

**BY ORDER OF THE COMMANDER
MOUNTAIN HOME AFB**

MOUNTAIN HOME AFB INSTRUCTION

31-203



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Security**

CURFEW AND CHILD SUPERVISION

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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(Lt Col Matthew T. Jarreau)

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This instruction establishes curfews and requirements for child supervision on Mountain Home Air Force Base (MHAFB), ID. It also establishes the framework for the disposition of juvenile misconduct cases and establishes the Juvenile Misconduct Board (JMB). This instruction applies to all personnel residing on MHAFB and any visitors to the installation, including Air National Guard units and members of the Air Force Reserve Command. OPR determines waivers may be granted on a case-by-case basis. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm>. Contact supporting records managers as required. Refer recommended changes and questions about this publication to the OPR using AF Form 847, *Recommendation for Change of Publication*, route AF Forms 847 from the field through the appropriate functional's chain of command. See **Attachment 1** for a Glossary of References and Supporting Information.

This publication requires the collection and maintenance of information protected by the Privacy Act of 1974. The authorities to collect and maintain the records prescribed in this publication are 10 U.S.C. 8013 and Executive Order 9397. Forms affected by the Privacy Act have an appropriate Privacy Act statement either incorporated in the body of the form or in a separate supplement to the form. Consult AFI 33-332, *Air Force Privacy Act Program*, for further guidance on Privacy Act statements.

SUMMARY OF CHANGES

Change include substantive additions, specifically paragraphs 3.-4., which create a Juvenile Misconduct Board.

1. Curfew.

1.1. All dependents and visitors under the age of 18 are subject to a curfew while on MHAFB. Curfew hours are midnight to 0500 daily.

1.2. If security forces (SF) personnel come in contact with an unsupervised juvenile after curfew, SF will ascertain the juvenile's status by conducting a field interview.

1.3. If the juvenile has a valid, verifiable reason for being out (e.g., returning from a base function, friend's home, work, etc.) during the hours of curfew, the juvenile will be allowed to proceed.

1.4. Juveniles who do not have a valid need to be out or are found loitering after curfew will be escorted to their sponsors' place of residence, or their sponsor contacted to pick them up from the scene or at the law enforcement desk (LED).

1.5. In most cases, Field Interview Cards will be completed and filed for 90 days. These Field Interview Cards provide a means to track police contact with juveniles.

2. Child Supervision.

2.1. **Responsibilities.** The safety of children in our military community is a shared responsibility.

2.1.1. The 366th Fighter Wing Commander (366 FW/CC) is responsible for setting fair and appropriate standards. 366 FW/CC delegates oversight of this program to the 366th Mission Support Group Commander (366 MSG/CC).

2.1.2. The 366th Medical Group (366 MDG) is responsible for providing health and developmental advice and counseling.

2.1.3. Installation law enforcement organizations (the 366th Security Forces Squadron (366 SFS) and the Air Force Office of Special Investigations (AFOSI) are responsible for fair enforcement of directives and helping to provide a safe living environment.

2.1.4. Most importantly, caregivers must provide an appropriate level of supervision based on the developmental level of the child. Lack of appropriate supervision by a parent or guardian presents a risk of injury or harm to the child.

2.2. Based on standard child development models, the guidance in this paragraph provides a baseline for child supervision on MHAFB. However, each parent, guardian, or caregiver must assess the individual developmental level of each child and make the final decision as to what is right for that child. The minimum standards are described below:

2.2.1. Children not yet attending Kindergarten (or equivalent) will be "in the line of sight" of a responsible parent, guardian, or caregiver at all times unless the child is in a safe controlled environment such as a fully fenced-in backyard.

2.2.2. Children of Kindergarten age through 8 years of age, may at the discretion of their parents, guardian, or caregivers, be out of the line of sight for short periods of time or for short distances such as a walk to a neighbor's residence or a short walk/bike ride to and from school.

2.2.3. Children 9 to 13 years of age are often capable of supervising themselves; however, developmentally they have a difficult time predicting the consequences of their actions. As such, they should not be left unsupervised for excessive periods of time, and never more than 12 hours.

