



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

BOARD MEETINGS

August 21-22, 2014
Austin, Texas



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Board Meeting

11209 Metric Boulevard, Building H – Lone Star Conference Room
Austin, TX 78758
Friday, August 22, 2014 – 9:00 a.m.

1. Call to order
2. Prayer
3. Pledge
4. Discussion, consideration, and possible approval regarding excused absences (Action)
5. Public comments
6. Discussion, consideration, and possible approval regarding the June 27, 2014 Board meeting minutes (Action)
7. Report from the Chairman
8. President's Volunteer Service Lifetime Achievement Awards
9. Report from the Interim Executive Director
10. Report from the Advisory Council
11. Report from the Inspector General
12. Report from the Administrative Investigations Division
13. Report from the Finance and Audit Committee
14. Discussion, consideration, and possible approval regarding the 2016-2017 Legislative Appropriations Request (Action)
15. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2015 budget (Action)
16. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund investment policy and strategy (Action)
17. Discussion, consideration, and possible approval regarding the Gang Intervention Audit (Action)
18. Discussion, consideration, and possible approval regarding the Community Relations Audit (Action)

19. Report from the Safety & Security Committee
20. Discussion, consideration, and possible approval regarding the discipline of certified officers – default judgment orders (Action)
 - a. Steve Reid, Certification # 27001, Nueces County
 - b. Michael Chambers, Certification #27189, Hays County
 - c. Pledge Cannon, Certification #19187, Dallas County
 - d. William Hernandez, Certification #26715, Bexar County
 - e. Jesus Hernandez, Certification #22548, El Paso County
 - f. Jose Jimenez, Certification # 27665, Webb County
 - g. Randy Rodriguez, Certification #22917, Hays County
21. Report from the Programs Committee
22. Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9161, relating to Youth Employment and Work (Action)
23. Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8723 (renumbered as §380.8583), relating to Subsidized Living Support Program, and final adoption of the repeal of 37 TAC §380.8721, relating to Independent Living Preparation, and 37 TAC §380.9109, relating to Youth Personal Property: Independent Living (Action)
24. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9103 - 380.9107 and §§380.9115 – 380.9121, relating to Basic Services, and §§380.9187 – 380.9190, relating to Suicide Prevention, in the *Texas Register* for a 30-day public comment period (Action)
25. Discussion, consideration, and possible approval to publish new 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period (Action)
26. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9125 - 380.9163, relating to Education Programs and Youth Employment/Work, in the *Texas Register* for a 30-day public comment period (Action)
27. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9113, §§380.9175 – 380.9186, and §§380.9191 – 380.9198, relating to Health Care Services, in the *Texas Register* for a 30-day public comment period (Action)
28. Closed Session – Executive Session
 - a. §551.071 consultation with legal counsel (see footnote)
 - b. §551.074 discussion of personnel matters relating to possible selection of Executive Director
29. Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed Executive Session, if applicable (Action)
30. Adjourn

- The Texas Juvenile Justice Department Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Board of the Texas Juvenile Justice Department reserves the right to take formal board action on any posted agenda item if necessary.
- Items may not necessarily be considered in the order in which they appear on the agenda.
- The Board of the Texas Juvenile Justice Department may go into closed session as authorized by the Texas Open Meetings Act as codified in Texas Government Code Section 551.071 with respect to any item.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjd.texas.gov



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Finance and Audit Committee Meeting

11209 Metric Boulevard, Building H – Lone Star Conference Room
Austin, TX 78758
Thursday, August 21, 2014 – 1:00 p.m.

1. Call to order
2. Discussion, consideration, and possible approval regarding excused absences (Action)
3. Discussion, consideration, and possible approval regarding the June 26, 2014 meeting minutes (Action)
4. Updates from the Chief Information & Technology Officer
5. Updates from the Chief Financial Officer
6. Discussion, consideration, and possible approval regarding the 2016-2017 Legislative Appropriations Request (Action)
7. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2015 budget (Action)
8. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund investment policy and strategy (Action)
9. Discussion, consideration, and possible approval regarding the Gang Intervention Audit (Action)
10. Discussion, consideration, and possible approval regarding the Community Relations Audit (Action)
11. Discussion regarding the Results of Audit Follow-Up Review
12. Adjourn

- Items may not necessarily be considered in the order in which they appear on the agenda.
- Committee meetings may include a quorum of the Board in attendance.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjd.texas.gov



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Safety and Security Committee Meeting

11209 Metric Boulevard, Building H – Lone Star Conference Room

Austin, TX 78758

Thursday, August 21, 2014 – 2:30 p.m.

1. Call to order
2. Discussion, consideration, and possible approval regarding the May 29, 2014 meeting minutes (Action)
3. Report from the Office of the Inspector General
4. Report from the Administrative Investigations Division
5. Report from the State Programs and Facilities Division
6. Discussion, consideration, and possible approval regarding the discipline of certified officers – default judgment orders (Action)
 - a. Steve Reid, Certification # 27001, Nueces County
 - b. Michael Chambers, Certification #27189, Hays County
 - c. Pledge Cannon, Certification #19187, Dallas County
 - d. William Hernandez, Certification #26715, Bexar County
 - e. Jesus Hernandez, Certification #22548, El Paso County
 - f. Jose Jimenez, Certification # 27665, Webb County
 - g. Randy Rodriguez, Certification #22917, Hays County
7. Closed Session – Security Briefing
 - a) §551.076 discussion of the deployment of security personnel
8. Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in Closed Session, if applicable
9. Adjourn
 - Items may not necessarily be considered in the order in which they appear on the agenda.
 - Committee meetings may include a quorum of the Board in attendance.
 - If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjtd.texas.gov



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Programs Committee Meeting

11209 Metric Boulevard, Building H – Lone Star Conference Room
Austin, TX 78758
Thursday, August 21, 2014 – 3:30 p.m.

1. Call to order
 2. Discussion, consideration, and possible approval regarding excused absences (Action)
 3. Discussion, consideration, and possible approval regarding the June 26, 2014 meeting minutes (Action)
 4. State facilities performance tracking
 5. Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9161, relating to Youth Employment and Work (Action)
 6. Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8723 (renumbered as §380.8583), relating to Subsidized Living Support Program, and final adoption of the repeal of 37 TAC §380.8721, relating to Independent Living Preparation, and 37 TAC §380.9109, relating to Youth Personal Property: Independent Living (Action)
 7. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9103 - 380.9107 and §§380.9115 – 380.9121, relating to Basic Services, and §§380.9187 – 380.9190, relating to Suicide Prevention, in the *Texas Register* for a 30-day public comment period (Action)
 8. Discussion, consideration, and possible approval to publish new 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period (Action)
 9. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9125 - 380.9163, relating to Education Programs and Youth Employment/Work, in the *Texas Register* for a 30-day public comment period (Action)
 10. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9113, §§380.9175 – 380.9186, and §§380.9191 – 380.9198, relating to Health Care Services, in the *Texas Register* for a 30-day public comment period (Action)
 11. Capital Offender Programs
 12. Project Based Learning (PBL), educational professional development, and new school year annual priorities
 13. Overview of injuries and its impact on health care delivery
 14. Adjourn
- Items may not necessarily be considered in the order in which they appear on the agenda.
 - Committee meetings may include a quorum of the Board in attendance.
 - If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjtd.texas.gov



**Texas Juvenile Justice Department
Board Meeting**

11209 Metric Blvd., Building H – Lone Star Conference Room

Austin, Texas 78757

Friday, June 27, 2014 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman

The Honorable Jimmy Smith

Scott Matthew

The Honorable Laura Parker

Jane Anderson King

The Honorable John Brieden III

Melissa Weiss

The Honorable Becky Gregory

Calvin Stephens

Joseph Brown

MaryLou Mendoza

BOARD MEMBERS ABSENT:

Dr. Rene Olvera

The Honorable Carol Bush

EXECUTIVE STAFF PRESENT:

David Reilly, Interim Executive Director

Roland Luna, Chief Inspector General

Jim Hurley, Communications Manager

Elaine Mays, Chief Information & Technology Officer

James Williams, Senior Director of Probation & Community Services

Teresa Stroud, Senior Director of State Programs & Facilities

Lisa Capers, Senior Director of Administration & Training

Chelsea Buchholtz, General Counsel

Royce Myers, Human Resource Director

Jeannette Cantu, Executive Assistant

Mike Meyer, Chief Financial Officer

OTHER GUESTS PRESENT:

Gaynell Doehne, TJJJ
Katrena Plummer, TJJJ
Tammy Holland, TJJJ
Stephanie Melot, TJJJ
Jim Southwell, TJJJ
Fred Meinke, TJJJ
Art Hinojosa, TJJJ
Peter Heller, TJJJ
Sandy Pippin-Gomez, Zapata Co.
Lauren Rose, Texans Care for
Children

Kenneth Ming, TJJJ
Denise Askea, TJJJ
Rebecca Thomas, TJJJ
John Isle, TJJJ
Kavita Gupta, TJJJ
Terry Kennedy, TJJJ
Jeannette Lepe, TJJJ
Estela Medina, Travis Co. JPD
Susan Humphrey, Bell Co. JPD

Matthew Segura, TJJJ
Diana Goodwin, TJJJ
Luther Taliaferro
Vanessa Burgess, TJJJ
Jerome Williams, TJJJ
Karen Kennedy, TJJJ
Camilla Cannon, TJJJ
Sheri Short, Navarro College
Aris Johnson, Gregg Co.

DRAFT

Call to Order

Chairman Fisher called the meeting to order at 9:04 a.m.

Prayer

Chaplain Terry Kennedy opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Discussion, consideration, and possible approval regarding excused absences

Chairman Fisher acknowledged the absences of Judge Carol Bush and Dr. Rene Olvera. Ms. King moved to excuse the absences. The motion was seconded, as confirmed by Chairman Fisher. The motion passed.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding the May 30, 2014 Board meeting minutes

Mr. Matthew moved to approve the minutes. Commissioner Smith seconded. The motion passed.

Report from the Chairman

Chairman Fisher reported the Board is continuing their search for a permanent Executive Director. The Search Subcommittee met this morning and had nothing to report. The goal is to find the right person for this job for this agency and that at the August meeting the Subcommittee hopes to have a recommendation for the full board.

Report from the Interim Executive Director

David Reilly, Interim Executive Director, presented his report. TJJJ's Procurement and Contracts Department attended the Historically Underutilized Businesses (HUB) Fair sponsored by Senator Royce West, who recognized the top 10 performing agencies from last year's event. TJJJ received recognition for awarding the third highest total dollars to HUB vendors.

This month's written report includes several pro-social activities and events that occurred at the facilities and gives you a sense of the good things happening around the agency with the staff and youth.

Mr. Reilly reported that he and Jim Hurley, Communications Manager, have worked on an Agency Communications Plan that includes: developing a core message for the Agency; weekly or twice monthly press releases proactively documenting positive achievements; news flashes to key stakeholders; staff and legislative offices; and engaging editorial boards and developing op-ed articles that talk about the mission of the Agency.

Mr. Reilly recognized the State Programs and Facilities Division for developing the Young Offenders Programs. The program was developed in Brownwood for kids younger than 14 years old. This program will be operational in October so these youth can be moved to a less restrictive environment. Discussion ensued regarding the geographical issues of moving these young offenders away from their families, the pros and cons of moving these youth to a less restrictive program environment for as short amount of time as possible and the sensitivity of this issue in general.

Report from the Advisory Council

The Advisory Council report to the Board was postponed to the next Board meeting.

Report from the Inspector General

Roland D. Luna, Chief Inspector General, provided his report, highlighting many continued improvements on OIGs summary indicators for Investigative Analysis and Investigative Life Cycle through third quarter FY 2014. Not shown on the summary indicators found on pages 25 and 26 of your board materials, OIG also conducted 1599 detainer checks and 1758 visitation checks. In response to Chairman Fisher's request, Inspector General Luna explained OIG has partnered with the State Programs and Facilities Division to make sure contraband is not entering the facilities by conducting visitation checks. The goal being to make sure youth have access to their families but doing it in a safe way by checking criminal background checks prior to visitation.

The OIG continues to partner with the Texas Attorney General's Office and is scheduled for their quarterly meeting of the Texas Violent Gang Task Force on July 9.

Discussion, consideration, and possible approval regarding the 2015-2019 Agency Strategic Plan (Action)

Lisa Capers, Senior Director of Administration and Training, provided an overview of the agency's strategic priorities as outlined in the Agency Strategic Plan. She reported the Agency scored very well on the Customer Service Survey and the Survey of Employee Engagement. Staff requests the Board approve the Strategic Plan in substance and form and allow staff to continue to make non-substantive formatting changes to finalize the documents prior to final submission.

In response to a question by Ms. Mendoza regarding Positive Behavior Interventions and Support (PBIS), Amy Lopez, Senior Director of Education, confirmed that although PBIS is now being rolled out campus wide, it has been in our schools since 2009. The 2012 PBIS report data shows that incidents have decreased dramatically since the implementation of PBIS.

