

COMMONWEALTH OF KENTUCKY  
JUSTICE and PUBLIC SAFETY CABINET  
DEPARTMENT OF JUVENILE JUSTICE  
INTERAGENCY AGREEMENT

*[Handwritten initials]*

This agreement, made and entered into as of the 1<sup>st</sup> day of July, 2013, by and between the Commonwealth of Kentucky, Justice and Public Safety Cabinet,

Department of Juvenile Justice  
(Name of Department or Office)

Hereinafter referred to as the Department, and

Jefferson County School District  
(Name of Second Party)

3332 Newburg Road, Louisville, Kentucky 40232  
(Address of Second Party)

Hereinafter referred to as the Second Party,

WITNESSETH, THAT:

Whereas, the Department, in the exercise of its lawful duties, has determined upon the necessity of the performance of the following function briefly described as:

Provide a full continuum of educational services for youth that have been committed to or are in the custody of the Department.

and;

Whereas, the Second Party is available, willing, and qualified to perform this function, and the Department desires that the Second Party perform this function;

Now, therefore, it is hereby and herewith mutually agreed by and between the parties hereto as follows:

This agreement is intended to form the basis for a cooperative relationship between the Department of Juvenile Justice and Jefferson County School District. The mutual goal and intention of each of the agencies named above is to maintain the needs of each youth as our priority in fulfillment of this agreement. It is meant to foster excellence in education and treatment and is not meant to inhibit either agency in meeting their respective goals, but rather to foster collaborative services on the part of both agencies. The expectation is that this contractual agreement will provide the basis for the highest quality of educational services possible for our youth.

The commitment to the provisions of this contract signifies each agency's efforts toward professional collaboration for provision of quality education and treatment to each youth for whom we share responsibility.

1. The Second Party agrees to perform the services as hereinafter described with particularity as follows:
  - A. Comply with all applicable federal and state laws and regulations for the services provided under this agreement.
  - B. Provide certified and classified staff as applicable to meet the educational needs of the youth.
  - C. Assure that annual professional development for certified educational staff addresses the identified needs of youth in the program and standards set forth by the Kentucky Department of Education.
  - D. Assure the teacher pupil ratio shall average, based on average daily attendance, no more than ten (10) students to one (1) teacher without a classroom aide and fifteen (15) students to one (1) teacher with a classroom aide. A classroom that exclusively serves students with educational disabilities shall comply with teacher pupil ratios as specified in 707 KAR 1:350.
  - E. Provide 210 instructional days.
  - F. Provide a minimum of four (4) hours of instructional time per day for each day beyond the local school district calendar.
  - G. Develop a mutually agreed upon yearly school calendar that identifies local school district instructional days, instructional days beyond the local school district calendar, professional development days, holidays, vacation days and non-instructional days.
  - H. Plan vacations, professional development days, and leave with respect to the education and treatment needs of the youth, the local district calendar, local district policies and procedures, and the Department.
  - I. Assure the school administrator submits the yearly school calendar to the facility superintendent and the DJJ Education Branch Manager by July 1 of each respective year for the next school year.
  - J. Make educational services available to each youth upon admission and construct educational services on an open entry – open exit basis.
  - K. Provide instruction based on Kentucky Core Academic Standards, Career and Technical Education Program of Studies Implementation Manual, and Kentucky Occupational Skill standards to meet the individual needs of each youth.
  - L. Provide access to library services for the youth. (Appendix A)
  - M. Require education staff to provide instruction that addresses all learning styles.
  - N. Require education staff to deliver instruction by diverse methods which may include but shall not be limited to groups, teams, hands on learning activities, accelerated teaching, or computerized learning.
  - O. Require education staff to develop and follow written lesson plans with consideration given to the educational and vocational learning needs of each youth.
  - P. Require education staff document evidence of a student's level of achievement using local school district's procedural documentation or the Kentucky Core Academic Standards.
  - Q. Assure grades, credits, diploma, certificate of completion, or a high school equivalency diploma (General Education Development – GED) earned by the youth is in compliance with Federal and state laws and regulations.