2.2.4. Children 14 to 18 years of age usually can manage on their own with support from adult neighbors or relatives for longer periods of time. However, even at this age, prolonged lack of adult supervision is inappropriate.

2.2.5. Children who meet the criteria for the Exceptional Family Member Program (EFMP) require supervision IAW their special needs regardless of their age.

2.3. Parents, guardians, and caregivers must remember they are responsible for, and will be held accountable for, the conduct and well-being of their children on base. Despite the latitude given to parents to determine what is appropriate for their children, parents must ensure they stay within the bounds of what ethically, medically, and legally would be considered "reasonable and prudent." Refer to **Attachment 2**, *Sample Welcome Memorandum to Newcomers*, from 366 SFS/CC for parents and guardians.

3. Juvenile Misconduct Board (JMB). The installation commander (366 FW/CC) is responsible for taking reasonably necessary and lawful measures to maintain law and order on an installation. This includes considering the appropriate disposition when there has been a violation of federal law, including assimilated state criminal law, or applicable Air Force Instructions (AFI) before referring the offender for trial before a US magistrate judge, as directed by AFI 51-905, *Use of Magistrate Judges for Trial of Misdemeanors Committed by Civilians*. To achieve this, 366 FW/CC hereby delegates 366 MSG/CC the authority to take all command actions in juvenile misconduct cases, except barmment, termination of government quarters or as otherwise provided by federal statutes or regulations in regards to Department of Defense civilian employees.

3.1. **Jurisdiction.** The JMB applies to all juveniles who commit criminal offenses on MHAFB, including military family housing areas and ranges utilized by MHAFB. This includes, but is not limited to dependents that reside on MHAFB, guests of MHAFB residents, and all sponsored civilians who enter the installation.

3.2. **Purpose.** The JMB is not a judicial proceeding. It is an administrative forum under the authority of 366 FW/CC. The JMB recommends actions to 366 MSG/CC, who ensures that the misconduct of civilians does not disrupt the good order, morale and discipline on MHAFB. The JMB is designed to promote personal acceptance of responsibilities and consequences for actions, and to deter and prevent future misconduct through behavior modification. The JMB will hear the facts of alleged incidents of juvenile misconduct, make findings of fact, and recommend appropriate punishment.

3.3. **Responsibilities.**

3.3.1. **366 FW/CC.** Serves as final authority for barments or termination of government quarters.

3.3.2. **366 MSG/CC:**

3.3.2.1. Maintains overall responsibility for authorizing administrative sanctions, as necessary, to maintain good order and discipline in the community, based upon recommendations from the JMB. Shall make decisions based upon the recommendation of the JMB. However, 366 MSG/CC is not bound by the JMB's recommendation.

3.3.2.2. Coordinates with 366 FW/JA (Judge Advocate) (also referred to as the legal office) to schedule and conduct a JMB.

3.3.2.3. Serves as the chairperson of the JMB.

3.3.2.4. Upon recommendation from the JMB, decides disposition of the juvenile misconduct.

3.3.2.5. Prior to recommending barment or termination of government quarters, 366 MSG/CC will request a legal review from 366 FW/JA before forwarding to 366 FW/CC for decision on the proposed barment or termination of government quarters action.

3.3.3. **366 FW/JA:**

3.3.3.1. Is the program administrator for JMB cases.

3.3.3.2. Reviews all incident/complaint reports pertaining to juvenile offenders and makes recommendations to 366 MSG/CC to consider a JMB where appropriate.

3.3.3.3. Schedules boards when deemed appropriate by 366 MSG/CC.

3.3.3.4. Notifies board members and offender's sponsor via **Attachment 3, *Sample Notification of Juvenile Misconduct Board Letter***, of the time, date and location of all board hearings. The notification letter will also include a basis for the hearing and will be signed by 366 MSG/CC. 366 FW/JA will advise board members and the sponsor of the appropriate uniform for duty.

3.3.3.5. Appoints a representative to serve as legal advisor to 366 MSG/CC at each JMB.

3.3.3.6. Where appropriate, presents evidence for consideration by the board.

3.3.3.7. Sends notification of the final decision memorandum to the military sponsor via certified mail return receipt request after final action by 366 MSG/CC.