Ms. Mendoza moved to approve the Agency Strategic Plan as to substance and form and to authorize staff to make any necessary non-substantive or corrective changes that may be necessary prior to submission. Ms. King seconded. The motion passed.

Chairman Fisher requested a final draft be posted to the Board Portal and that Jeannette Cantu notify Board Members when it's posted allowing final comments directed to Lisa Capers prior to submission.

Report from the Trust Committee

Commissioner Smith, Chairman of the Trust Committee, reported there was no public comment at the committee meeting and only one item was discussed that will be heard before the full board for action regarding insurance covering board members.

Discussion, consideration, and possible action on directors and officers insurance policy covering board members in their capacity as trustees of the Parrie Haynes and Wende Trusts (Action)

Chairman Fisher provided a brief overview regarding the trusts that belong to the state and the arguments on both sides regarding the role of the board members as it relates to the estate. Vanessa Burgess, Staff Attorney, was present to answer questions on this item. Chairman Fisher further explained the Trust Committee has recommended this Board obtain directors and officer's insurance coverage and directed staff to begin looking into policy coverage options. Staff has obtained to policy options that vary in terms of coverage, specifically with regard to defense limits and punitive damages. Policy one does not include punitive damage coverage and is \$1,000,000 damage and defense limit, the premium is \$5,492 annually. Policy two does cover punitive damage and has up to a \$2,000,000 damage defense limit; the premium is \$8,707.53 annually. The premium expense would be split between the Parrie Haynes and Wende Trusts. The recommendation of the Trust Committee is to adopt the second policy. Discussion ensued regarding the option of obtaining an Attorney General's opinion on whether they would provide legal defense for board members.

Mr. Matthew moved that the Trustees grant delegation of authority to the Interim Executive Director to purchase the policy offered by the Miller Agency with a two million dollar defense and damage limit for an annual premium not to exceed \$8,800 with coverage effective as soon as possible and to expend trust funds to do so. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval of the delegation of authority to the interim executive director to transfer certain real property not currently utilized by TJJJ (Action)

Chairman Fisher reported there was a legislative mandate back in the 1970's to transfer the Gatesville property to the Texas Department of Criminal Justice (TDCJ). However, TDCJ notified us the property was never formally transferred, therefore we are being asked by TDCJ to complete the transfer. Ms. Burgess reported this is being done with the recommendation of Senior Counsel at the General Land Office.

Ms. Weiss moved to approve the transfer. Commissioner Smith seconded. The motion passed.

Report from the Finance and Audit Committee

Mr. Stephens, Chairman of the Finance and Audit Committee, reported the Committee met yesterday and reviewed agenda items in detail that are also going to be presented before the Board today.

Report and discussion on exceptional item development for the 2016-2017 Legislative Appropriations Request

Chairman Fisher emphasized that this is a draft list and has gone through an executive process to get to this draft number.

Mike Meyer, Chief Financial Officer, briefly explained the ongoing processes involving senior directors to develop the current draft exceptional item list. The list was presented to the Finance and Audit Committee and as a result of that discussion additional adjustments were made at the request of the Committee. An updated packet with those changes has been provided to you this morning. Discussion ensued regarding detail of the development process, exceptional items, amounts and priority.

Chairman Fisher was encouraged with the development of the ongoing process and is looking forward to continued updates to complete the Agency's LAR as they become available.

Chairman Fisher called for a 15 minute recess.

Discussion, consideration, and possible approval regarding contract items requiring Board approval: amounts exceeding \$500,000.00, material change, and/or other matters deemed appropriate for Board review and action (Action)

Kenneth Ming, Director of Business Operations and Contracts, requested approval to authorize the Interim Executive Director to enter the following planned residential service contract renewals for FY 2015:

- **Associated Marine Institute Kids (AMIKids)** **\$1,009,225**
- **Byrd's Foster Group Home** **\$375,950**
- **Gulf Coast Trades Center** **\$436,175**
- **National Mentor Healthcare, dba Texas Mentor** **\$174,817**
- **Rite of Passage** **\$345,144**
- **Specialized Alternatives for Families and Youth** **\$200,750**

Ms. King moved to approve the resolution. Judge Parker seconded. The motion passed.

Report from the Programs Committee

Scott Matthew chaired the Programs Committee in the absence of Dr. Olvera, Chairman of the Programs Committee. Mr. Matthew briefly discussed each of the items presented at the Programs Committee: Overview of pharmacy utilization; state facilities performance tracking; alcohol and other drug programs; and Positive Behavior Interventions and Support (PBIS) and Capturing Kids' Hearts.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.8701 – 380.8707 and §§380.8751 – 380.8795, relating to Treatment, in the Texas Register for a 30-day public comment period (Action)

Teresa Stroud, Senior Director of State Program and Facilities, presented in detail proposed rule revisions (additions, clarifications and deletions) to 37 TAC §§380.8701 – 380.8707 and §§380.8751 – 380.8795 for 30 day public comment. Discussion included the repeal of 380.8763 and 380.8795 because they are already addressed in other rules. Mr. Brown raised a question regarding 380.8787 and removal of the option for TJJD to override the risk level indicated by the assessment instrument. After further discussion, it was decided rule 380.8787 would be removed from the proposed revisions for further review by staff.

Ms. Mendoza moved to approve the proposed revisions as noted. Mr. Brown seconded. The motion passed.

Chairman Fisher stated rule 380.8787 would be heard for consideration at the August meeting.

Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9707, relating to Custody and Supervision Rating, in the *Texas Register* for a 30-day public comment period (Action)

Ms. Stroud presented proposed rule revisions (additions and clarifications) to 37 TAC §380.9707 for 30 day public comment. There was no discussion.

Ms. Weiss moved to approve the proposed revisions as noted. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.8715, relating to Title IV-E Foster Care Youth, and §380.8733, relating to Surveillance and Supervision Levels in Parole Home Placement, in the *Texas Register* for a 30-day public comment period (Action)

James Williams, Senior Director for Probation and Community Services, presented proposed rule revisions to 37 TAC §380.8715 and §380.8733 for 30 day public comment. There was no discussion.

Mr. Brown moved to approve the proposed revisions as noted. Ms. Weiss seconded. The motion passed.

Adjourn

The meeting was adjourned at 11:11 a.m.

**Office of Inspector General
Investigative Analysis**

Summary Indicators	FY 13 thru June	FY 14 thru June
Incident Reporting Center (IRC) Reports	9,729	10,773
Referred to Administrative-AID State	527	703
Referred to Probation-AID County	935	1,094
Referred to OIG Criminal	1,363	1,530
Referred to Youth Rights	4,714	4,812
Referred to State Programs	1,417	1,745
Closed	773	889
OIG Criminal Investigations Submitted to Prosecution	306	330
Submitted to Prosecution Assaultive Assaultive Category includes: Assault on Public Servant, Harassment by person in Correctional Facility, Retaliation, Assault, Official Oppression, Aggravated Assault, and Unlawful Restraint	249	295
Submitted to Prosecution Sexual Offense Sexual Category includes: Indecent Exposure and Indecency with a child	35	20
Submitted to Prosecution Property Damage Property Category includes: Criminal Mischief and Arson	5	0
Submitted to Prosecution Contraband Contraband Category includes: Prohibited Substance in Correctional Facility (Marijuana and Cocaine), Contraband, in a Correctional Facility, Deadly Weapon in Penal Institution, Possession of Marijuana, Child Pornography	25	9
Submitted to Prosecution Other Other Category includes: Terroristic Threat, Escape Offenses, False Reports, Misuse of Official Information, Tamper with Government Record, Theft, and Violation Civil Rights of Person in Custody	17	6
TJJD Active Directives to Apprehend Issued	425	407
OIG Apprehensions	69	35
Apprehensions Other Agencies	243	246

Office of Inspector General
Investigative Life Cycle

Date Range	REA Receive, Evaluate, Assign	Average # of Investigative Days	Average # of days for Intake Decision	Average # of Days for Final Disposition	Total Days
FY 14 thru June	1	77	19	80	177
FY 13 thru June	1	84	28	75	188

**Texas Juvenile Justice Department
Administrative Investigations Division
Summary Comparisons**

County Investigations Unit	FY13 Through June	FY14 Through June	% change
Abuse, Neglect & Exploitation Investigations	277	*334	21%
Complaints	44	38	-14%
Grievances	793	863	9%
Non-Jurisdiction	32	61	91%
Non-Reportable	440	441	0%
Other Reports (<i>Duplicates, Standards Violation</i>)	72	70	-3%
Serious Incidents	510	620	22%
Total Reports Received	2168	2427	12%

*CIU Abuse, Neglect & Exploitation Investigation Dispositions	FY 2014 Through June
Already Investigated By TJJD	2
Baseless Allegation	1
Concur With Internal Investigation Disp	7
Does Not Meet Abuse/Neglect Definition	23
Not Under TJJD Jurisdiction	1
Reason To Believe	11
Ruled Out	84
Unable To Determine	15
*Total Cases with Disposition	144

*Cases Pending Disposition	190
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*CIU Days to Disposition for Completed Investigations	#
<30	13
30-90	37
90+	94
Total Cases with Disposition	144

*CIU Days for Cases Pending Disposition	#
<30	28
30-90	65
90+	97
Total Cases Pending Disposition	190

*Calculated using calendar days.

State Investigations Unit	FY13 Through June	FY14 Through June	% Change
Abuse	318	259	-19%
Neglect	57	74	+30%
Exploitation	24	9	-63%
Policy Violation Investigations	356	760	+113%
Total Investigations Opened	755	1102	+46%

Total Cases to Disposition	FY13 Through June	FY14 Through June	% Change
Confirmed	381	515	+35%
Exonerated	19	17	-11%
Unfounded	569	331	-42%
Unable to Determine (Previously Not Confirmed)	135	251	+86%
Total Investigations Closed	1104	1114	+1%

SIU Days to Disposition for Completed Investigations	#
<30	365
30-90	163
90+	274
Total Cases with Disposition	802

SIU Days for Cases Pending Disposition	#
<30	96
30-90	198
90+	302
Total Cases Pending Disposition	596

County Investigation Unit Disposition Definitions

Baseless - Clear and convincing evidence confirms that the allegation is spurious or patently without factual basis or that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, did not occur.

Concur – A preponderance of evidence obtained during TJJJ’s investigation, which is in part supported by the internal investigation, determines that an incident occurred; however, the evidence is not necessarily definitive as to whether or not elements of the incident meet the statutory definition of abuse, neglect or exploitation.

Does Not Meet the Statutory Definition – A preponderance of evidence determines the conduct that formed the basis of the allegation does not meet the statutory definition of abuse, neglect or exploitation.

Previously Investigated – The alleged incident was previously investigated by the TJJJ and therefore, further investigation by the TJJJ is unwarranted.

Reason to Believe – A preponderance of evidence substantiates that an incident that meets the statutory definitions of abuse, neglect or exploitation occurred.

Referred – The case is referred to the government entity with investigative jurisdiction when a preponderance of evidence confirms:

- The TJJJ does not have investigative jurisdiction;
- Law enforcement is conducting a criminal investigation; or
- Criminal prosecution is pending.

Ruled Out – A preponderance of evidence does not substantiate that an incident, which meets the statutory definition of abuse, neglect or exploitation, occurred.

Unable to Determine – A preponderance of evidence does not exist to substantiate that abuse, neglect or exploitation occurred; nor does a preponderance of evidence exist to rule out that abuse, neglect or exploitation did not occur.

Unable to Investigate – The TJJJ’s investigation cannot proceed because:

- The persons involved in the alleged incident cannot be identified or located;
- The persons involved in the alleged incident refuse to cooperate with the investigation;
- There is insufficient information to proceed with the investigation; or
- Evidence essential to the investigation is no longer obtainable.

State Investigation Unit Disposition Definitions:

Confirmed--an investigation established that the allegation did occur.

Exonerated--an investigation established that the alleged incident occurred but was lawful and proper or was justified under existing conditions.

Unable to Determine--an investigation resulted in insufficient evidence to prove or disprove the allegation(s).

Unfounded--an investigation established that the allegation is false, not factual.

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director
Michael Meyer, Chief Financial Officer

Subject: John C. Wende and Parrie Haynes FY 2015 Trust Fund Budgets

Date: August 5, 2013

By virtue of the agency's history with the State Orphans' Home at Corsicana, TJJJ Board Members are trustees of this charitable trust for orphans bequeathed in 1953. These charitable trust funds are administered to provide educational support to eligible youth and to offer support to eligible young parents. TJJJ Trust Fund Administrators coordinate with other TJJJ staff, including educational reentry liaisons, school principals, parole officers and case managers to identify eligible youth, ensure their access to the funds and monitor appropriate use of the funds.

The TJJJ trust fund Investment Officer provides support in preparing the budget and expenditure reports and managing appropriate investments pursuant to the direction of the Trustees. The Internal Audit Department audits these funds to ensure that the use and accounting of the funds are consistent with the expectations of the Trustees.