- R. Assure youth earn grades and credits towards a diploma while pursuing a GED.
- S. Write an Individual Plan of Instruction (IPI) for each youth and an Individual Education Program (IEP) for youth with an educational disability using results of educational and vocational assessments.
- T. Assist in integrating the youth's Individual Plan of Instruction (IPI) and, if applicable, the Individual Education Program (IEP) with the youth's Individual Treatment Plan (ITP).
- U. Write a new Individual Plan of Instruction (IPI) when a youth earns a diploma, certificate of program completion, or a GED. The plan shall include evaluated work experience, vocational education and/or higher education through correspondence or on-campus courses.
- V. Assure a minimum of one educator attends treatment team meetings scheduled during the 210 instructional school days. The educator will be an active participant in the development of each youth's initial Individual Treatment Plan (ITP) and attend weekly treatment team meetings to address youth's progress and transition needs.
- W. Assure education progress reports of student achievement are forwarded to the parent or guardian on the same schedule as for students in the local school district.
- X. Assure each youth is included in district wide, end-of-course, and statewide assessments.
- Y. Include the program in the school district textbook revision plan.
- Z. Provide necessary instructional materials and specialized equipment that meet minimum state education standards (including computers).
- AA. Collaboratively develop with DJJ staff a code of acceptable school behavior and disciplinary measures which are complimentary to and consistent with the facility behavior management system.
- BB. Assure each youth's educational record contains specific name of courses youth is taking or has completed, amount of time in the course, and grades and credits earned while in the program. This information is to be included when transferring records to the next agency providing education services.
- CC. Make all educational records available upon request to DJJ staff working with youth, monitoring and evaluating services for the Department as permitted by federal and state laws and regulations including the Family Educational Rights and Privacy Act (FERPA).
- DD. Adhere to the Department's Education Policy and Procedures. (Appendix B)
- EE. Adhere to the Department's Code of Conduct and Code of Ethics Policy and Procedures and cooperate with investigation of misconduct. (Appendix C) If a violation occurs, disciplinary issues relating to school district personnel shall be governed by the local school district's policy and procedures.
- FF. Ensure that each certified and classified education staff member submits a signed Confidentiality Agreement to the facility superintendent.
- GG. Adhere to and cooperate with the pursuit of accreditation standards to which the Department is subject.
- HH. Comply with the Prison Rape Elimination Act (PREA) (42 U.S.C. §15601, et seq.) and with all applicable PREA National Standards (28 C.F.R. Part 115). The basic tenets of compliance with

PREA assert that DJJ and all associated contractors have a zero tolerance policy toward sexual abuse, sexual assault, sexual harassment or any other type of sexual misconduct between youth and youth or staff and youth. The school district agrees to notify the Department and promptly investigate any allegations or instances of any sexual misconduct.

II. The school district will ensure educational staff participation in all training requirements as mandated by federal requirements, DJJ Policy, and American Correctional Association accreditation standards, either through its own training, or through participation in DJJ training. Mandatory trainings include but may not be limited to program-specific Emergency Procedure training and PREA (Prison Rape Elimination Act) training.

JJ. Participate fully in the monitoring of this agreement.

KK. Assure there will be no discrimination against any applicant, or recipient of services on account of race, color, age, sex, religious creed, ancestry, national origin or sexual preference in performance of this agreement.

LL. Assure the facility superintendent/designee is invited to participate on the interview panel for the hiring of any educational staff for the program.

MM. Seek input from the facility superintendent when evaluating individual education staff based on district evaluation criteria.

NN. Assure the school administrator/designee attends the facility management team meetings.

OO. Assure appropriate DJJ staff is invited to participate in educational meetings relative to the development or review of educational services for individual youth (i.e., Admissions and Release Committee (ARC) meetings).

PP. Assure staff obtains required training per Department standards.

QQ. Assure certified and classified staff complies with the school district acceptable use policy for Internet usage.

RR. Assure no DJJ youth is permitted access to e-mail.

SS. Assure Internet access in classrooms is supervised and purposeful for the completion of academic/vocational learning objectives.

TT. Provide youth Internet access only in a DJJ classroom with DJJ Proxy Server in place.

UU. Connect local school district technology staff with the Commonwealth Office of Technology for assistance in providing certified and classified education staff access to the local school district server through the DJJ Proxy Server.

VV. Through use of the DJJ Proxy Server and the Information Systems Branch, ensure that Sexually Explicit Materials are not available via any video or computer system, software or hardware product, or internet service in any classroom setting or areas where youth are present within the offices and programs of the Department of Juvenile Justice.

WW. Data lines outside of DJJ must be approved by the Information Systems Branch.

2. In relation to the agreement, the Department or its facility designee agrees to perform the following functions:

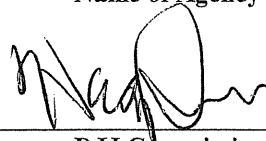
- A. Comply with all applicable federal and state laws and regulations for the services provided under this agreement.
- B. Provide the school administrator or designee as much notice as possible prior to a youth being admitted to or discharged from the facility.
- C. Provide the educators access to all pertinent records as permitted by law in order to meet the individual needs of the youth.
- D. Assist in pursuing educational records if the Second Party is unable to do so.
- E. Provide the school administrator a notice of relevant meetings at the same time other Department staff is provided notice.
- F. Assure facility staff will provide supervision and supportive assistance in the course of all academic activities. Youth workers shall be included in classroom activities to the maximum extent possible and shall work cooperatively with all education staff.
- G. Dispense all medication to the youth.
- H. Notify the Second Party School Administrator of any grievance involving the educational staff. Each agency will address the grievance according to their respective policy and procedures. If a mutually acceptable resolution is not reached within the timelines of the respective policies and procedures, the following action shall be initiated:
  - Step 1. The Department Regional Administrator and Second Party designee, who is not the School Administrator, will meet to discuss, clarify, and resolve the matter. This resolution will be formalized in writing and conveyed to the Facility Superintendent and Second Party School Administrator. If the matter cannot be resolved, the following action shall be initiated.
  - Step 2. The Department Regional Director and the Second Party Superintendent or designee, who is not the School Administrator, will meet within 10 working days. They will review the grievance, interview the individuals they deem appropriate and reach a resolution. This resolution will be formalized in writing and conveyed to the Facility Superintendent and Second Party School Administrator.
- I. Assure appropriate DJJ staff attends educational meetings relative to the development or review of educational services for individual youth (i.e., Admissions and Release Committee (ARC) meetings).
- J. Assure educators are assigned to treatment teams and a minimum of one educator attends each treatment team meeting scheduled during the 210 instructional days. The educator will be an active participant in the development of each youth's initial Individual Treatment Plan (ITP) and attend weekly treatment team meetings to address youth's progress and transition needs.
- K. Provide technical assistance through Education Branch staff.
- L. Collaboratively develop with the local school district staff a code of acceptable school behavior and disciplinary measures that are consistent with the facility behavior management system.
- M. Participate on the interview panel for the hiring of any educational staff for the program
- N. Provide input to the school district staff person evaluating individual education staff based on district evaluation criteria.