3.3.4. **366 SFS:**

3.3.4.1. Investigates incidents of juvenile misconduct.

3.3.4.2. Issues a DD Form 1805, *United States District Court Violation Notice* (or replacement form), for minor driving offenses committed by juveniles occurring on MHAFB.

3.3.4.3. Completes an AF Form 3545, *Incident Report*, for all incidents of juvenile misconduct other than minor driving offenses, to include the major driving offenses of DUI, reckless driving and driving offenses resulting in traffic accidents.

3.3.4.4. Informs 366 FW/JA of incidents of juvenile misconduct on base as they occur and provide a copy of DD Form 1805 and AF Form 3545 upon completion.

3.3.4.5. Informs 366 MSG/CC of juvenile misconduct incidents.

3.3.4.6. Provides guidance to and advises sponsoring unit commanders on matters concerning administrative actions against juveniles for serious or chronic misconduct.

3.3.4.7. Prepares case files and background information for dissemination to 366 MSG/CC for review.

3.3.5. Squadron Commander:

3.3.5.1. The sponsor's commander will be notified of instances of juvenile misconduct, as well as action taken in response to that misconduct. Early involvement and cooperation of the sponsor's immediate commander, first sergeant, and supervisor are essential to ensure the timely resolution of each case.

3.3.5.2. The sponsor's commander will evaluate instances when the military sponsor does not respond adequately to his/her family member's or guest's misconduct. Such a lack of response by the military sponsor may become part of the commander's assessment of the case.

3.3.5. 3. Monitors attendance records of community service and schedules work details under the community service program as directed in paragraph [3.5.9](#) below.

3.3.6. **Sponsors.** Sponsors are accountable for the actions of their dependents, family members, and civilian guests sponsored onto MHAFB. Sponsors will provide guidance and ensure appropriate behavior. Sponsors must know the location and activities of their dependents, family members, and civilian guests to ensure appropriate conduct and safe behavior. Sponsors must also ensure dependents, family members, and civilian guests know and comply with all applicable laws and regulations. Sponsors will cooperate with base authorities to maintain the highest possible quality of life on the installation. They will participate in rehabilitative treatment programs as appropriate and comply with administrative sanctions, as directed. Sponsors are strongly encouraged to appear before the JMB with their respective dependent, family member or civilian guest. The non-military parent (if applicable) is also strongly encouraged to also appear with the juvenile. A military sponsor who is not able to attend the JMB due to deployment, temporary duty, or assignment at another installation, will be notified of the JMB appointment by the military sponsor's unit. In such cases, the current guardian of the juvenile is strongly encouraged to bring the juvenile to appear before the JMB.

3.4. **Procedures.** Not every instance of juvenile misconduct will be brought before the JMB. Each case will be analyzed independently by 366 MSG/CC, with a recommendation from 366 FW/JA.

3.4.1. Composition of the JMB. The following individuals or their designated representatives will constitute the voting members of the JMB:

- 3.4.1.1. 366 MSG/CC as the Chairperson.
- 3.4.1.2. Commander of the sponsor of juvenile (squadron commander (SQ/CC)).
- 3.4.1.3. First Sergeant of the sponsor of the juvenile (SQ/CCF (First Sergeant)).
- 3.4.1.4. Supervisor of the sponsor of juvenile.
- 3.4.1.5. 366 SFS representative.
- 3.4.1.6. Family Advocacy representative.
- 3.4.1.7. 366 FW/JA is designated as a non-voting member of the JMB.

3.4.2. Confidentiality of Board Proceedings. The board shall be closed. The only individuals permitted to attend the board shall be the designated representatives outlined in paragraph 3.4.1 of this instruction, the juvenile, the juvenile's military sponsor, and the other parent, if applicable. The juvenile may request the presence of other individuals at the board. Such requests shall be granted or denied at the sole discretion of the Chairperson.

3.4.3. Juvenile's Rights. A juvenile's appearance before the JMB is voluntary. However, if the juvenile appears, he/she must appear with the juvenile's parent or guardian. Juveniles brought before the JMB do not have the right to be represented by counsel or to present witnesses. If a juvenile does not agree to appear before the JMB, the JMB will process the case in the juvenile's absence.