As reflected in the attachment, the Fiscal Year (FY) 2015 proposed budget for the John C Wende Trust Fund totals \$160,572, and the FY 2015 proposed budget for the Parrie Haynes Trust Fund totals \$36,162. The John C. Wende Trust budget for FY 2015 contains expenditure projections

that exceed the revenues for the next fiscal year. The Parrie Haynes Trust budget for FY 2015 contains expenditure projections that do not exceed the revenues for the next fiscal year. For the John C. Wende Trust, available cash balances at August 31, 2014, in addition to the next fiscal year revenues, will be sufficient to support the projected expenditures for FY 2015.

The Texas Juvenile Justice Department staff recommends the board's approval of the annual budget for the John C. Wende and Parrie Haynes Trust Funds for FY2015.

**PARRIE HAYNES TRUST FUND
FY 2015 PROPOSED BUDGET**

	<u>FY 2014 Estimated</u>	<u>FY 2015 Proposed</u>
CASH BALANCES		
Beginning cash balance	\$ 167,540	\$ 213,962
REVENUES		
Lease & Rental Income	46,000	48,000
Interest Income	2,179	2,500
Other Income	17,522	-
<i>Subtotal, Revenues</i>	<u>65,701</u>	<u>50,500</u>
<u>TOTAL, REVENUE AND BALANCES</u>	<u>\$ 233,241</u>	<u>\$ 264,462</u>
EXPENDITURES		
Insurance Premiums	\$ 10,942	\$ 5,662
Fees & Other Charges	6,410	500
Educational Assistance	1,927	25,000
Young Parent Assistance	-	-
Other Operating	<u>-</u>	<u>5,000</u>
<u>TOTAL, EXPENDITURES</u>	<u>\$ 19,279</u>	<u>\$ 36,162</u>

**JOHN C. WENDE TRUST FUND
FY 2015 PROPOSED BUDGET**

	<u>FY 2014 Estimated</u>	<u>FY 2015 Proposed</u>
CASH BALANCES		
Beginning cash balance	\$ 98,186	\$ 138,644
REVENUES		
Lease & Rental Income	114,303	114,000
Interest Income	1,865	1,840
Other Income	-	-
<i>Subtotal, Revenues</i>	<u>116,168</u>	<u>115,840</u>
<u>TOTAL, REVENUE AND BALANCES</u>	<u>\$ 214,354</u>	<u>\$ 254,484</u>
EXPENDITURES		
Insurance Premiums	\$ -	\$ 4,572
Fees & Other Charges	-	600
Educational Assistance	75,710	150,000
Young Parent Assistance	-	1,400
Other Operating	-	4,000
<u>TOTAL, EXPENDITURES</u>	<u>\$ 75,710</u>	<u>\$ 160,572</u>



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR AUTHORIZATION TO APPROVE THE BUDGETS FOR THE JOHN C. WENDE AND PARRIE HAYNES FY 2015 TRUST FUND

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, TJJJ Board members are trustees of the Parrie Haynes and John C. Wendé charitable trust funds bequeathed to the State; and

WHEREAS, the staff has proposed budgets for the trust funds for FY 2015 and investment policies and strategies consistent with the last will and testaments of Parrie Haynes and John C. Wendé;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Parrie Haynes and John C. Wendé budgets for FY 2015 as proposed.

The foregoing Resolution was lawfully moved, duly seconded and adopted by the Texas Juvenile Justice Board.

Signed this **22nd day of August, 2014**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director
Michael Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund investment policy and strategy

Date: August 7, 2013

The investment of John C. Wende and Parrie Haynes Trust funds is governed by the wills creating the trusts, applicable statutory authority, and common law trust provisions. The investment officer of the trust funds will be the Executive Director or his/her designee who is qualified by experience and training to exercise judgment and care in the investment of funds. Outside investment consultation may be obtained when in the interest of the trusts.

The investment officer is required to exercise prudence in the investment of funds, not for speculation, but for preservation and safety of principal, liquidity and yield investment objectives. In order to meet these objectives, diversity of investments is limited to investments such as Certificates of Deposit or other fully insured securities and U.S. Treasury Notes or other federal issues.

The investment officer is required to develop for the Trustee's approval each year an investment policy and strategy that addresses maturity and yield of investments based on projected cash flow needs. The investment strategy is developed concurrently with the

Trustee's budget of approved expenditures for the year. The maximum allowable stated maturity of any individual investment will be two years.

Certificates of Deposit or share certificates must be issued by a depository institution that has its main office or a branch office in this state and be guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor. Bids for certificates of deposit may be solicited orally, in writing, electronically, or in any combination of these methods.

The John C. Wende and Parrie Haynes Trust have funds invested in Certificates of Deposit that maintain a short to mid-term investment position. While the federal funds rate is very low in the current market, a short to mid-term investment position provides an improved opportunity to generate higher interest income in the future by maintaining liquidation. Therefore the John C. Wende and Parrie Haynes Trust additional funds are invested in certificates of Deposit having maturity dates of twelve months. The maturity dates are staggered to provide the trusts better liquidity without penalties.

In order to maintain safety of principal, each certificate of Deposit is maintained in a different financial institution at a level not to exceed \$250,000.00 to ensure total Federal Deposit Insurance Corporation or National Credit Union Share Insurance Fund coverage. This is administered through a contract with Frost Bank.

Staff recommends no change to the trusts' investment policy or strategy for FY 2015. The resolution reflects consistency with current practice. Time permitting, the Trustees may consider the formation of a special committee to consider whether a change to a less restrictive investment policy and strategy is advisable beginning in FY 2016.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION APPROVING THE INVESTMENT POLICY AND STRATEGY FOR THE JOHN C. WENDE AND PARRIE HAYNES 2015 TRUST FUNDS

On this the **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, TJD Board members are trustees of the Parrie Haynes and John C. Wendé charitable trust funds bequeathed to the State; and

WHEREAS, the staff has proposed investment policy and strategy for the Parrie Haynes and John C. Wendé trust funds for FY 2015;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Parrie Haynes and John C. Wendé investment policy and strategy for FY 2015 as proposed.

The foregoing Resolution was lawfully moved, duly seconded and adopted by the Texas Juvenile Justice Board.

Signed this **22nd day of August, 2014**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director
Chelsea Buchholtz, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers – default judgment orders

Date: July 29, 2014

The Texas Juvenile Justice Board (the Board) has the authority to reprimand, suspend, or revoke the certification of a certified juvenile probation or detention/supervision officer under Section 222.053 of the Texas Human Resources Code. The officer is entitled to a hearing before the State Office of Administrative Hearings (SOAH) if revocation or suspension of the certification is recommended.

Agency administrative rules found in Texas Administrative Code, Title 37, Chapter 349 allow TJJJ to dispose of certain disciplinary cases without referring the cases to SOAH.

The rules require TJJJ to give to the certified officer a statement of facts or conduct alleged to warrant an adverse certification action as well as notice of the discipline sought to be imposed. The notice must invite the officer to show compliance with all requirements of law for the retention of the license, give notice that the officer must file a written answer to the formal charges in compliance with TJJJ administrative rules found in Chapter 349, and give notice that a failure to file a written answer may result in the alleged conduct being admitted as true and the relief sought being granted by default. The notice must be sent via certified mail, return receipt requested, to the certified officer's most recent address of record with TJJJ.

The administrative rules require the certified officer to file an answer to a formal disciplinary action within twenty days of receipt of the action. If an officer fails to respond to a disciplinary action notice, the officer waives the opportunity to contest the charges and waives objection to the proposed sanction. Agency rules authorize TJJJ to enter a default judgment against the

officer and impose the disciplinary action sought. The default orders are based upon the factual allegations and sanctions recommended in the formal charges.

Attached for your review are the Recommendation for Default, Default Order, and Affidavit of the Attorney for the cases recommended for default. The Office of General Counsel determined that proof of proper notice and failure to respond exists in these cases. The Request for Default Order explains the notice provided, the lack of response, the alleged conduct and violations, and the requested sanction for each case.



**Texas Juvenile Justice Department
MASTER DEFAULT ORDER**

A MASTER DEFAULT ORDER RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OR SUPERVISION OFFICERS

On this the **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and vote Requests for Default Orders in the following matters related to the discipline of certified juvenile probation or supervision officers:

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
14-27001-13293	Steve Reid, Certification # 27001, Robert Barnes Regional Juvenile Facility	Probated suspension for 1 year	Nueces
13-27189-130275	Michael Chambers, Certification #27189, Hays County Post Juvenile Detention	Revocation	Hays
13-19187-120035	Pledge Cannon, Certification #19187, Dallas County Juvenile Detention Center	Revocation	Dallas
14-26715-140102	William Hernandez, Certification #26715, Bexar County Juvenile Detention	Revocation	Bexar
14-22548	Jesus Hernandez, Certification #22548, El Paso Juvenile Probation Office	Suspension for five years	El Paso
14-22052-130256	Abel Huerta, Certification #22052, Amador Rodriguez Boot Camp	Probated suspension for one year	Cameron
14-27665-140042	Jose Jimenez, Certification #27665, Webb County Youth Village	Probated suspension for two years	Webb

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
14-22917-130269	Randy Rodriguez, 22917, Hays County Juvenile Post Detention Center	Probated suspension for one year	Hays

WHEREAS the Board has jurisdiction over these actions pursuant to Texas Human Resources Code §222.053 and Texas Administrative Code, Title 37, §349.305 et seq. and authority to enter a Default Order under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

WHEREAS the Board considered the Requested Default Order in each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Final Orders was lawfully moved, duly seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board; and

WHEREAS the following Board members recused themselves from participation in a particular matter:

<i>BOARD MEMBER</i>	<i>NAME OF OFFICER(S)</i>

NOW, THEREFORE BE IT ORDERED THAT the Final Order in each referenced matter shall become effective as provided therein according to the date this Order is signed and that a copy of this Order shall be affixed to each Final Order.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

DOCKET NO. DH -14-27665-140042

IN THE MATTER OF	§	BEFORE THE
JOSE JIMENEZ	§	TEXAS JUVENILE
CERTIFICATION NO. 27665	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJJ) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJJ Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJJ was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Jose Jimenez (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Jose Jimenez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about October 17, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) when Respondent encouraged two youths to hit each other and failed to take appropriate action to prevent or stop them from hitting each other.
3. The written notice informed Respondent that TJJD was seeking a two year suspension of Respondent's certification, beginning from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated.

4. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The written notice informed Respondent he was required to file a written response within twenty days of receipt of the notice.
6. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter suspending Jose Jimenez's certification for two years from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On October 17, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On October 17, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on October 17, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) provides that juvenile justice professionals shall respect and protect the legal rights of all children and their parents and/or guardians; and serve each child with concern for the child's welfare and with no expectation of personal gain.
5. On or about October 17, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) when Respondent encouraged two youths to hit each other and failed to take appropriate action to prevent or stop them from hitting each other.

6. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
7. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
8. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 14-27665-140042

IN THE MATTER OF	§	BEFORE THE
JOSE JIMENEZ	§	TEXAS JUVENILE
CERTIFICATION NO. 27665	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Jose Jimenez (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On October 17, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On October 17, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on October 17, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) provides juvenile justice professionals shall respect and protect the legal rights of all children and their parents and/or guardians; and serve each child with concern for the child's welfare and with no expectation of personal gain.
5. The written notice indicated that on or about October 17, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) when Respondent encouraged two youths to hit each

other and failed to take appropriate action to prevent or stop them from hitting each other.

6. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
7. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
8. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(1)(C) and (D).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification for Jose Jimenez is suspended for two years from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD.

Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date the parties are notified of the Order.

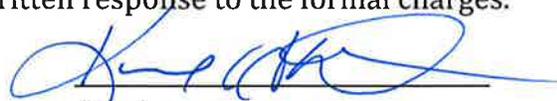
TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order, dated August 22, 2014

AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

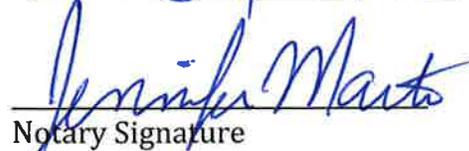
1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Jose Jimenez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about October 17, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(C) and (D) when Respondent encouraged two youths to hit each other and failed to take appropriate action to prevent or stop them from hitting each other.
3. The written notice informed Respondent that TJJD was seeking a two year suspension of his certification, beginning from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated.
4. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
5. The written notice informed Respondent he was required to file a written response within twenty days of receipt of the notice.
6. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

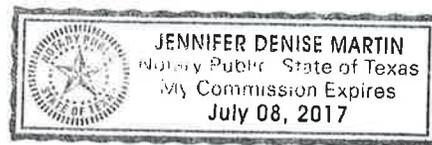


Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15 of July, 2014.


Notary Signature



DOCKET NO. DH- 14-27001-13293

IN THE MATTER OF	§	BEFORE THE
STEVE REID	§	TEXAS JUVENILE
CERTIFICATION NO. 27001	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE TJJD IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Steve Reid (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On June 13, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Steve Reid (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 16, 2014.
2. The written notice indicated that on or about on or about February 28, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about on or about July 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary force and an improper

restraint technique by slamming youth R.B. to the floor and placed the youth in a choke hold or headlock, causing the youth to suffer pain and sustain an eye injury.