- O. Refuse an educational staff entry to a facility if they are found to be in violation of the Department's Code of Conduct or Code of Ethics policies and procedures.
- P. Schedule facility management team meetings, whenever possible, to allow the school administrator the opportunity to attend.
- Q. Provide safety inspections at regular intervals.
- R. Consider the school calendar in the timing of discharge of youth from facility, whenever possible.
- S. Provide youth Internet access only in DJJ instructional setting with DJJ Proxy Server in place.
- T. Connect local school district technology staff with the Commonwealth Office of Technology for assistance with providing certified and classified education staff access to the local school district server through the DJJ Proxy Server.
- U. Through use of the DJJ Proxy Server and the Information Systems Branch, ensure that Sexually Explicit Material are not available via any video or computer system, software or hardware product, or internet service in any areas and programs of Department of Juvenile Justice.

FIRST PARTY: Department of Juvenile Justice  
Name of Agency

APPROVED:

BY:



DJJ Commissioner Signature

DATE:

9/6/13

SECOND PARTY:

Name of Agency

APPROVED:

BY:



Signature

TITLE:

CAO

DATE:

11-1-13

## APPENDIX A


Department of Juvenile Justice

DJJ Day Treatment Programs

Library Services Policy

DJJ 344



	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b> 505 KAR 1:110 3-JTS-5E-01—06 1-JBC-5E-01—03
<b>CHAPTER: Program Services</b>	<b>AUTHORITY: KRS 15A.065</b>	
<b>SUBJECT: Library Services</b>		
<b>POLICY NUMBER: DJJ 344</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: July 15, 2005</b>	<b>EFFECTIVE DATE: 02/03/06</b>	
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>	

#### **I. POLICY**

Library services shall be provided and made available to youth in DJJ programs.

#### **II. APPLICABILITY**

This policy shall apply to day treatment programs, group homes and youth development centers.

#### **III. DEFINITION**

Not Applicable

#### **IV. PROCEDURES**

- A. DJJ programs shall maintain a library or have organized participation in a local library service. Local libraries or bookmobile services shall be accessed as appropriate.
- B. The School Administrator or designee for day treatment programs and youth development centers shall have primary responsibility for the oversight and coordination of on-site library services. In youth development centers, this responsibility shall include having available a qualified person to coordinate and supervise library services, including matters such as selection and acquisition of new material. Superintendents of group homes shall assign responsibility for the oversight and coordination of library services to a staff member.
- C. Library materials shall be selected to meet the educational, informational, and recreational needs of youth. The following guidelines shall assist in defining the principals, purposes and criteria used in the selection and maintenance of library materials:

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1. Materials shall support and be consistent with treatment goals and objectives;
2. Materials shall meet high standards of quality in content and presentation;
3. Materials shall foster respect for all people;
4. Materials concerned with racial, religious, sexual or ethnic differences shall be free from stereotypes, caricature, and other characteristics likely to misrepresent, offend or defame particular segments of the population.

D. Library services shall provide for, at minimum, the following:

1. A systematic approach to determining the library service needs of the population. This approach shall include periodic surveys of the youth and staff and shall incorporate the treatment environment.
  2. Planned and continuous acquisition of materials to meet the need of users.
  3. Logical organization of materials for convenient use.
  4. Circulation of materials to satisfy the needs of users.
  5. Information services to locate facts as needed.
  6. A reader's advisory service that helps provide suitable materials for users.
  7. Promotion of the uses of library materials.
  8. A functional, well lighted area.
  9. A congenial library atmosphere.
- E. The library collection shall remain current and youth shall have designated times to choose books to read.
- F. Reading materials shall be kept in leisure-time areas (i.e. dayrooms) to encourage and provide youth the opportunity to read. These materials shall augment, but not supplant, library services.

## V. MONITORING MECHANISM

The Superintendent, or the School Administrator in collaboration with the Superintendent or contract Program Administrator, and the Education/Quality Assurance Branch shall monitor this activity.