3.4.4. 366 MSG/CC will personally direct the proceedings. The JMB will proceed as follows:

- 3.4.4.1. 366 MSG/CC will present allegations of misconduct as outlined in reports.
- 3.4.4.2. 366 FW/JA will present evidence.
- 3.4.4.3. The juvenile will have an opportunity to make a brief presentation.
- 3.4.4.4. The JMB members may ask questions of the juvenile. The juvenile cannot be compelled to respond.
- 3.4.4.5. The JMB will close the deliberations to the voting members and discuss if any further information is necessary. If necessary, the JMB will consult with 366 FW/JA.

3.4.5. Decision of the JMB.

- 3.4.5.1. Standard of Proof. Decisions made by the JMB shall be based on a preponderance of the evidence.
- 3.4.5.2. Board members, including 366 MSG/CC, will deliberate in a closed session. After weighing the evidence, 366 MSG/CC will call for a vote among the other board members. The other members will vote on whether the juvenile committed the alleged misconduct. If, by a majority, they find that the juvenile committed the misconduct, they will vote on appropriate action and memorialize their decisions via [Attachment 4](#), *Sample Juvenile Misconduct Board Punishment Letter*. 366 MSG/CC will consider the findings and recommendations before reaching a final decision.

3.4.5.3. The JMB reopens and 366 MSG/CC communicates its findings to the juvenile.

3.5. Case Disposition. Upon determination that the offender committed the alleged offense, 366 MSG/CC, upon the recommendations of the JMB, may take any of the actions designated in this paragraph. Actions can be taken separately or in conjunction with another action. No provision of this instruction prevents taking any other administrative or judicial action pursuant to federal, state or local statute, Air Force Instruction, ACC Instruction, 12 AF Instruction, MHAFB instruction, regulation, or local ordinance. Appropriate command action includes, but is not limited to, the following:

3.5.1. No action.

3.5.2. Verbal counseling.

3.5.3. Letter of admonishment or warning.

3.5.4. Referral of the offender to the Family Advocacy Program (if the juvenile falls under the guidelines of the Family Advocacy standards), Mental Health Services, Chaplain Services or other agencies for counseling, information, or referral.

3.5.5. Curfew restriction.

3.5.6. Suspension of access to certain areas of the base.

3.5.7. Suspension of Army & Air Force Exchange Service (AAFES), Morale, Welfare and Recreation (MWR) and/or commissary privileges.

3.5.8. Suspension of driving privileges.

3.5.9. The JMB may issue a suspension or revocation of any of the privileges described in paragraphs 3.5.6 through 3.5.8 conditioned upon satisfactory completion of the following:

3.5.9.1. Performance of community service on base accompanied by sponsor/parent/guardian. The military sponsor and the military sponsor's unit will be responsible for monitoring completion of community service. Community service must be served on MHAFB. The military sponsor's squadron will notify 366 FW/JA when the offender's community service has been completed. Certification of completion will include a statement by the agency for which service was performed. The statement will specify the number of hours worked, the work performed, and the quality of the offender's work. The military sponsor's unit will provide a copy of the certification of completion to 366 FW/JA for filing purposes.

3.5.9.2. Writing apology letters to the victim(s), or apologizing in person to the victim(s).

3.5.9.3. Writing an apology letter to 366 FW/CC.

3.5.9.4. Recouping monetary damages or losses to Air Force or Non Appropriated Fund assets, or to victim(s).

3.5.9.5. Satisfactory completion of substance abuse evaluation or education programs.

3.5.10. Recommendations to 366 FW/CC may include the following:

3.5.10.1. Barment from the installation.

3.5.10.2. Termination of government quarters.

3.5.10.3. Any other appropriate action in the best interest of the juvenile and the preservation of good order and discipline on MHAFB.

3.5.11. 366 FW/JA will send written notification of the decision and the punishment to the offender and his/her sponsor.