4. The written notice informed Respondent that TJJD was seeking a probated suspension of Respondent's certification as a juvenile supervision officer for one year from the date Respondent returns to work with a juvenile facility or program.
5. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE TJJD IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since June 16, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter suspending the Respondent's certification for one year from the date the Respondent returns to work with a juvenile facility or program, with that suspension being probated. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On February 28, 2014 and July 12, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On February 28, 2014 and July 12, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on February 28, 2014 and July 12, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a TJJD abuse, exploitation and neglect investigation conducted under the authority of

Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.

5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
6. On or about February 28, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about July 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary force and an improper restraint technique by slamming youth R.B. to the floor and placed the youth in a choke hold or headlock, causing the youth to suffer pain and sustain an eye injury.
8. On June 16, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 16, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 14-27001-13293

IN THE MATTER OF	§	BEFORE THE
	§	
STEVE REID	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 27001	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Steve Reid (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On February 28, 2014 and July 12, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On February 28, 2014 and July 12, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on February 28, 2014 and July 12, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a TJJD abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only

use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.

6. On or about February 28, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about July 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary force and an improper restraint technique by slamming youth R.B. to the floor and placed the youth in a choke hold or headlock, causing the youth to suffer pain and sustain an eye injury.
8. On June 16, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 16, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Steve Reid is suspended for one year from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated.

2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order, dated August 22, 2014

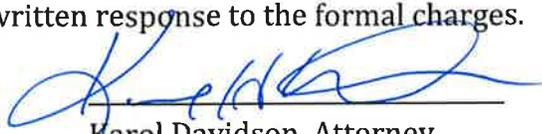
AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On June 13, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Steve Reid (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 16, 2014.
2. The written notice indicated that on or about on or about February 28, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about on or about July 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary force and an improper restraint technique by slamming youth R.B. to the floor and placed the youth in a choke hold or headlock, causing the youth to suffer pain and sustain an eye injury.
4. The written notice informed Respondent that TJJD was seeking a one year suspension of Respondent’s certification as a juvenile supervision officer, beginning from the date the Respondent returns to work with a juvenile facility or program, with that suspension probated.
5. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
6. The written notice informed the Respondent of the requirement to file a written response within twenty days of receipt of the notice.

7. Twenty days have elapsed since June 16, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.



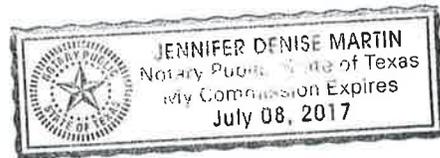
Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15 of July, 2014.



Notary Signature



DOCKET NO. DH - 13-27189-130275

IN THE MATTER OF	§	BEFORE THE
	§	
MICHAEL CHAMBERS	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 27189	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested, and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Michael Chambers (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Michael Chambers (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about March 3, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written noticed indicated that on or about June 26, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J)

when Respondent slammed a youth against a wall, lifted the youth in the air, and slammed the youth to the ground; landing on top of him. The youth suffered two chipped teeth and a laceration to the left area of the chin which required sutures.

4. The written notice informed Respondent that TJJD was seeking a revocation of his certification.
5. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter revoking Michael Chambers' certification. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On March 3, 2014 and June 26, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On March 3, 2014 and June 26, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on March 3, 2014 and June 26, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.

5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
6. On or about March 3, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when the Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about June 26, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent slammed a youth against a wall, lifted the youth in the air, and slammed the youth to the ground; landing on top of him. The youth suffered two chipped teeth and a laceration to the left area of the chin which required sutures.
8. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 13-27189-130275

IN THE MATTER OF	§	BEFORE THE
	§	
MICHAEL CHAMBERS	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 27189	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Michael Chambers (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On March 3, 2014 and June 26, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On March 3, 2014 and June 26, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on March 3, 2014 and June 26, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only

use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.

6. On or about March 3, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about June 26, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent slammed a youth against a wall, lifted the youth in the air, and slammed the youth to the ground; landing on top of the him. The youth suffered two chipped teeth and a laceration to the left area of the chin which required sutures.
8. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification for Michael Chambers is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.

3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order, dated August 22, 2014

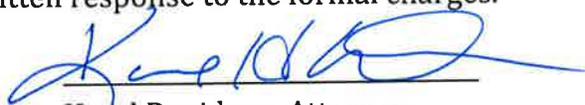
AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Michael Chambers (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about March 3, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written noticed indicated that on or about June 26, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent slammed a youth against a wall, lifted the youth in the air, and slammed the youth to the ground; landing on top of him. The youth suffered two chipped teeth and a laceration to the left area of the chin which required sutures.
4. The written notice informed Respondent that TJJD was seeking revocation of his certification.
5. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
6. The written notice informed Respondent he was required to file a written response within twenty days of receipt of the notice.

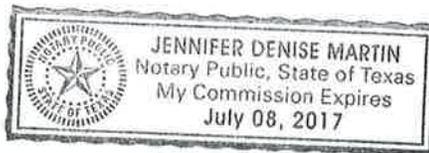
7. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.



Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15 of July, 20 14.


Notary Signature

DOCKET NO. DH- 13-19187- 120035

IN THE MATTER OF	§	BEFORE THE
PLEDGE CANNON	§	TEXAS JUVENILE
CERTIFICATION NO. 19187	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Pledge Cannon (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On January 15, 2013, written notice was sent by certified mail, return receipt requested, to the most recent address of record of the Texas Juvenile Justice Department (TJJD) for Pledge Cannon (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was January 18, 2013.
2. The written notice indicated that on or about September 25, 2011, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent slammed a youth to the ground during a restraint.
3. The written notice informed Respondent that TJJD was seeking revocation of the Respondent's certification.
4. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN

THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”

5. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
6. Twenty days have elapsed since January 18, 2013, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.
7. To date, Respondent has not filed an answer to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter revoking the Pledge Cannon's (Respondent) certification. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On September 25, 2011, Respondent held a juvenile supervision officer certification with TJJD.
2. On September 25, 2011, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on September 25, 2011, and required that juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
5. On or about September 25, 2011, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(J) when Respondent slammed a youth to the ground during a restraint.
6. On January 18, 2013, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.

8. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 13-19187-120035

IN THE MATTER OF	§	BEFORE THE
	§	
PLEDGE CANNON	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 19187	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Pledge Cannon (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On September 25, 2011, Respondent held a juvenile supervision officer certification with TJJD.
2. On September 25, 2011, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on September 25, 2011, and required that juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
5. On or about September 25, 2011, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(J) when Respondent slammed a youth to the ground during a restraint.

6. On January 18, 2013, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
7. More than twenty days have elapsed since January 18, 2013, the date Respondent is presumed to have received notice of the formal charges.
8. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Pledge Cannon is revoked.
2. All requested findings of fact and conclusions of law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order dated August 22, 2014

AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On January 15, 2013, written notice was sent by certified mail, return receipt requested, to the most recent address of record of the Texas Juvenile Justice Department (TJJD) for Pledge Cannon (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was January 18, 2013.
2. The written notice indicated that on or about September 25, 2011, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent slammed a youth to the ground during a restraint.
3. The written notice informed Respondent that TJJD was seeking revocation of Respondent’s certification.
4. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
5. The written notice informed the Respondent of the requirement to file a written response within twenty days of receipt of the notice.
6. More than twenty days have elapsed since January 18, 2013, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

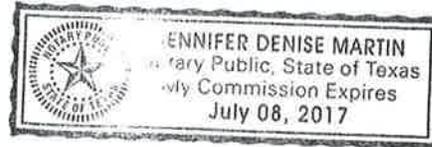


Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15 of July, 2014

Jennifer Martin
Notary Signature



DOCKET NO. DH -14-26715-140102

IN THE MATTER OF	§	BEFORE THE
	§	
WILLIAM HERNANDEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 26715	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish William Hernandez (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On June 13, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for William Hernandez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 16, 2014.
2. The written notice indicated that on or about March 31, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when the Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261, which found a youth suffered a broken foot due to conduct of the Respondent.
3. The written notice indicated that on or about November 11, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations.

Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent lifted a youth in the air, and slammed the youth to the ground, landing on top of the upper body and head of the youth.

4. The written notice informed Respondent that TJJD was seeking a revocation of Respondent's certification.
5. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since June 16, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter revoking Respondent's certification. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

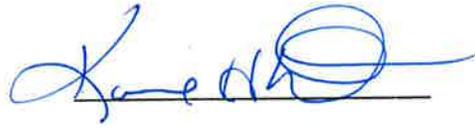
1. On March 31, 2014 and November 11, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On March 31, 2014 and November 11, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on March 31, 2014 and November 11, 2013, and required that juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.

5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
6. On or about March 31, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when the Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261, which found a youth suffered a broken foot due to conduct of the Respondent.
7. On or about November 11, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent lifted a youth in the air, and slammed the youth to the ground, landing on top of the upper body and head of the youth.
8. On June 16, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 16, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH-14-26715-140102

IN THE MATTER OF	§	BEFORE THE
WILLIAM HERNANDEZ	§	TEXAS JUVENILE
CERTIFICATION NO. 26715	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to William Hernandez (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On March 31, 2014 and November 11, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On March 31, 2014 and November 11, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on March 31, 2014 and November 11, 2013, and required that juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and

shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.

6. On or about March 31, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when the Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261, which found a youth suffered a broken foot due to conduct of the Respondent.
7. On or about November 11, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when the Respondent lifted a youth in the air, and slammed the youth to the ground, landing on top of the upper body and head of the youth.
8. On June 16, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 16, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification for William Hernandez (Respondent) is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.

3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT

Signatures and date affixed by Default
Disposition Master Order dated August 22, 2014

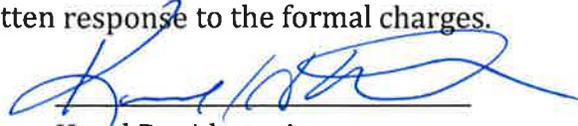
AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On June 13, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for William Hernandez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 16, 2014.
2. The written notice indicated that on or about March 31, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when the Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261, which found a youth suffered a broken foot due to conduct of the Respondent.
3. The written notice indicated that on or about November 11, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when the Respondent lifted a youth in the air, and slammed the youth to the ground, landing on top of the upper body and head of the youth.
4. The written notice informed Respondent that TJJD was seeking revocation of the Respondent’s certification.
5. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

7. Twenty days have elapsed since June 16, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.



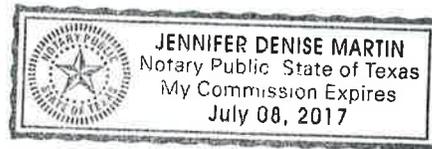
Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15 of July, 2014.



Notary Signature



DOCKET NO. DH-14-22917-130269

IN THE MATTER OF	§	BEFORE THE
	§	
RANDY RODRIGUEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO.22917	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJJ) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJJ Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJJ was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Randy Rodriguez (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Randy Rodriguez, (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about November 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about June 18, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J)

when Respondent used unnecessary and excessive force and an improper restraint technique, pulling a youth from the top bed of a bunk by his arm, taking the youth immediately to the ground without justification, and without attempting to execute a standing restraint as required by training standards.

4. The written notice informed Respondent that TJJD was seeking a one year suspension of the Respondent's certification, beginning from the date the Respondent returns to work at a juvenile facility or program, with that suspension probated.
5. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
6. The written notice informed the Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter suspending the juvenile supervision certification of Randy Rodriguez (Respondent) for one year, beginning from the date the Respondent returns to work at a juvenile facility or program, with that suspension probated. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On November 12, 2013 and June 18, 2013, Respondent held a juvenile supervision officer, or certification with TJJD.
2. On November 12, 2013 and June 18, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on November 12, 2013 and June 18, 2013, and required that juvenile supervision officers adhere to a Code of Ethics.

4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
6. On or about November 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about June 18, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary and excessive force and an improper restraint technique, pulling a youth from the top bed of a bunk by his arm, taking the youth immediately to the ground without justification, and without attempting to execute a standing restraint as required by training standards.
8. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH-14-22917-130269

IN THE MATTER OF	§	BEFORE THE
	§	
RANDY RODRIGUEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 22917	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Randy Rodriguez (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On November 12, 2013 and June 18, 2013, Respondent held a juvenile supervision officer, or certification with TJJD.
2. On November 12, 2013 and June 18, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on November 12, 2013 and June 18, 2013, and required that juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only

use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.

6. On or about November 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about June 18, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary and excessive force and an improper restraint technique, pulling a youth from the top bed of a bunk by his arm, taking the youth immediately to the ground without justification, and without attempting to execute a standing restraint as required by training standards.
8. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Randy Rodriguez (Respondent) is suspended for one year, from the date the Respondent returns to work at a juvenile facility or program, with that suspension probated.