## APPENDIX B

Department of Juvenile Justice

Day Treatment Programs

Education Policy and Procedures

334.1, 335.1, 339.1, 342.1



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**  
**505 KAR 1:110**  
**1-JDTP-3D-01—03, 05, 07,**  
**16, 21—23**

**CHAPTER: Program Services**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Day Treatment: Educational  
Programming, Assessment, and Transition**

**POLICY NUMBER: DJJ 334.1**

**TOTAL PAGES: 4**

**DATE ISSUED: July 15, 2005**

**EFFECTIVE DATE: 02/03/06**

**APPROVAL: Bridget Skaggs Brown**

**, COMMISSIONER**

**I. POLICY**

Educational services, operating in compliance with Federal and state laws and regulations, shall be provided to youth in day treatment programs through written agreement with local school districts or private or public providers and with the Cabinet for Workforce Development, Department for Technical Education.

**II. APPLICABILITY**

This policy shall apply to all DJJ operated and contracted day treatment programs.

**III. DEFINITION**

- A. "Individual Education Program (IEP)" means a written statement for a youth with a disability that is developed, reviewed and revised in accordance with the Individuals with Disabilities Education Act (IDEA) and 707 KAR 1:320.
- B. "Individual Graduation Plan (IGP) or Career Transition Plan" means a plan that establishes a course through required academic coursework and elective choices leading to successful transitions to post-secondary options. The IGP is developed by the time the youth enters high school and is reviewed annually and approved by the youth, parents or guardian and school officials.
- C. "Individual Plan of Instruction (IPI)" means the educational instructional program required for each DJJ youth.
- D. "Individual Treatment Plan (ITP)" means a social and behavioral intervention plan, including the plan for educational instruction, that is developed for each state agency youth being served by a treatment institution or facility.

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#### IV. PROCEDURES

- A. DJJ staff shall be responsible for reviewing the contents of the written agreement for educational services with DJJ operated or contracted day treatment staff.
- B. Educational services shall be made available to each youth upon admission and shall be constructed on an open entry – open exit basis.
- C. Educational services shall be provided at no cost to the youth.
- D. Educational services shall be individualized to meet the assessment, educational, rehabilitative, and developmental instructional needs of each youth.
- E. Necessary instructional materials and specialized equipment that meets minimum state education standards (including computers) shall be provided by the school district, or by DJJ per written agreement.
- F. Vocational and educational assessments shall be completed within twenty-one (21) calendar days of the youth's admission if previous results are not available.
- G. The results of educational and vocational assessments shall be used as a basis for the initial development and periodic reviews/revisions of an integrated IPI, IEP if applicable, ITP, IGP and aftercare plan. Available social history information and the results of medical and mental health screening conducted by DJJ staff shall be shared with the school administrator or designee to the extent permissible by law.
- H. All youth fourteen years or older who enter a DJJ operated or contracted day treatment program without a previously administered vocational assessment shall be administered vocational assessments of aptitude, interest inventory and learning and working styles. The results shall be used:
  1. To determine youth's vocational aptitude and interests, learning and working styles and Career Major;
  2. To assist DJJ and educational staff as they integrate academic, vocational and work assignments and treatment goals;
  3. To assist DJJ and educational staff as they communicate with youth;

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4. To develop or review and revise if necessary each youth's Individual Graduation Plan (IGP) and Aftercare Plan; and
  5. To provide each youth with workplace readiness skills.
- I. DJJ and school staff shall participate jointly in the development, review and revision of the youth's ITP, IPI, the IEP, if applicable, and transition plan.
  - J. The IPI and IEP, when applicable, shall be integrated with the ITP and completed within twenty-one (21) calendar days of admission. It is the responsibility of the superintendent of a DJJ operated day treatment program, or the program administrator of a contracted day treatment program, and the school administrator to see that this is accomplished.
  - K. DJJ staff that suspect a youth may have an educational disability shall make a referral to the school administrator.
  - L. DJJ youth workers shall provide supervision and supportive assistance in the course of academic activities. Youth workers shall be included in classroom activities to the maximum extent possible and shall work cooperatively with all education staff.
  - M. The superintendent of a DJJ operated day treatment program, or the administrator of a contracted day treatment program, shall ensure that work programs and disciplinary measures for youth do not interfere with educational programming.
  - N. The superintendent of a DJJ operated day treatment program, or the program administrator of a contracted day treatment program, and the school administrator shall develop a code of acceptable school behavior and disciplinary measures which contains: the type of behavior expected from the youth; the consequences of failure to obey the standards; and the importance of the standards in maintaining a safe learning environment. This code shall be implemented without partiality or discrimination.
  - O. The code of acceptable school behavior shall be incorporated in the Orientation Handbook and reviewed with each youth. A copy of the Orientation Handbook shall be posted at the school site. All DJJ and education staff shall be provided copies of the Handbook.
  - P. Discipline of youth shall be in accordance with DJJ disciplinary policies and procedures, i.e., disciplinary approaches that humiliate, dehumanize, or in any way emotionally or physically

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abuse the youth, including sarcasm, name-calling, cursing, or other verbally abusive methods shall not be permissible.

- Q. Youth who demonstrate behavior so disruptive that they must be removed from the classroom shall be under supervision of staff until readmitted to the classroom. Supervision shall comply with procedures outlined in DJJPP 318.1, Section IV.K (8).
- R. DJJ shall provide or approve training for local school district staff to assure discipline of youth is in accordance with DJJ disciplinary policy and procedures. Appropriate classroom management techniques to carry out the disciplinary code shall be utilized.