3.6. Failure to Comply.

3.6.1. If a juvenile does not appear before the JMB once asked to appear, or appears before the board, receives punishment, but does not complete a term of the punishment:

3.6.1.1. 366 MSG/CC may recommend to 366 FW/CC, upon advice of 366 FW/JA, that the juvenile shall be barred from the installation upon a determination that the juvenile poses a threat or has disrupted good order and discipline on the installation. Alternatively, 366 MSG/CC may recommend that the juvenile be removed from government quarters upon that same determination.

3.6.1.2. 366 MSG/CC may, upon advice of 366 FW/JA, revoke other privileges the juvenile may have, including but not limited to:

3.6.1.2.1. Suspension of AAFES/Commissary privileges.

3.6.1.2.2. Revocation of driving privileges.

RONALD D. BUCKLEY, Colonel, USAF
Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFI 33-332, *Air Force Privacy Act Program*, 29 January 2004

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 51-905, *Use of Magistrate Judges for Trial of Misdemeanors Committed by Civilians*, 1 June 1998

10 U.S.C. § 8013, *Secretary of the Air Force*

Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*

Forms (Adopted/Prescribed)

Forms Adopted:

AF Form 847, *Recommendation for Change of Publication*

AF Form 3545, *Incident Report*

DD Form 1805, *United States District Court Violation Notice*

Forms Prescribed:

No forms are prescribed in this publication.

Abbreviations and Acronyms

AAFES—Army & Air Force Exchange Service

AFMAN—Air Force Manual

AFOSI—Air Force Office of Special Investigations

AFRIMS—Air Force Records Information Management System

CC—Commander

CCF—First Sergeant

EFMP—Exception Family Members Program

FW—Fighter Wing (366 FW)

IAW—In Accordance With

JA—Judge Advocate (Legal Office (366 FW/JA))

JMB—Juvenile Misconduct Board

LED—Law Enforcement Desk

MDG—Medical Group (366 MDG)

MHAFB—Mountain Home Air Force Base

MSG—Mission Support Group (366 MSG)

MWR—Morale Welfare and Recreation

OPR—Office of Primary Responsibility

RDS—Records Disposition Schedule

SF—Security Forces

SFS—Security Forces Squadron (366 SFS)

SQ/CC—Squadron Commander

SQ/CCF—Squadron First Sergeant

U.S.C.—United States Code

Attachment 2

SAMPLE WELCOME MEMORANDUM TO NEWCOMERS

MEMORANDUM FOR PARENTS AND GUARDIANS

FROM: 366 SFS/CC

SUBJECT: Welcome Letter to Civilians and Active Duty Sponsors

1. Welcome to Mountain Home AFB. We at the 366 Security Forces Squadron hope you and your family have an enjoyable and safe tour. There are some special rules on base for juveniles and I would like to make you aware of them.
2. To ensure your stay is as pleasant as possible, I would like to remind you of some additional responsibilities concerning the conduct and control of your dependents. Juveniles generally enjoy the same privileges on Mountain Home AFB as adults, however certain controls apply. MHAFBI 31-203, *Curfew and Child Supervision*, sets the policy on the conduct and control of juveniles. It defines parental responsibilities to control juveniles, outlines the limits of juvenile activity and identifies possible administrative actions, which may be imposed if the instruction is violated. A juvenile is defined as someone less than 18 years of age. Each parent or legal guardian should make their children aware of the instruction, and exercise reasonable guidance to support the spirit and intent of the instruction. Parents or legal guardians who neglect to exercise reasonable control over their dependents may be subject to legal action.
3. Parents should teach their children to respect the privacy of other people's property. This includes individual yards, whether they are fenced or open.
4. In the course of our normal duties, Security Forces will check places of amusement or entertainment and the general confines of the installation. This is done to monitor enforcement of MHAFBI 31-203 and other directives and laws. When we observe a child or young person acting in an unsafe manner or who may be unsupervised, we will approach them to determine their age and parent's location. We will work with parents to make the community safe for all children. Please support our efforts.
5. Again, welcome to Mountain Home AFB. If you have any questions concerning juvenile activities, please feel free to contact 366th Security Forces Squadron Investigations at DSN: ___ - ___ or COMM: () ___ - ___.