2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order dated August 22, 2014

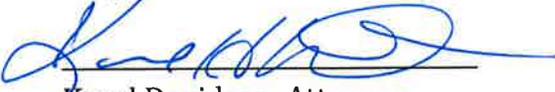
AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

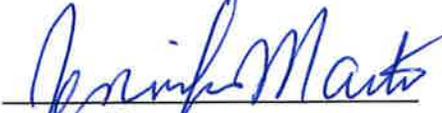
1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Randy Rodriguez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about November 12, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about June 18, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent used unnecessary and excessive force and an improper restraint technique, pulling a youth from the top bed of a bunk by his arm, taking the youth immediately to the ground without justification, and without attempting to execute a standing restraint as required by training standards.
4. The written notice informed Respondent that TJJD was seeking a one year suspension of the Respondent’s certification, beginning from the date the Respondent returns to work at a juvenile facility or program, with that suspension probated.
5. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”

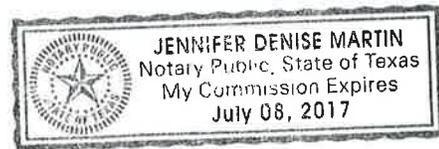
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.


Karol Davidson, Attorney

Before me, the undersigned authority, on this day personally appeared Karol Davidson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 28 of July, 2014.


Notary Signature



DOCKET NO. DH -14-22052-130256

IN THE MATTER OF	§	BEFORE THE
ABEL HUERTA	§	TEXAS JUVENILE
CERTIFICATION NO. 22052	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Abel Huerta (Respondent) was given proper notice in this matter and has failed to respond, as follows:

1. On July 3, 2014, written notice was sent by certified mail return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for name of Abel Huerta (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was July 6, 2014.
2. The written notice indicated that on or about November 15, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about June 16, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent pulled a mattress from underneath a youth causing the youth to

fall from the top bed of a bunk bed, landing on his left side, and bouncing when he hit the floor.

4. The written notice informed Respondent that TJJD was seeking a one year suspension of Respondent's certification from the date of return to a juvenile facility or program, with that suspension probated.
5. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
7. Twenty days have elapsed since July 6, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter suspending Abel Huerta's (Respondent) certification for one year from the date the Respondent returns to work at a juvenile facility or program. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On November 15, 2013 and June 16, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On November 15, 2013 and June 16, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on November 15, 2013 and June 16, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.

5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program, or department.
6. On or about November 15, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. On or about June 16, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent pulled a mattress from underneath a youth causing the youth to fall from the top bed of a bunk bed, landing on his left side, and bouncing when he hit the floor.
8. On July 6, 2014, TJJD effectively served Respondent with proper notice of the formal charges, and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since July 6, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 14-22052-130256

IN THE MATTER OF	§	BEFORE THE
	§	
ABEL HUERTA	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 22052	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Abel Huerta (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On November 15, 2013 and June 16, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On November 15, 2013 and June 16, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on November 15, 2013 and June 16, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides that juvenile justice professionals shall not be designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted under the authority of Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
5. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) provides that juvenile justice professionals shall not utilize unnecessary force or violence and shall only

use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program, or department.

6. On or about November 15, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
7. The written notice indicated that on or about June 16, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent pulled a mattress from underneath a youth causing the youth to fall from the top bed of a bunk bed, landing on his left side, and bouncing when he hit the floor.
8. On July 6, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
9. More than twenty days have elapsed since July 6, 2014, the date Respondent is presumed to have received notice of the formal charges.
10. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Sections 345.310 (c)(2)(G) and (J).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Abel Huerta is suspended for one year from date of return to a juvenile facility or program, with that suspension probated.

2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order dated August 22, 2014

AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On July 3, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Abel Huerta (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was July 6, 2014.
2. The written notice indicated that on or about November 15, 2013, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation conducted pursuant to Texas Family Code, Chapter 261 and Texas Administrative Code, Title 37, Chapter 358.
3. The written notice indicated that on or about June 16, 2013, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J) when Respondent pulled a mattress from underneath a youth causing the youth to fall from the top bed of a bunk bed, landing on his left side, and bouncing when he hit the floor.
4. The written notice informed Respondent that TJJD was seeking a one year suspension of Respondent’s certification from the date of return to a juvenile facility or program, with that suspension probated.
5. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
6. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

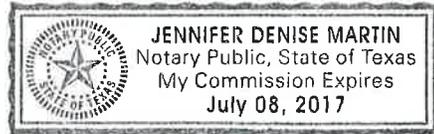
7. Twenty days have elapsed since July 6, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.


Karol Davidson, Attorney

Before me, the undersigned authority, on this day personally appeared Karol Davidson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 25 of July, 2014.


Notary Signature



DOCKET NO. DH- 14-22548

IN THE MATTER OF	§	BEFORE THE
JESUS HERNANDEZ	§	TEXAS JUVENILE
CERTIFICATION NO. 22548	§	JUSTICE BOARD

RECOMMENDATION FOR DEFAULT ORDER

JURISDICTION AND AUTHORITY TO ENTER DEFAULT ORDER

As provided by the Administrative Procedures Act, specifically Texas Government Code, Section 2001.056, a contested case may be disposed of by default. The Texas Juvenile Justice Department (TJJD) administrative rules, Texas Administrative Code, Title 37, Chapter 349, establish when and how a case may be disposed by default.

Texas Administrative Code, Title 37, Section 349.340 provides that upon proof of proper notice to the certified officer, a default order may be granted when the certified officer has failed to file a response to formal charges. The default order is to be based upon the factual allegations and sanctions recommended in the formal charges.

In the case of a default, the certified officer will be deemed to have:

- a. admitted all of the factual allegations in the formal charges;
- b. waived the opportunity to show compliance with the law;
- c. waived the opportunity for a hearing on the formal charges; and
- d. waived objection to the sanction(s) recommended in the formal charges.

Texas Administrative Code, Title 37, Section 349.340 provides that the TJJD Board of Directors (the Board), after consideration of the case, may:

- a. Enter a default order under Texas Government Code, Section 2001.056 or
- b. Order the matter to be set for a hearing at the State Office of Administrative Hearings.

NOTICE AND RESPONSE REQUIREMENTS

As per Texas Administrative Code, Title 37, Section 349.340, proper notice means notice sufficient to meet the provisions in that section as well as in Texas Government Code, Section 2001.054 and Texas Administrative Code, Title 37, Section 349.320.

Per those provisions, TJJD was required to provide to the certified officer written notice that complied with the following:

1. The notice was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJD.
2. The notice contained a statement of facts or conduct alleged to warrant an adverse certification action.
3. The notice invited the certified officer to show compliance with all requirements of law for the retention of her license.
4. The notice included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The notice stated that the certified officer shall file a written answer to the formal charge(s) that meets the requirements of Texas Administrative Code, Title 37, Sections 349.340 and 349.370.

TJJD rules further provide that notice is effective and service is complete when sent by certified mail, return-receipt requested and notice is presumed received three days after mailing.

PROPER NOTICE GIVEN; FAILURE TO RESPOND

As evidenced by the Affidavit of Karol Davidson, TJJD staff attorney, and relevant documents, there is sufficient evidence to establish Jesus Hernandez Respondent was given proper notice in this matter and has failed to respond, as follows:

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Jesus Hernandez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about April 16, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A), when Respondent was convicted of a jailable misdemeanor offense which disqualifies Respondent from certification.
3. The written notice informed Respondent that TJJD was seeking suspension of Respondent's certification for five years, beginning April 16, 2014.

4. The written notice included in capital letters in 12-point boldface type the statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT."
5. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
6. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

RECOMMENDATION

As TJJD has met its burden to provide proper notice to Respondent and Respondent has failed to respond to that notice, TJJD respectfully recommends that the Board enter a default order in this matter suspending Jesus Hernandez's (Respondent) certification for five years beginning April 16, 2014. The following Findings of Fact and Conclusions of Law are recommended:

Recommended Findings of Fact

1. On April 16, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On April 16, 2014, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on April 16, 2014, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A) provides that juvenile justice professionals shall abide by all federal laws, guidelines and rules, state laws, and TJJD administrative rules.
5. On or about April 16, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A) when Respondent was convicted of a jailable misdemeanor offense which disqualifies Respondent from certification.

6. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
7. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
8. To date, Respondent has not filed an answer to the formal charges.

Recommended Conclusions of Law

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

Respectfully Submitted,



Karol Davidson, Staff Attorney
Texas Juvenile Justice Department
State Bar No. 24030428
11209 Metric Blvd., Building H
Austin, Texas 78758

DOCKET NO. DH- 14-22548

IN THE MATTER OF	§	BEFORE THE
JESUS HERNANDEZ	§	TEXAS JUVENILE
CERTIFICATION NO. 22548	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 22, 2014, the Texas Juvenile Justice Board (the Board) considered the Recommendation for Default Order (Recommendation) in the above-referenced matter, which was submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The Recommendation indicates sufficient proof of proper notice was provided to Jesus Hernandez (Respondent) and requests appropriate relief, including the imposition of sanctions. The Texas Juvenile Justice Department (TJJD) has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On April 16, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On April 16, 2014, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on April 16, 2014, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A) provides that juvenile justice professionals shall abide by all federal laws, guidelines and rules, state laws, and TJJD administrative rules.
5. On or about April 16, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A) when Respondent was convicted of a jailable misdemeanor offense which disqualifies Respondent from certification.

6. On June 21, 2014, TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested.
7. More than twenty days have elapsed since June 21, 2014, the date Respondent is presumed to have received notice of the formal charges.
8. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by the Findings of Fact, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by the Findings of Fact, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A).
3. As evidenced by the Findings of Fact, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Jesus Hernandez (Respondent) is suspended for five years, beginning on April 16, 2014.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD.

Pursuant to Texas Government Code, Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date the parties are notified of the Order.

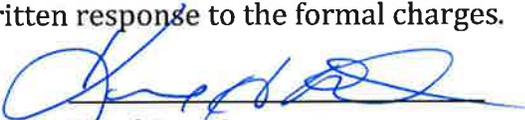
TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default
Disposition Master Order dated August 22, 2014

AFFIDAVIT OF KAROL DAVIDSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Karol Davidson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.”

1. On June 18, 2014, written notice was sent by certified mail, return receipt requested, to the most recent address of record with the Texas Juvenile Justice Department (TJJD) for Jesus Hernandez (Respondent). Notice was presumed effective three days later, exclusive of weekends or holidays, which was June 21, 2014.
2. The written notice indicated that on or about April 16, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Section 345.310 (c)(1)(A), when Respondent was convicted of a jailable misdemeanor offense which disqualifies Respondent from certification.
3. The written notice informed Respondent that TJJD was seeking suspension of Respondent’s certification for five years, beginning April 16, 2014.
4. The written notice included in capital letters in 12-point boldface type the statement: “FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.”
5. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
6. Twenty days have elapsed since June 21, 2014, the date notice is presumed effective, and Respondent has failed to file a written response to the formal charges.

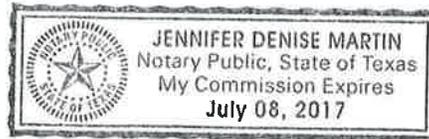


Karol Davidson, Attorney
Texas Juvenile Justice Department

Before me, the undersigned authority, on this day personally appeared Karol Davidson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 25 of July, 2014.

Jennifer Martin
Notary Signature





TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Connie Simon, Manager of Workforce Development Programs & Education Reentry

Subject: Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9161, relating to Youth Employment and Work

Date: July 31, 2014

At its March 2014 meeting, the Texas Juvenile Justice Board approved the posting of proposed revisions to 37 TAC §380.9161 (Youth Employment and Work), in the *Texas Register* for a 30-day public comment period.

The comment period has ended and TJJJ did not receive any comments on the proposed rule. However, the staff has recommended the following additional changes:

- Specify that youth who participate in the Prison Industry Enhancement Certification Program (PIECP) must be paid no less than the federal minimum wage. This requirement is currently found in another TJJJ rule (380.9163) that will be proposed for repeal at the August board meeting.
- Add a reference to the statutes that allow TJJJ to operate a PIECP.

The staff now requests the Board's approval to adopt the final rule as proposed, with the additional revisions as noted above.

Attached to this memo, please find:

- The text of the final rule, with markups showing the additional staff revisions
- A resolution for board action

For reference, the following is a summary of the changes that were reviewed at the March 2014 meeting:

- The following provisions have been added to the rule to better reflect current practice:
 - Orientation and assessment units do not provide for any youth work programs due to the short length of stay and the intent of the program.
 - Youth working in the community will be paid no less than the federal minimum wage.
 - Facilities must implement procedures for operating campus work programs that provide youth with training and employment experience.
 - TJJJ does not discriminate against youth on the basis of race, color, national origin, sex, religion, disability, or genetic information in providing opportunities for uncompensated and compensated work.