#### V. MONITORING MECHANISM

The DJJ Education/Quality Assurance Branch Manager or designee, the Regional Day Treatment Manager, the superintendent of a DJJ operated day treatment program or the administrator of a contracted day treatment program and the school administrator shall monitor these activities. Monitoring shall be conducted at least annually.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**  
**505 KAR 1:110**  
**1-JDTP-1E-07**

<b>CHAPTER: Program Services</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Day Treatment Education Records</b>	
<b>POLICY NUMBER: DJJPP 335.1</b>	
<b>TOTAL PAGES: 2</b>	
<b>DATE ISSUED: July 15, 2005</b>	<b>EFFECTIVE DATE:</b> <b>02/03/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>

**I. POLICY**

Federal and state laws and regulations shall govern the confidentiality, maintenance, handling, and access of educational records.

**II. APPLICABILITY**

This policy shall apply to all DJJ operated and contracted day treatment programs.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**

- A. DJJ may assist education staff in obtaining education records when feasible.
- B. Individual Client Records shall include academic information.
- C. No person, including school personnel, authorized to obtain records pursuant to KRS Chapter 600 to 645 shall obtain or attempt to obtain records to which he is not entitled or for purposes for which he is not permitted to obtain.
- D. No person, including school personnel, not authorized to obtain records pursuant to KRS Chapter 600 to 645 shall obtain or attempt to obtain records which are made confidential pursuant to KRS Chapter 600 to 645 except upon proper motion to a court of competent jurisdiction.
- E. No person shall destroy or attempt to destroy any record that is required to be kept unless the destruction is permitted by state



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law and is authorized by the court upon proper motion and good cause for the destruction being shown.

- F. Release of the youth's Individual Client Record, including behavior management, medical, dental, mental, or psychological reports is prohibited unless presented as evidence in court. No person, including school personnel, shall disclose any report or information contained therein except as permitted by specific order of the court.

(NOTE: Reports from any evaluations or reevaluations to determine if a youth has a suspected disability become part of the youth's due process record and shall be released to the next agency providing education services.)

#### V. MONITORING MECHANISM

The DJJ Education/Quality Assurance Branch, the Regional Director, the Superintendent of the DJJ operated day treatment program or the program administrator of a contracted day treatment program, and the school administrator shall monitor these activities. Monitoring shall be conducted at least annually.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:  
505 KAR 1:110  
1-JDTP-3D-04**

**CHAPTER: Program Services**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Day Treatment Instructional  
Staffing**

**POLICY NUMBER: DJJPP 339.1**

**TOTAL PAGES: 2**

**DATE ISSUED: July 15, 2005**

**EFFECTIVE DATE: 02/03/06**

**APPROVAL: Bridget Skaggs Brown**

**, COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice shall insure that educational staffing for DJJ operated or contracted day treatment programs is in compliance with federal and state laws and regulations through written agreements with local school districts or private or public providers.

**II. APPLICABILITY**

This policy shall apply to all DJJ operated and contracted day treatment programs.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**


- A. DJJ staff shall be responsible for reviewing the contents of the written agreement for educational services with DJJ operated or contracted day treatment staff.
- B. The superintendent of a DJJ operated day treatment program or the administrator of the contracted day treatment program shall meet annually with the school administrator to plan for the next school year's teaching staff needs.
- C. The superintendent of a DJJ operated day treatment program or the administrator of a contracted day treatment program shall have the opportunity to participate in interviews when the local school district hires day treatment education staff.
- D. The superintendent of a DJJ operated day treatment program or DJJ designee, or the administrator of a contracted day treatment

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program or designee, shall provide program orientation to all new educational personnel prior to working with the youth. The orientation shall include DJJ policies and procedures regarding personal conduct, supervision of youth, special incident reporting and other relevant laws and regulations that apply.

#### V. MONITORING MECHANISM

The DJJ Education/Quality Assurance Branch Manager or designee, the Regional Day Treatment Manager, the superintendent of a DJJ operated day treatment program or the program administrator of a contracted day treatment program and the school administrator shall monitor these activities. Monitoring shall be conducted at least annually.

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 505 KAR 1:110</b>
<b>CHAPTER: Program Services</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Day Treatment Evaluation of Educational Programming</b>		
<b>POLICY NUMBER: DJJPP 342.1</b>		
<b>TOTAL PAGES: 2</b>		
<b>DATE ISSUED: July 15, 2005</b>		<b>EFFECTIVE DATE: 02/03/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>	<b>, COMMISSIONER</b>	

#### **I. POLICY**

There shall be an education plan with measurable objectives for each DJJ operated and contracted day treatment program.

#### **II. APPLICABILITY**

This policy shall apply to all DJJ operated and contracted day treatment programs.

#### **III. DEFINITIONS**

Not Applicable

#### **IV. PROCEDURES**

- A. The superintendent of a DJJ day treatment program or the administrator of a contracted day treatment program, the school administrator and a local school district representative, if available, shall collaboratively develop an annual education plan with measurable objectives. The plan shall include the responsibilities of each party in the provision of the education program in a DJJ operated or contracted day treatment program.
- B. The superintendent of a DJJ day treatment program or the administrator of a contracted day treatment program, the school administrator and a local school district representative, if available, shall annually evaluate the effectiveness of the education plan against the stated objectives.
- C. The superintendent of a DJJ day treatment program or the administrator of a contracted day treatment program shall submit

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the annual evaluation of the education plan to the DJJ Education/Quality Assurance Branch Manager for review.