NAME, Rank, USAF
Commander, 366th Security Forces Squadron

Attachment 3**SAMPLE NOTIFICATION OF JUVENILE MISCONDUCT BOARD LETTER**

MEMORANDUM FOR (NAME AND ADDRESS OF MILITARY SPONSOR)

FROM: 366 MSG/CC
366 Gunfighter Ave
Mountain Home AFB ID 83648

SUBJECT: Notification of Juvenile Misconduct Board

1. 366 FW/CC has instituted a Juvenile Misconduct Program. On (DATE), the Security Forces (OR OTHER AGENCY) apprehended (RELATIONSHIP AND NAME), for (OFFENSE). These actions have led to me to select your son's/daughter's (OTHER RELATIONSHIP) case for the Juvenile Misconduct Board. Your son's/daughter's (OTHER RELATIONSHIP) case is scheduled to be heard by the board at (TIME) on (DATE) in the 366th Fighter Wing Court Room, Bldg 512, 2nd Floor Legal Office, Mountain Home AFB. You and (NAME) are requested to appear before the board at the stated time. The uniform of the day is the <DRESS BLUES/BDUs/ABUs>.

2. The Juvenile Misconduct Board is a non-judicial proceeding. It is an administrative forum aimed at ensuring good order, morale, and discipline at Mountain Home AFB, ID. Your appearance and (JUVENILE NAME)'s appearance before the board is voluntary but strongly encouraged. If (JUVENILE NAME) does not appear, the hearing will proceed in his/her absence. Because this is not a criminal proceeding but instead is an administrative hearing, juveniles do not have a right to be represented by counsel. Offenders also do not have a right to present witnesses or other evidence, but may be permitted to do so at the sole discretion of 366 MSG/CC upon request. The board is closed to the public and will be attended by 366 MSG/CC, (SQ/CC), (SQ/CCF), (SUPERVISOR'S NAME), 366 SFS Representative, and 366 FW/JA. 366 MSG/CC may also invite other advisors as deemed appropriate. If you have other individuals who you would like to attend or present as witnesses at the proceeding, they will be considered on a case-by-case basis, as will be any other evidence you would like to present. Names of other individuals you would like to attend or other evidence you would like to present must be submitted to (366 FW/JA AND ADDRESS) by (DATE). You can find the Juvenile Misconduct Procedures in MHAFBI 31-203.

3. Please notify 366 FW/JA, (NAME), at 828-XXXX by (DATE) of (NAME)'s intention to either attend or not attend this proceeding.

xxxxxxxxxxxxxxxxxxxxx, Lt Col, USAF
(Commander)

Attachment 4

SAMPLE JUVENILE MISCONDUCT BOARD PUNISHMENT LETTER

NAME: _____

Punishment identified by Juvenile Misconduct Board convened on _____.

SECTION 1:

- No further action.
- Verbal counseling.
- Written counseling, admonition, reprimand or warning letter.

SECTION 2:

NOTE: THE FOLLOWING ACTIONS MAY BE TAKEN IMMEDIATELY, OR SUSPENDED, WITH THE CONDITION THAT THE JUVENILE SATISFACTORILY COMPLETE THE CONDITIONS IN SECTION 3 BELOW:

- Suspend/Revoke Privileges from _____.
Period of time: _____ SUSPENDED: Yes / No.
- Recommend termination of government quarters to 366 FW/CC.
- Recommend Barment to 366 FW/CC.

SECTION 3:

IF ANY OF THE ACTIONS IN SECTION 2 WERE SUSPENDED, THE FOLLOWING MAY BE CONDITIONS REQUIRED PURSUANT TO THE SUSPENSION:

- Formal letter of apology. Provide a copy to 366 FW/JA NLT _____.
- Apology in person. Report completion to 366 FW/JA NLT _____.
- Perform community service for _____ hours at/for _____.
- Referral to an agency for counseling. Any associated cost will be borne by the parents/sponsor.

___ **Base curfew** (Juvenile to remain inside base dwelling):

Beginning date: _____ During hours of: _____

___ **Pay Restitution to** _____ in the amount of _____.

___ **Complete the following substance abuse evaluation or education programs:**

SECTION 4:

___ **Other:** _____

JMB Chairperson

JMB Member

JMB Member

JMB Member

JMB Member

JMB Member