Draft 7/16/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Youth Employment and Work Title: Youth Employment and Work ACA: 4-JCF-1B-05, 3E-01, 5H-01, 5H-02, 5H-03, 5H-04, 5I-04	Effective Date: Page: 1 of 2 Replaces: GAP.380.9161, 5/1/09
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Staff-Recommended Changes are Marked

RULE

(a) Purpose.

The purpose of this rule is to provide opportunities for compensated and uncompensated work to allow youth in residential facilities to experience the responsibilities and rewards of constructive work.

(b) Applicability.

This rule applies to high restriction and medium restriction facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) General Provisions.

- (1) Youth are not permitted to perform any work prohibited by state or federal regulations or statutes pertaining to child labor.
- (2) Repetitive, purposeless, and degrading make-work is prohibited.
- (3) Training and work programs use the advice and assistance of labor, business, and industrial organizations where applicable.
- (4) Due to the short length of stay and the intent of the program, orientation and assessment units do not provide for any youth work programs other than routine housekeeping chores.
- (5) TJJD does not discriminate against youth on the basis of race, color, national origin, sex, religion, disability, or genetic information in providing opportunities for uncompensated and compensated work.

(d) Uncompensated Work.

- (1) Youth in TJJD facilities may be required to do the following kinds of work without compensation:
 - (A) assignments which are part of an agency educational curriculum (vocational training);
 - (B) tasks performed as community service; and/or
 - (C) routine housekeeping chores which are shared by all youth in the facility, including basic facility maintenance.
- (2) Youth in TJJD facilities may volunteer to perform work without compensation as restitution for damage done by youth.

(e) Compensated Work.

- (1) Youth may be paid for performing tasks incidental to facility operations if such employment is part of the youth's reentry plan. Youth work assignments at all TJJD-operated facilities are governed by standardized job descriptions and guidelines. Each facility implements procedures for operating campus work programs that provide youth with training and employment experience.

- (2) ~~TJJD may operate a Prison Industry Enhancement Certification Program (PIECP) in accordance with Texas Human Resources Code Chapter 246 and Texas Government Code Chapter 497. Youth who participate in a PIECP the private sector youth industries program are paid no less than the federal minimum wage. for their work. See §380.9163 of this title.~~
- (3) Youth working in the community are paid no less than the federal minimum wage.
- ~~(4) Facilities implement procedures for operating campus work programs that provide youth with training and employment experience.~~

See EDU.37.01 for implementation procedures.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT PROPOSED REVISIONS TO 37 TAC §380.9161, RELATING TO YOUTH
EMPLOYMENT AND WORK**

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to the proper accomplishment of TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

WHEREAS, the Board previously approved the publication of 37 TAC §380.9161 in the *Texas Register* for a 30-day public comment period; and

WHEREAS, the public comment period has ended and TJJD did not receive any comments; and

WHEREAS, TJJD staff has recommended additional clarifying changes to the rule;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the revisions to 37 TAC §380.9161 as proposed with the additional changes as noted.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this **22nd day of August, 2014**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8723 (renumbered as §380.8583), relating to Subsidized Living Support Program, and final adoption of the repeal of 37 TAC §380.8721, relating to Independent Living Preparation, and 37 TAC §380.9109, relating to Youth Personal Property: Independent Living

Date: July 31, 2014

At its March 2014 meeting, the Texas Juvenile Justice Board approved the posting of proposed revisions to 37 TAC §380.8723, which will be renumbered as §380.8583 (Subsidized Living Support Program), and the proposed repeal of §380.8721 (Independent Living Preparation) and §380.9109 (Youth Personal Property: Independent Living) in the *Texas Register* for a 30-day public comment period.

The comment period has ended and TJJJ did not receive any comments on the proposal. The staff has not recommended any additional changes.

The staff now requests the Board's approval to adopt the final rule and repeals as proposed.

Attached to this memo, please find:

- The text of the final revised rule and repealed rules
- A resolution for board action

For reference, the following is a summary of the changes that were reviewed at the March 2014 meeting:

➤ **37 TAC §380.8723** **Subsidized Independent Living Program (REVISE & RENUMBER)**

- This revised rule will consolidate three rules into one.
- The remaining rule will be renumbered as 37 TAC §380.8583 and moved to the subchapter about parole. It is currently located in the subchapter about treatment. (Note: Due to the number change, this was published in the *Texas Register* as a proposal to repeal the old rule number and adopt the new rule number.)
- The rule will no longer refer to this program as “Independent Living” because in some cases youth may receive subsidies while living in the home of their parent or another approved individual. To reflect this clarification, the rule will be re-titled as “Subsidized Living Support Program.”
- Clarification will be added to show that the rule applies only to youth on parole.
- The following eligibility criteria will be added for a youth to receive housing rental assistance:
 - the youth must be at least 18 years of age;
 - the youth must have enough personal savings to pay for the first month’s rent and all deposits; and
 - TJJD must determine it is in the youth’s best interest to be placed in an unsupervised home.
- Certain limitations will now be addressed in the rule, such as:
 - subsidies are dependent on the availability of funds;
 - subsidies may be discontinued if a youth violates his/her conditions of parole or his/her subsidy agreement;
 - subsidies are limited to six months;
 - subsidies cannot be used to pay for expenses incurred after discharge from TJJD; and
 - registered sex offenders cannot receive a subsidy for on-campus college housing expenses.
- The following changes will be made to the list of expenses that are eligible for a subsidy:
 - electric service (*added*)
 - emergency medical services (*deleted*)
 - temporary housing (*deleted*)
 - counseling (*deleted*)
- The rule will no longer include detailed information regarding when a parole officer can enter a youth’s subsidized residence. This information will be addressed in the subsidy agreement.

➤ **37 TAC §380.8721 Independent Living Preparation (REPEAL)**

Justification for Repeal:

- The current rule specifies the test scores, savings account balances, length of employment, hours of community service, and other detailed requirements youth must achieve to complete the preparation program. However, these specific requirements may differ depending on which curriculum the youth is provided, where the youth will be placed, and other factors. Rather than listing these specific requirements, §380.8723 will now include a statement requiring the youth to complete a TJJJ-approved curriculum and meet all conditions established by TJJJ to be eligible for a subsidy.
- The current rule refers to the obsolete TYC classification system as a basis for establishing requirements for completing the preparation program.
- The current rule is based on the existence of a formal program with minimum enrollment criteria. TJJJ no longer uses this type of program. Instead, TJJJ now makes independent living programming available to youth wherever they are placed.

➤ **37 TAC §380.9109 Youth Personal Property: Independent Living (REPEAL)**

Justification for Repeal:

- This rule lists TJJJ's specific responsibilities regarding the personal property of a youth in an independent living location. The rule is no longer needed because a statement will be added to the revised §380.8723 indicating that the youth's personal property will be disposed of in accordance with the terms of the subsidy agreement if the youth's parole is revoked or if the property is lost, damaged, or abandoned. The subsidy agreement has already been revised to include this information.

Draft 7/11/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Parole Placement and Discharge Rule: Subsidized Living Support Program ACA: N/A Statute(s): N/A	Effective Date: Page: 1 of 2 Replaces: GAP.380.8723, 1/31/01 GAP.380.8721, 1/31/01 GAP.380.9109, 1/31/01
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RULE

(a) **Purpose.**

The purpose of this rule is to establish a program to provide eligible youth with financially subsidized living support for a limited time as necessary to attain self-sufficiency.

(b) **Definitions.**

For definitions of terms used in this rule, see §380.8501 of this title.

(c) **Eligibility Criteria.**

(1) To qualify for subsidized living support, the youth must:

- (A) complete an independent living preparation curriculum approved by TJJD;
- (B) be assigned to parole status;
- (C) complete a specified number of hours of community service as established by TJJD;
- (D) complete a specified number of months of employment or school attendance as established by TJJD; and
- (E) sign a subsidized living support agreement.

(2) In addition to the criteria in paragraph (1) of this subsection, a youth must meet the following criteria to qualify for a housing rent subsidy:

- (A) the youth is at least 18 years of age;
- (B) the youth has enough personal savings to pay all necessary deposits and the first month's rent; and
- (C) TJJD has determined it is in the youth's best interest to be placed in an unsupervised home location.

(d) **Subsidy Limitations.**

(1) The provision of subsidies is contingent on the availability of funds.

(2) TJJD may terminate a subsidy due to a youth's failure to abide by his/her conditions of parole or the terms of the subsidized living support agreement.

(3) A subsidy may not be provided for longer than six months.

(4) A subsidy may not be used for expenses that are incurred after a youth is discharged from TJJD's jurisdiction.

(5) A subsidy may be provided only for the following expenses:

- (A) rent;
- (B) electric service;
- (C) household goods;
- (D) food;

- (E) public transportation passes;
- (F) employment-related clothing;
- (G) college expenses such as tuition, books, and room and board; and
- (H) technical school or training expenses such as tuition and tools.

(6) Youth required to register as sex offenders are not eligible to receive a subsidy for on-campus college housing expenses.

(e) **Program Requirements for Youth Receiving a Housing Rent Subsidy.**

- (1) The youth is placed on the highest level of parole supervision for the entire time he/she receives a housing rent subsidy.
- (2) The youth's parole officer will have access to a youth's living quarters in accordance with the terms of the subsidized living support agreement.
- (3) The youth's personal property will be disposed of in accordance with the terms of the subsidized living support agreement if the youth's parole is revoked or if the property is lost, damaged, or abandoned.

(f) **Individual Exceptions.**

The division director over the subsidized living support program may make exceptions to provisions of this rule on a case-by-case basis, taking into consideration a youth's reintegration needs and public safety.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Program Planning Rule: Independent Living Preparation ACA: N/A Statute(s): N/A	Effective Date: 1/31/01, T-47 Page: 1 of 2 Replaces: GAP.87.21, 12/31/96
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I. RULE

(a) Purpose.

The purpose of this rule is to establish criteria and procedures by which the Texas Youth Commission (TYC) provides for independent living preparation to give youth the skills and practical experience necessary to attain self-sufficiency.

(b) Completion of the independent living preparation program is a prerequisite for entering the subsidized independent living program. See (GAP) §87.23 of this title (relating to Subsidized Independent Living).

(c) Requirements for Admission.

Youth admitted to an independent living preparation program shall meet the following criteria:

- (1) youth must be at least 16.10 years of age, or if not, the youth must be expected to be at least 17 years of age at the projected completion date;
- (2) has had no incidents of assault within 60 days prior to admission;
- (3) has had no escapes or attempted escapes within 30 days prior to admission; and
- (4) has had no suicidal ideation within six months prior to admission.

(d) Program Requirements.

Youth shall have successfully completed the independent living preparation program when the minimum performance requirements, as outlined below have been met. The Individual Case Plan (ICP) is developed and maintained according to the rules in (GAP) §87.1 of this title (relating to Case Planning).

(e) Program Completion Criteria.

- (1) A youth ever classified as type A violent offender, type B violent offender, chronic serious offender, firearms offender, or sentenced offender shall have successfully completed an independent living preparation program and therefore is eligible for independent living subsidy when he/she has:
 - (A) completed the eight independent living skills modules demonstrated by a score of 70 or above on the quizzes;
 - (B) completed 120 hours of community service;
 - (C) maintained employment for 120 consecutive days;
 - (D) a minimum of \$900 in a savings account.
- (2) A youth ever classified as a controlled substance dealer shall have successfully completed an independent living preparation program and therefore is eligible for independent living subsidy when he/she has:
 - (A) completed the eight independent living skills modules demonstrated by a score of 70 or above on the quizzes;
 - (B) completed 100 hours of community service;
 - (C) maintained employment for 90 consecutive days;

- (D) a minimum of \$650 in a savings account.
- (3) A youth ever classified as a general offender or a violator of CINS probation shall have successfully completed an independent living preparation program and therefore is eligible for independent living subsidy when he/she has:
 - (A) completed the eight independent living skills modules demonstrated by a score of 70 or above on the quizzes;
 - (B) completed 80 hours of community service;
 - (C) maintained employment for 60 consecutive days;
 - (D) a minimum of \$650 in a savings account.
- (4) A youth may complete the requirements listed above while in a non-residential location with the assistance of the assigned primary service worker (PSW).

II. IMPLEMENTATION CONTROLS

- (a) Participation in independent living preparation in any location is documented on Supplemental Services form, CCF-120.
 - (b) Completion of independent living preparation completion criteria by a youth is documented on the automated Independent Living Preparation Completion Checklist form, CCF-121.
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PREPARED

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Youth Personal Property: Independent Living ACA: N/A Statute(s): N/A	Effective Date: 1/31/01, T-47 Page: 1 of 3 New
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I. RULE

(a) Purpose.

The purpose of this section is to establish the Texas Youth Commission's (TYC's) responsibility regarding a youth's personal property while the youth is assigned to an independent living location.

(b) Applicability.