#### V. MONITORING MECHANISM

The DJJ Education/Quality Assurance Branch Manager or designee, the Regional Day Treatment Manager, the superintendent of a DJJ operated day treatment program or the administrator of a contracted day treatment program and the school administrator shall monitor these activities. Monitoring shall be conducted at least annually.

## **APPENDIX C**

**DJJ Day Treatments**

**DJJ 102 Code of Ethics**

**DJJ 104 Code of Conduct**



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND  
PROCEDURES**

**REFERENCES:**

3-JTS-1A-29; 1C-17, 23, 24  
3-JDF-1A-33; 1C- 15, 21, 22  
3-JCRF-1A-20, 21; 1C-05, 17  
1-JDTP-1A-26; 1C-18, 24, 25  
1-JBC-1A-25; 1C-14, 19, 20  
4-JCF-6F-01, 6G-06

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: Employee Code of Ethics**

**POLICY NUMBER: DJJ 102**

**TOTAL PAGES: 3**

**DATE ISSUED: 11/16/09**

**EFFECTIVE DATE: 11/16/09**

**APPROVAL: J. Ronald Haws**

**COMMISSIONER**

**I. POLICY**

The Department expects of its staff honesty, integrity, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. The Department supports a drug-free workplace.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice.

**III. DEFINITIONS**

Not Applicable

**IV. PROCEDURES**

- A. Staff shall respect and protect the civil and legal rights of all youth in the care or custody of the Department.
- B. Staff shall serve each youth with appropriate concern for their welfare and with no purpose of personal gain.
- C. Relationships with colleagues shall be of such character to promote mutual respect within the profession and improvement of its quality of service.
- D. Staff shall respect the importance of all elements of the criminal justice system and cultivate professional cooperation with each segment.
- E. Staff shall respect and protect the right of the public to be safeguarded from criminal activity.
- F. Each staff shall maintain the integrity of private information. Staff shall neither seek personal data beyond that needed to perform their responsibilities nor reveal case information to anyone not having professional use for such. Information regarding youth

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or persons seeking treatment shall be kept confidential under the provisions of KRS 610.320, 610.340 and 635.120. All employees, consultants, contract personnel, and volunteers who work with youth or youth records shall sign a confidentiality form as a condition of employment or service.

- G. Staff shall report any corrupt, unethical behavior, or policy violations which may affect either a youth or the integrity of the organization and any abuse or neglect as required by KRS 620.030.
- H. Staff shall not discriminate against any youth, employee, or prospective employee on the basis of religion, race, sex, age, disability, or national origin.
- I. Staff shall be familiar with and understand the Executive Branch Ethics Code (Executive Order 2008-454) and follow this code. Further, the "Guide to the Executive Branch Code of Ethics" published by the Executive Branch Ethics Commission provides additional guidance in this area. DJJ staff are directed to take all available and necessary action to follow these guidelines and avoid even the appearance of unethical conduct.
- J. Staff shall not use their official position to secure privileges for self or others and shall not engage in activities that constitute a conflict of interest.
- K. Staff shall not act in their official capacity in any matter in which they have personal interest that may impair objectivity and create the appearance of conflict of interest.
- L. Staff engaged in outside employment shall obtain from the appropriate Division Director or designee, or the appropriate Deputy Commissioner, written acknowledgement that said employment does not appear to conflict with the employee's official duties.
- M. Political activities of employees shall be in compliance with KRS 18A.140.
- N. Workplace violence, as defined in 101 KAR 2:095(9), shall be prohibited and shall constitute grounds for disciplinary action and referral for criminal prosecution.
- O. All DJJ employees are prohibited from reporting for duty or operating any state vehicle after consuming any amount of an alcoholic beverage. Possession of alcoholic beverages at the work site or the consumption of alcoholic beverages during working hours or prior to operating any state vehicle is strictly prohibited. Any measurable or detectable amount of an alcoholic beverage shall be considered enough to be in violation of this policy. This shall apply to all DJJ employees. The misuse of prescription and non-prescription drugs or use of illegal drugs on state property during working hours or while operating a state vehicle is strictly prohibited. In compliance with the Anti-Drug Abuse Act (P.L. 100-690), employees shall be notified that the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the



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workplace and any employee found to be in violation shall be subject to disciplinary action for misconduct which may include sanctions up to and including dismissal.

