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 344. EMPLOYMENT, CERTIFICATION, AND TRAINING SUBCHAPTER B. QUALIFICATIONS FOR CERTIFICATION AND EMPLOYMENT

37 TAC §344.200, §344.204

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, amendments to Texas Administrative Code Chapter 344, Subchapter B, §344.200, relating to general qualifications for positions requiring certification, and §344.204, relating to education requirements. The amended sections establish the minimum qualifications and education requirements for certification as a juvenile probation officer, juvenile supervision officer, and community activities officer.

These sections are adopted on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires adoption of these sections on fewer than 30 days' notice.

The amended sections are adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by these emergency adoptions.

§344.200. *General Qualifications for Positions Requiring Certification.*

(a) Juvenile Probation Officer. To be eligible for certification as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative officer, an individual must:

- (1) be at least 21 years of age;
- {(2) be of good moral character;}
- (2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;

{(6) possess the work experience required in §344.210 of this chapter or graduate study required in §344.204 of this chapter;}

(5) [(7)] never have had any type of certification revoked by TJJD;

(6) [(8)] complete the training required by this chapter; and

(7) [(9)] pass the certification exam as required by §344.700 of this chapter.

(b) Juvenile Supervision Officer. To be eligible for certification as a juvenile supervision officer, an individual must:

(1) be at least 21 years of age;

{(2) be of good moral character;}

(2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a high school diploma or its equivalent as specified in §344.204 of this chapter;

(5) [(6)] never have had any type of certification revoked by TJJD;

(6) [(7)] complete the training required by this chapter; and

(7) [(8)] pass the certification exam as required by §344.700 of this chapter.

(c) Community Activities Officer. To be eligible for certification as a community activities officer, an individual must:

(1) be at least 21 years of age;

{(2) be of good moral character; }

(2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a high school diploma or its equivalent as specified in §344.204 of this chapter;

(5) [(6)] never have had any type of certification revoked by TJJD; and

(6) [(7)] complete the training required by this chapter.

§344.204. Education Requirements.

(a) Juvenile Probation Officer. To be eligible for certification as a juvenile probation officer, an individual must have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.

[(1) To be eligible for certification as a juvenile probation officer, an individual must meet the following educational requirements:]

[(A) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and]

[(B) have either:]

[(i) one year of graduate study at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; or]

[(ii) qualifying work experience as specified in §344.210 of this title.]

[(2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.]

(b) Juvenile Supervision Officer and Community Activities Officer.

(1) To be eligible for certification as a juvenile supervision officer or community activities officer, an individual must meet one of the following educational requirements:

(A) a diploma from a high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense. TJJD considers the following entities as generally recognized accrediting organizations:

(i) the Texas Education Agency or the equivalent agency in another state;

(ii) an entity approved by the Texas Private School Accreditation Commission; and

(iii) regional accreditation organizations such as:

(I) Middle States Association of Colleges and Schools;

(II) New England Association of Schools and Colleges;

(III) North Central Association of Colleges and Schools;

(IV) Northwest Accreditation Commission;

(V) Southern Association of Colleges and Schools; and

(VI) Western Association of Schools and Colleges;

(B) a high school equivalency certificate (e.g., GED) issued by the Texas Education Agency or equivalent agency in another state;

(C) a diploma or certificate of completion issued in a homeschool setting;

(D) a United States military record that indicates the education level received is equivalent to a United States high school diploma or high school equivalency certificate;

(E) a foreign high school diploma that meets the validation requirements established in §344.206 of this title; or

(F) unconditional acceptance into a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.

(2) A department or facility may attempt to establish that an entity not listed in paragraph (1)(A) of this subsection is a generally recognized accrediting organization by submitting supporting documentation to the TJJD certification office. Based on the documentation, TJJD will determine whether the entity is a generally recognized accrediting organization.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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For further information, please call: (512) 490-7278



37 TAC §344.210, §344.220

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, repeals of Texas Administrative Code Chapter 344, Subchapter B, §344.210, relating to work experience, and §344.220, relating to exemptions from required work experience or graduate study.

These sections are repealed on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires repeal of these sections on fewer than 30 days' notice.

The repeal of these sections is adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by these emergency repeals.

§344.210. Work Experience.

§344.220. Exemptions from Required Work Experience or Graduate Study.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER G. CERTIFICATION

37 TAC §344.866

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, amendments to Texas Administrative Code Chapter 344, Subchapter G, §344.866, relating to certification status. The amended section describes the various statuses under which a person's certification may be classified.

This section is adopted on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires adoption of this section on fewer than 30 days' notice.

The amended section is adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by this emergency adoption.

§344.866. *Certification Status.*

(a) **Active.** A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable.

(b) **Inactive.** A status that indicates an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

(1) the officer is no longer employed in a position that either requires or is eligible for the certification held;

(2) the officer has been convicted of a disqualifying criminal offense; or

(3) the officer's application for certification or renewal of certification is determined by TJJD to contain deliberately false or misleading information.

(c) **Expired.** A status that indicates an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension.

(d) **Suspended.** A status that indicates an officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. If the officer's certification is suspended for failure to pay child support under Section 232.003, Texas Family Code, the suspension remains in effect until TJJD receives an order staying or vacating the suspension.

(e) **Revoked.** A status that indicates an officer's certification has been permanently revoked by TJJD and that the officer is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer, or community activities officer. An individual who has had his/her certification revoked is not eligible for any future certification.

(f) **Voluntarily Relinquished.** A status that indicates an officer has voluntarily relinquished his/her certification as provided in §344.884 of this title.

(g) Provisional. A status that indicates an individual has been hired into a position requiring certification but has not yet been certified.

(h) Ineligible.

(1) A status that indicates an individual who was never certified is ineligible for certification as a result of conduct that occurred:

(A) while the person had a provisional certification;

(B) while the person was employed by or under contract with the Texas Juvenile Justice Department; or

(C) prior to either time described in subparagraph (A) or (B) of this paragraph if the conduct was unknown to TJJD.

(2) Prior to being designated as ineligible for certification, the person will be offered the same due process as a person for whom revocation or active or probated suspension of certification is sought.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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