- (1) Rules governing youth and TYC responsibility for a youth's personal property while the youth is assigned to a TYC residential facility can be found in (GAP) §91.7 of this title (relating to Youth Personal Property).
 - (2) Rules governing search of TYC youth and personal property can be found in (GAP) §97.9 of this title (relating to Search).
 - (3) Contraband is disposed of according to (GAP) §97.11 of this title (relating to Control of Unauthorized Items Seized).
- (c) TYC is neither liable for nor will replace lost, stolen, or damaged personal items of youth assigned to an independent living location.
- (d) TYC youth placed in an independent living location will be asked to designate a responsible contact person to be contacted in the event of revocation or unauthorized absence.
- (e) TYC staff may conduct a search of the youth's room and/or dwelling for the purpose of finding and seizing contraband. Property items considered to be contraband by TYC, but not illegal, will be sent to the youth's family or provided contact person.

(f) Reimbursement.

- (1) TYC will not reimburse youth for personal property that:
 - (A) the youth has abandoned while in an independent living location; or
 - (B) the youth's contact person has failed to claim and transport when youth is revoked or returned to a higher restriction placement from an independent living location; or
 - (C) is lost or damaged in transport via mail or postal delivery.
- (2) Youth may request reimbursement for personal possessions lost or damaged due to staff negligence. No reimbursement will be made unless there is sufficient evidence to indicate that the loss was the result of staff negligence.
- (3) No reimbursement shall exceed \$100 per loss unless approval is obtained from the contract program administrator (for contract programs) or from the appropriate central office director of juvenile corrections.

- (4) In a TYC contracted program, independent living funds may be expended for replacement of items and/or property with the approval from the appropriate central office director of juvenile corrections.

(g) Authorized Location Change.

TYC youth placed on the independent living program in the community are responsible for moving his or her personal property and clothing to any other approved location. Any personal property or clothing a youth possesses will move with the youth to each assigned placement.

(h) Unauthorized Absence.

- (1) TYC is not responsible for collection and storage of items a youth has abandoned while at an independent living location.
- (2) A youth who has absconded from an independent living location i.e. apartment, duplex, dormitory, etc. shall be considered to have abandoned his property, including furniture. Any personal items and/or property that remain in the independent living location when the youth is no longer present due to unauthorized absence the primary service worker (PSW) determines:
- (A) If rent or damages are owed to the lessor, the property will be used toward payment of that debt according to the Texas Apartment Association (TAA) lease.
- (B) If there are any remaining items and/or property, the PSW will notify the youth's contact person within 72 hours to claim the youth's items and/or property.
- (i) The notification will include the location of the youth's personal property and clothing.
- (ii) The contact person will be allowed ten (10) days from the time of being notified by the PSW to arrange for removal and transportation of the items and/or property at the contact person's expense.
- (C) If the remaining items and/or property has not been claimed by the youth's contact person, the items and/or property will be reassigned to another TYC youth by the PSW. If any items and/or property remains, it can then be donated to charity. If charity refuses any remaining items and/or property, it can then be discarded.

(i) Revocation.

When a youth's parole is revoked the youth is returned to a higher restriction program from an independent living location. Any personal items and/or property that remain in the independent living location when the youth is no longer present due to revocation, the PSW determines:

- (1) If rent or damages are owed to the lessor, the property will be used toward payment of that debt according to the TAA lease.
- (2) If there are any remaining items and/or property, the PSW will notify the youth's contact person within 72 hours to claim the youth's items and/or property.
- (A) The notification will include the location of the youth's personal property and clothing.
- (B) The contact person will be allowed ten (10) days from the time of being notified by the PSW to arrange for removal and transportation of the items and/or property at the contact person's expense.
- (3) If the remaining items and/or property have not been claimed by the youth's contact person, the items and/or property will be reassigned to another TYC youth by the PSW. If any items and/or

property remain, it can then be donated to charity. If charity refuses any remaining items and/or property, it can then be discarded.

(j) **Discharge.**

A youth who has been discharged from TYC while assigned an independent living code or who has completed an independent living program and wishes to move to another independent living location is responsible for transportation of his personal property.

II. MANAGEMENT REQUIREMENTS

TYC youth placed in an independent living program must complete the Contact Designee Independent Living/Structured Apartments form, CCF-123.

REPEATED



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT PROPOSED REVISIONS TO 37 TAC §380.8723 (RENUMBERED AS §380.8583), RELATING TO SUBSIDIZED LIVING SUPPORT PROGRAM, TO ADOPT THE PROPOSED REPEAL OF §380.8721, RELATING TO INDEPENDENT LIVING PREPARATION, AND TO ADOPT THE PROPOSED REPEAL OF §380.9109, RELATING TO YOUTH PERSONAL PROPERTY: INDEPENDENT LIVING

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher						MaryLou Mendoza					
John Brieden III						Rene Olvera					
Joseph Brown						Laura Parker					
Carol Bush						Jimmy Smith					
Becky Gregory						Calvin Stephens					
Jane A. King						Melissa Weiss					
Scott Matthew						Motion:	Second:				

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to the proper accomplishment of TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

WHEREAS, the Board previously approved the publication of proposed revisions to 37 TAC §380.8583 and the proposed repeal of §380.8721 and §380.9109 in the *Texas Register* for a 30-day public comment period; and

WHEREAS, the public comment period has ended and TJJD did not receive any comments; and

WHEREAS, TJJD staff has not recommended any additional changes to the proposed rule or repeals;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the revisions to 37 TAC §380.8583 and the adoption of the repeal of §380.8721 and §380.9109 as proposed.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9103 - 380.9107 and §§380.9115 – 380.9121, relating to Basic Services, and §§380.9187 – 380.9190, relating to Suicide Prevention, in the *Texas Register* for a 30-day public comment period

Date: August 5, 2014

As part of the agency's rule review process, the State Programs and Facilities Division has completed its review of assigned rules from Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter C (Program Services). As a result of this review, the staff recommends the following:

- Make no changes to §380.9121.
- Revise all other assigned rules.

Attached to this memo you will find:

- A table summarizing the contents and proposed changes for rules assigned to the State Programs and Facilities Division.
- The text of the revised rules.
- A resolution for board action.

Staff requests the board's approval to publish these proposed rule revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

Texas Administrative Code Rule Review
37 TAC Chapter 380, Subchapter C – Program Services

(Rules assigned to State Programs and Facilities Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9103	Living Environment	Requires TJJD to provide living areas that are clean, secure, and, to the extent possible, private.	Yes	<ul style="list-style-type: none"> • Replaced entire text of rule. Rule now focuses on physical plant requirements instead of housekeeping duties, hygiene, and bedding/linens, which are addressed in other rules. The new text is current practice—there are no new requirements. 	Ready for board review
380.9105	Clothing, Hair, and Symbolic Expression	Requires TJJD to provide adequate and appropriate clothing for youth. Also provides expectations for youth appearance.	Yes	<ul style="list-style-type: none"> • Narrowed the scope of the rule to apply only to TJJD-operated facilities, not contract facilities. • Added sections that require TJJD to provide clean linens at least once per week and to provide appropriate hygiene products. • Clarified that youth must adhere to TJJD hairstyle requirements <i>unless a religious accommodation is granted</i>. • Removed the permanent prohibition on certain hairstyles that may conceal contraband. Added an allowance for such hairstyles to be temporarily restricted. • Clarified that at any facility, not just at mental health units, TJJD may require a female youth to keep her hair above the shoulder if there is justification to believe the hair may be used for self-injury or to conceal objects or injuries related to self-injury. • Clarified that male youth must be clean-shaven, <i>unless an exception is ordered by a medical provider</i>. • Added a general requirement that youth must comply with the dress code. Removed specific dress code requirements. • Removed requirement to disinfect clothing before storage. • Deleted provisions that are covered by other rules, such as the prohibition on symbolic expression that endangers others and the prohibition on tattooing and body piercing. • Retitled the rule as “Clothing, Bedding, Linens, and Hairstyles” to more accurately reflect the content. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9107	Youth Personal Property	Establishes limits on the personal property a youth may possess while in a residential facility. Also defines contraband.	Yes	<ul style="list-style-type: none"> • Clarified that youth in medium restriction facilities are allowed to possess money in certain circumstances. • Clarified that an article of clothing that has been altered from the original design is considered contraband even if it is listed on the youth's personal property inventory. • Added "approved religious items" to the list of personal items every youth is allowed to possess at facilities other than the orientation and assessment unit. • Added a requirement for TJJD to provide each youth with a copy of his/her current personal property inventory. • Added a provision allowing youth to personalize their rooms, but items on bedroom walls must be limited to space available on individual bulletin boards. • Deleted provisions relating to facility-provided clothing and hygiene products as these are addressed in other rules. • Granted authority to the facility administrator to allow, on a case-by-case basis, a male youth to wear makeup. 	Ready for board review
380.9109	Youth Personal Property: Independent Living	Lists TJJD's specific responsibilities regarding the personal property of a youth in an independent living location.	No	<ul style="list-style-type: none"> • This rule is listed separately on the August 2014 board agenda for final approval to repeal. 	Ready for final board action under separate agenda item
380.9115	Youth Orientation	Requires TJJD to provide a verbal and written orientation to each youth. Also lists mandatory topics.	Yes	<ul style="list-style-type: none"> • Clarified that an initial orientation is completed within 24 hours after admission, in addition to the comprehensive orientation that is completed within 10 days. • Clarified that youth who are transferred to a long-term placement at the same facility where the intake orientation occurred do not receive a new orientation. • Updated the list of required orientation topics to match current practice. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9117	Structured Activity/Recreation	Requires structured activity and recreation programs in residential facilities.	Yes	<ul style="list-style-type: none"> Added a description of the minimum required elements of each facility's recreation program. Removed the requirement to provide recreational activities that promote interaction with the community. 	Ready for board review
380.9121	Moral Values, Worship, and Religious Education	Provides youth with the opportunity to participate in worship and religious education.	Yes	<ul style="list-style-type: none"> No changes needed. This rule was recently revised and approved by the board. The revised rule took effect on July 15, 2014. 	No changes recommended
380.9187	Suicide Alert Definitions	Establishes definitions of terms used in the 3 rules pertaining to suicide prevention.	Yes	<ul style="list-style-type: none"> Changed the definition of "constant observation" to require a staff member to remain within 12 feet of the youth even when the youth is placed in a locked room in a security unit or crisis stabilization unit. Clarified that the purpose of the critical incident review is to recommend corrective action where necessary. Added a list of information sources the review may consider. Replaced the term "associate psychologist" with "masters-level mental health specialist." Added licensed psychological associate to the list of individuals defined as mental health professionals. Clarified that a Morbidity and Mortality Review is not necessarily conducted for every life-threatening suicide attempt. 	Ready for board review
380.9188	Suicide Alert for High Restriction Facilities	Establishes suicide prevention requirements for high restriction TJJD facilities.	Yes	<ul style="list-style-type: none"> Changed the time frame for some suicide assessments conducted upon admission and upon transfer. Specifically, if the mental health professional (MHP) determines based on screening results the youth is not actively suicidal and did not engage in a suicide attempt but did engage in some other type of suicidal behavior or ideation, the assessment may now be done within 24 hours after the screening (instead of within 4 hours). Clarified that the time frame for an MHP to conduct a suicide assessment does not include time a youth may spend in the ER. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
				<ul style="list-style-type: none"> Added a requirement that facility staff must consult with an MHP before authorizing a strip search in connection with issuing suicide-resistant clothing. Clarified whether each post-incident action (e.g., critical incident review, morbidity & mortality review, etc.) is required after life-threatening suicide attempts, suicides, or both. Clarified that TJJJ notifies parents/guardians after all suicide attempts, not just life-threatening attempts. Clarified that TJJJ notifies parents/guardians of youth who are 18 or older of the youth's suicidal behavior only if the youth has given consent. 	
380.9189	Suicide Alert for Medium Restriction Facilities	Establishes suicide prevention requirements for medium restriction TJJJ facilities.	Yes	<ul style="list-style-type: none"> Changed the frequency of MHP assessments for youth who are on suicide alert to once every <i>two</i> calendar days (rather than every <i>five</i> calendar days). Clarified that when the rule requires MHPs to take certain actions, it applies only to MHPs employed by TJJJ. If a facility uses a contract MHP or psychiatrist, the contract would govern his/her responsibilities. Clarified whether each post-incident action (e.g., critical incident review, morbidity & mortality review, etc.) is required after life-threatening suicide attempts, suicides, or both. Clarified that TJJJ notifies parents/guardians of youth who are 18 or older of the youth's suicidal behavior only if the youth has given consent. 	Ready for board review
380.9190	Suicide Prevention for Parole	Establishes suicide prevention requirements for TJJJ parole staff.	Yes	<ul style="list-style-type: none"> Clarified that for youth on parole who engage in suicidal behavior, the parole staff may immediately contact the local mental health authority instead of local law enforcement, if appropriate. Clarified that TJJJ notifies parents/guardians of youth who are 18 or older of the youth's suicidal behavior only if the youth has given consent. 	Ready for board review

Draft 5/21/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Living Environment ACA: 4-JCF-1A-05, 1A-06, 1C-03 Statute(s): N/A	Effective Date: 12/15/08 Page: 1 of 2 Replaces: GAP.380.91-03, <u>12/15/08 6/21/99</u>
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RULE

(a) Purpose.