- P. If an employee of DJJ is arrested for or charged with any offense, other than a minor traffic violation (see definition below) they shall notify their immediate supervisor. This report shall be made prior to their next scheduled shift. Being detained does not relieve an employee of the responsibility of providing notice to their supervisor that they will not be reporting to work because of the detention or arrest. If their supervisor is not working, they shall immediately notify the highest level supervisor on duty at their facility or office.
1. The employee shall furnish the supervisor with the name of the charging authority, the city or county where the charges are filed, and the next court date assigned to them. Any supervisor, or acting supervisor, upon notification of an employee being arrested or charged shall notify the Facility Manager, District Supervisor, or Superintendent by email giving all known details of the incident. The supervisor shall, at the same time, also copy the information to their respective Facilities Regional Administrator or Branch Manager and Division Director.
  2. The Division Director shall immediately notify the Deputy Commissioner and the Commissioner by email. If this occurs after office hours and circumstances warrant calling them at home, they shall do that in addition to the email.
  3. Minor traffic violations include things such as a citation for speeding, running a red light, etc. It does not include a charge of Driving Under the Influence. Citations for any criminal offense shall be reported. There is no grace period for complying with this requirement. Failure to comply with this may result in discipline up to and including dismissal.

#### V. MONITORING MECHANISM

Monitoring shall be done by all supervisory personnel on an ongoing basis.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**

3-JTS-1B-21  
3-JDF-1B-21  
3-JCRF-1B-17  
1-JDTP-1B-19  
1-JBC-1B-19  
4-JCF-3D-07

<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Employee Code of Conduct</b>	
<b>POLICY NUMBER: DJJ 104</b>	
<b>TOTAL PAGES: 6</b>	
<b>DATE ISSUED: 09/13/10</b>	<b>EFFECTIVE DATE: 09/13/10</b>
<b>APPROVAL: J. Ronald Haws</b>	<b>COMMISSIONER</b>

**I. POLICY**

Employees shall conduct themselves in a professional manner. Staff shall be aware that their personal conduct reflects upon the integrity of the agency and its ability to provide services to youth.

**II. APPLICABILITY**

This policy shall apply to all employees of the Department of Juvenile Justice. This policy shall apply to contract facilities and programs.

**III. DEFINITIONS**

A. "Contraband" is defined in KRS 520.010(1) and includes, but is not limited to, tobacco, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, drug paraphernalia as defined in KRS 218A.500, any unauthorized written materials, photographs, audio or video recordings, video games, and any other item used to subvert security measures, assist in an escape event, or as indicated by policy and state laws. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.

B. "Dangerous Contraband" is defined in KRS 520.010(3) and means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substance, any quantity of an alcoholic beverage, and any quantity of marijuana, and saws, files, and similar metal cutting instruments. Any items that are properly authorized for use within a DJJ facility shall be excluded from the above list.

C. "Sexual Contact" is defined in KRS 510.010(7) and means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

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#### IV. PROCEDURES

- A. Employees shall arrive and leave work at scheduled times as determined by their supervisor.
- B. Employees shall perform their work assignments competently and in a professional manner. It is the responsibility of each employee to know and act in accordance with Department policy and standard operating procedures.
- C. Employees are required to obey the lawful order or directive of a supervisor. If the order or directive conflicts with an order or directive previously issued by another supervisor, the employee shall make the supervisor aware of the conflict. If the supervisor does not alter the order or directive, the most recent order shall stand and the responsibility shall be assigned to the supervisor issuing the most recent order.
- D. Employees shall remain in their assigned working areas during working hours. Employees shall not disturb or interrupt other employees at their working areas or prevent other employees from carrying out their duties.
- E. Employees are prohibited from entertaining friends or family on the premises of any DJJ office or program except during appropriate scheduled and approved events.
- F. Loud, abusive, or profane language and boisterous and unprofessional conduct shall not be tolerated. Employees shall refrain from making comments which are critical of colleagues or the agency, particularly while in the presence of youth or representatives of youth.
- G. Employees are prohibited from engaging in unwelcome written, verbal, or physical conduct that either degrades, shows hostility, or aversion towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status, or pregnancy that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; or 3) creates conditions that may not be sexually offensive in nature, but may lead to a hostile working environment.
- H. State property and equipment shall not be loaned to employees or others for personal use.
- I. All DJJ employees shall be truthful in correspondence and interactions with other DJJ staff, youth, parents, outside agencies, investigators, and in the completion of any type of work-related written documentation (computer-based, hand-written, or typed).

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- J. DJJ staff who work at secure facilities and park their vehicle in a secure, locked parking area are subject to having their vehicle searched. All DJJ facilities, secure parking areas, and offices shall post signs indicating that all vehicles on the premises are subject to search per DJJPP.
- K. Contraband or dangerous contraband is prohibited in DJJ facilities and offices. No employee shall transport contraband of any kind into a DJJ facility. Also, theft of any state property, including, but not limited to, linens, clothing, supplies, or equipment is prohibited. DJJ staff may be subject to a pat down search of their person if they are suspected of theft or of transporting prohibited or dangerous contraband into a DJJ facility or office. The pat down search of an employee shall be conducted only with approval through the chain of command and only in incidents in which there is reasonable suspicion of contraband per DJJPP. A final decision to search shall be made by the highest ranking supervisor present in the facility or office. The DJJ Office of Legal Counsel shall be consulted if there is any question related to the degree of suspicion. Packages, lockers, desk and work areas are subject to search by a supervisor.
- L. Office telephones may only be used during the employee's break or lunch, prior to or after their work time. Cell phones shall be prohibited in areas occupied by youth. Employees are prohibited from allowing youth to use a personal cell phone in any part of the facility. Cell phones may be used during the employee's break or lunch, prior to or after their work time. When required to remain beyond their normal shift, employees may use the telephone or cell phone to notify their families.
- M. Employees are prohibited from sleeping or napping while on duty. Sleeping, lying down, lounging, laying the head down upon a desk or table, or resting in any other position that would give the appearance that the employee is sleeping, is prohibited. Sleeping shall not be allowed in youth areas even on break time, and if observed, may result in disciplinary action up to, and including dismissal. Employees shall be provided sleeping and leisure areas separate from youth residential areas if they are unable to return to their homes when needed to assist in providing twenty-four (24) hour coverage.
- N. Employees shall not be on the premises except during working hours unless approved by their immediate supervisor.
- O. In accordance with KRS 237.110(13), KRS 237.110(14) and KRS 237.115(1) employees are prohibited from possession of firearms, or any other deadly weapon as defined in KRS 500.080(4), on the premises or grounds of any DJJ office, program, treatment facility, or detention center and in any vehicle transporting DJJ youth per DJJPP.

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- P. Employees shall interact with youth on a consistent basis to address individual youth needs and prevent conflicts from becoming unmanageable. Employees shall protect the individual safety of youth and themselves through the use of approved controlling techniques utilizing no more than the absolute amount of force necessary to diffuse a confrontational situation.
- Q. Employees shall take appropriate precautions in dealing with youth to prevent allegations of inappropriate verbal communication, written communications, sexual contact or abuse of any type per DJJPP.
- R. Abuse and other mistreatment of youth in the care or custody of the Department shall not be tolerated. Reference DJJPP. Persons abusing youth shall be subject to disciplinary action up to and including dismissal under 101 KAR 1:345. Employees suspected of abuse are subject to investigation and prosecution under all applicable laws.
- S. As a representative of the Department, employees shall act in a manner that provides youth with a positive role model.
- T. Employees, volunteers, and contract personnel shall be expected to maintain a professional relationship with youth at all times. The following rules help delineate this relationship and prevent complications in treatment for youth. An employee or volunteer is prohibited from the following actions subject to administrative and criminal disciplinary sanctions:
1. Selling or loaning personal belongings to youth or youth's representative;
  2. Entering into a business relationship or financial transaction with youth or the representatives of a youth;
  3. Giving special privileges to a youth, unless privileges are earned by the youth as part of the treatment plan (Reference DJJPP);
  4. Accepting a bribe or payment from a youth or the representatives of a youth for special services rendered to them;
  5. Lending money to a youth or the representatives of a youth;
  6. Entering into a dating or sexual relationship or having sexual contact with an individual who is currently supervised by or committed to DJJ (reference KRS 510.020 (3)(e) regarding consent);
  7. Entering into a dating or sexual relationship or having sexual contact with a youth who was previously supervised by, or in the custody of, DJJ and who is under the age of eighteen (18); or
  8. Entering into a dating or sexual relationship or having sexual contact with any DJJ youth who is eighteen (18) years or older, who has been supervised by DJJ or committed to DJJ within the past two (2) years (for example, if a youth is seventeen (17) years and six (6) months of age when released, an employee could not date the youth until the youth is

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nineteen (19) years and six (6) month of age, or two (2) years after release.)

U. DJJ recognizes that its employees are persons in a position of authority or position of special trust, as defined in KRS 532.045. DJJ prohibits any employee, regardless of his or her age, from subjecting anyone under the agency's care or custody, with whom he or she comes into contact as a result of his or her position, to sexual contact.

V. Donations made to programs, including money, property, or material goods shall not be accepted by individual employees without proper authorization of the superintendent or other competent authority. Only donations which are allowable under the code of ethics may be accepted. Donations of money, property, and material goods shall be properly accounted for in facility records.

W. Employees shall fully cooperate with and not interfere in an investigation conducted by the Office of Investigations (OOI), a DJJ Supervisor, or Ombudsman, subject to Federal and State constitutional protections.

1. Employees shall provide a written or verbal statement in a departmental investigation or when directed by a supervisor. Failure to provide a written statement as requested shall result in a disciplinary action, up to and including dismissal.
2. Employees shall not discuss the investigation with anyone other than OOI staff, a DJJ Ombudsman, or someone within their supervisory chain. Exceptions to this may be made under the direct authorization of the DJJ Commissioner's Office.

X. Employees are prohibited from having sexual or intimate contact while on state property, in a state vehicle, or while on duty.

Y. Employees are prohibited from purchasing products for personal use from the agency's contracted vendors at the reduced agency rate. Employees shall also be prohibited from using the DJJ procurement card to make purchases of any kind for personal use.

## V. STAFF TRAINING

The Division of Program Services shall provide New Staff Training ("NST") for all newly hired staff. This training will include a review of the Employee Code of Conduct and other relevant topics.

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## VI. MONITORING MECHANISM

- A. The Division of Program Services shall have the responsibility of verifying that all NST training is completed and entered into the WebInService Learning System. Training deficiencies shall be reported monthly to affected agency managers for appropriate follow-up.
- B. Department supervisors shall monitor staff conduct for adherence to this policy on a day-to-day basis.