The purpose of this rule is to establish basic physical plant requirements for the living areas within TJJD residential facilities.

(b) Applicability.

This rule applies to high and medium restriction facilities operated by TJJD, unless otherwise indicated.

(c) General Provisions.

- (a) Heating, ventilation, lighting, and acoustical systems provide for comfortable living and working conditions for youth and staff.
- (b) Ventilation systems provide at least 15 cubic feet of outside or recirculated filtered air per minute, per occupant, in housing areas, staff stations, and dining areas.
- (c) All housing units have access to a drinking fountain within the housing unit.
- (d) Dayrooms are situated adjacent to youth sleeping areas and provide the following:
 - (1) a minimum of 35 square feet per youth for the maximum number of youth who use the room at one time, not including lavatories, showers, and toilets;
 - (2) furnishings consistent with the custody level of the youth assigned; and
 - (3) sufficient seating and writing surfaces for the maximum number of youth who use the room at one time.
- (e) At least 20 foot-candles of light is provided at the writing level and in personal grooming areas.
- (f) Light from an opening or window that has a view to the outside is available:
 - (1) in each sleeping room; or
 - (2) from a source within 20 feet of each sleeping room.

~~(a) Purpose.~~

~~The purpose of this rule is to ensure that living areas in facilities provide for and enhance cleanliness, personal security and, to the extent possible, privacy of youth.~~

~~(b) Facilities shall be clean and orderly.~~

~~(c) Youth shall be required to participate in cleaning the living areas according to a written housekeeping plan. Youth will be taught proper housekeeping practices.~~

- ~~(d) — Facilities shall provide personal hygiene articles for each youth. When a youth has attained the appropriate phase in the program and if he or she has personal money, he may be allowed to purchase specific articles.~~
 - ~~(e) — Barber and beautician services will be provided.~~
 - ~~(f) — Youth will be taught personal hygiene skills.~~
 - ~~(g) — Facilities will provide and have readily available for each youth clean bedding and linens.~~
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DRAFT

Draft 7/28/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: <u>Clothing, Bedding, Hygiene, and Hair styles, and Symbolic Expression</u> ACA: 4-JCF-4B-07 Statute(s): N/A	Effective Date: 1/17/06 Page: 1 of 3 Replaces: GAP.380.91-05, 1/17/06 4/9/03
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RULE

(a) Purpose.

~~The purpose of this rule is to provide~~ provides for adequate and appropriate clothing and bedding for youth in residential facilities, programs as well as This rule also provides guidelines concerning personal appearance that for clear and meaningful expectations regarding youth's overall appearance. The guidelines established are no more restrictive than necessary to maintain security and order and to promote rehabilitative goals, as well as achieve the agency's mission and philosophy.

(b) Applicability.

~~This rule applies. The rules for dress, hair, piercing, and symbolic expression apply only to youth in high and medium restriction facilities operated by the Texas Juvenile Justice Department, Texas Youth Commission (TYC) operated residential facilities and residential contract programs.~~

(c) Clothing Requirements. Dress Code.

- (1) ~~Facilities Programs~~ may require all youth ~~in the program~~ to wear uniform clothing to promote in order to ensure a safe and efficient facility operations and program. Dress code requirements ~~are will be~~ based upon the youth's progress in the agency's established rehabilitation treatment program in order to easily identify a youth's phase, and in order to enhance the youth's incentive to participate in such program.
- ~~(2) Youth will wear clothing issued and required by the agency or contract provider.~~
- (23) TJJD facilities provide youth with Cclothing that is will be clean, fitted properly, and ~~be~~ appropriate to the weather and activity ~~at all times.~~
- (34) Youth are required to comply with the TJJD dress code. Shoes or acceptable footwear will be worn as appropriate to the activity at all times.
- ~~(5) Undergarments must be worn and must not show. Females will wear bras during non-sleeping hours.~~
- (46) TJJD ensures each youth is provided ~~Laundry services shall be sufficient to provide~~ clean clothing at least three ~~(3)~~ times per week, except clean underwear and socks, which is shall be provided daily.
- ~~(7) Clothing will be disinfected when necessary and before storage of personal items.~~
- (58) As needed, the facility issues: program will issue
 - (A) clothing for temporary use in special events such as community employment or service, sports, or high school graduation; camping and
 - (B) protective clothing for work activity.

~~(69)~~ Youth who have achieved higher stages in the TJJD rehabilitation program may be allowed to purchase some personal clothing pursuant to ~~(GAP) §87.4 of this title (relating to Resocialization Earned Privilege System)~~. See §380.9107 of this title.

~~(740)~~ Youth are not permitted to purchase or possess any clothing that: Patches, embroidery, buttons, and writing on clothing must not signify anything about

- ~~(i)~~ makes reference to gangs, drugs, alcohol, sex, obscene language, violent acts, or
- ~~(ii)~~ shows disrespect to any group or class of people.

(d) Linens.

Clean linens are provided for each youth at least once per week and are readily available for emergencies. Each youth is provided at least two sheets, a blanket, and a pillowcase, unless the youth is placed in suicide-resistant housing by a mental health professional.

(e) Hygiene Products.

Youth are provided appropriate and adequate hygiene products.

(f) Piercing.

~~(1)~~ For health and safety reasons, youth in TYC-operated institutions or high restriction facilities contract programs will not be allowed to wear earrings or other piercing paraphernalia.

~~(2)~~ In the case of a unique health or safety issue, a youth in a medium restriction facilities program may be restricted from wearing not be allowed to wear earrings if unique health or safety issues arise. These restrictions are will be made on a case-by-case an individual basis and are documented in the youth's Individual Case Plan (ICP).

~~(3)~~ In an effort to eliminate impediments to the youth's successful reestablishment in society, including non-traditional appearance, youth shall not take part in tattooing or body piercing.

(g) Hairstyles.

~~(1)~~ Youth in high and medium restriction facilities are required to TYC-operated residential facilities and residential contract programs shall adhere to certain hairstyle requirements, unless a religious accommodation is granted under §380.9121 of this title, in order to maintain a degree of uniformity, and to encourage youth to maintain a pro-social appearance and increased self-respect.

~~(2)~~ Males must be clean-shaven, unless an exception is ordered by a medical provider, and sideburns may not extend below the middle of the ears.

~~(3)~~ Females will be allowed to shave as appropriate. This will not be a privilege tied to phase.

~~(43)~~ TJJD provides barber and beautician services and instructions on acceptable hairstyles. Hair should be neatly cut, clean and well groomed. No block style, natural or shag haircuts will be permitted.

~~(54)~~ No fads and or extremes hairstyles are not permitted, such as are allowed. No mohawks, spikes, tails, partially shaved heads, or designs cut into the hair or eyebrows are allowed. No shaved/partially shaved heads will be allowed. Hair parts must be straight.

~~(65)~~ The following additional hairstyle requirements apply to youth in high restriction facilities. Youth in TYC institutions or secure contract programs will be held to the following standards:

~~(A)~~ Hairstyle requirements are for males will be based upon the youth's progress in the agency's rehabilitation Resocialization program as set forth in (GAP) §87.4 of this title.

~~(B)~~ Females may be required to keep their hair length above the shoulder In secure facilities populated only by emotionally disturbed youth, female youth may be restricted to maintain

~~their hair length above the shoulder for safety reasons. In other facilities, female youth may be restricted to maintain their hair length above the shoulder if there is reason to believe the youth may use her hair may be used for self-injury, used to conceal other objects used for self-injury, or used to obscure staff's view of the neckline and conceal evidence of self-injury. Individual restrictions and the justification shall be documented in the youth's Individual Case Plan (ICP).~~

(C) Females ~~youth~~ may be required to tie their hair up or back in a ~~pony tail ponytail with one elastic hair tie provided by the facility (if the hair it is long enough to obscure staff's view of the neckline or face.) with one (1) black, white, or black and white scrunchie, elastic band, or rubber band that will be provided by the facility.~~

(D) Hairstyles that ~~may conceal facilitate hiding~~ contraband ~~may be temporarily restricted, such as: will not be allowed, e.g.~~

~~(i) buns;~~

~~(ii) thick braids;~~

~~(iii) curly hair that stands out more than two inches from the head; or~~

~~(iv) use of multiple hair ties, scrunchies, etc.~~

~~(f) — Symbolic Expression.~~

~~Symbolic expression(s) that have been shown to precipitate violent behavior, which endangers the safety of youth, staff or visitors at the facility, is prohibited.~~

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- ~~• See INS.17.15, INS.17.35, and INS.19.01 for implementation procedures in institutions.~~
 - ~~• See HWH.13.05 for implementation procedures in halfway houses.~~

Draft 8/5/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Youth Personal Property ACA: 4-JCF-5A-04, 6B-11 Statute(s): N/A	Effective Date: 7/19/06 Page: 1 of 4 Replaces: GAP.380.91-07, 7/19/06 1/17/16
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RULE

(a) Purpose.

~~The purpose of t~~This policy ~~is to~~ establishes limits on the personal property a youth may possess while assigned to a residential facility. ~~Restrictions on The restriction and prohibition of~~ personal property ~~are is~~ necessary ~~in order~~ to maintain facility order and ~~to~~ provide a safe, sanitary and constructive environment ~~that is~~ conducive to ~~the youth's~~ rehabilitation. This rule also defines items that are considered contraband in a residential setting.

(b) Applicability.

~~This rule applies to high and medium restriction facilities operated by TJJD.~~

~~(1) Contraband items other than contraband money will be disposed of in accordance with (GAP) §97.11 of this title.~~

~~(2) Contraband money as defined in subsection (c)(7) of this section will be disposed of in accordance with (GAP) §95.11 of this title.~~

(c) Definitions.

~~(1) Contraband--includes any of the following:-~~

~~The following items are considered contraband. Possession (care, custody or control) of such items within a Texas Youth Commission (TYC) operated or contract residential facility is prohibited.~~

~~(A1) Any item which is a crime to possess under municipal ordinances or state or federal law, including solvent inhalants, drugs (including synthetic drugs), and alcohol.~~

~~(B2) Unauthorized possession of prescription drugs or over-the-counter medication. For example, possession of :-medication:~~

- ~~(i) not prescribed to the youth, or~~
- ~~(ii) in excess of the amount prescribed, to the youth, or~~
- ~~(iii) without the consent or knowledge of staff, or~~
- ~~(iv) at an unauthorized time, etc.~~

~~(C3) Narcotics paraphernalia.~~

~~(D4) Jewelry (high restriction facilities only).~~

~~(E) Items that can be used, made, or adapted for to use as a weapon, s against self or others. Because jewelry represents a risk to facility safety (e.g. items may be used as weapons or may injure staff/student during a restraint), youth are not allowed to possess any jewelry.~~

~~(F5) Pictures, printouts, or drawings that depict exploitive or sexually explicit male or female nudity or partial nudity or sexual acts, including magazines or periodicals that, which routinely publish such pictures. No forms of nudity will be allowed to be posted.~~

- (G6) ~~Posters, printouts, pictures, magazines, periodicals, clothing, or any other Any~~ items with slogans, mottos, or emblems ~~that which~~ are obscene, advocate illegal or immoral conduct, hold individuals or groups up to ridicule, advocate violence, or reinforce delinquent subcultural values, or in any way disrupt programs or activities, ~~including but not limited to posters, pictures, magazines, periodicals, or clothing.~~
- (H7) ~~Money in excess of the amount or not in a form permitted by facility rules, except in medium restriction facilities during an approved activity.~~
- (I8) Gambling paraphernalia such as ~~(dice or, playing cards, etc.)~~.
- (J9) Devices ~~that which~~ have been fashioned to produce tattoos.
- (K10) Any item not listed on the youth's ~~Pp~~personal ~~Pp~~property and ~~Cc~~clothing ~~h~~inventory ~~form~~ (other than personal letters or photographs), including any articles of clothing that have been altered from the original design.

(2) Possession--having care, custody, or control of an item.

(d) Prohibition on Contraband.

- (1) Youth are prohibited from possessing contraband. Youth found in possession of contraband are subject to disciplinary consequences in accordance with §380.9503 of this title.
- (2) Seized contraband is disposed of in accordance with §380.9711 of this title.

(ed) Authorized Personal Property, General Requirements.

- (1) ~~At the Orientation and Assessment Unit, youth are not permitted to possess any The TYC assessment center shall prohibit youth possessing~~ personal property except for medically necessary items. ~~If a youth arrives at the Orientation and Assessment Unit with personal property other than All personal property except for medically necessary items, TJJD staff members inventory the property and return it -will be inventoried, receipted and returned to the county transporter. person-transporting the youth to the facility to be returned to the youth's home. The county transporter is responsible for ensuring that all personal items are returned to the youth's home.~~
- (2) ~~At facilities other than the Orientation and Assessment Unit, youth may possess Other residential programs may prohibit youth from possessing personal property except for medically necessary items, personal letters, and photographs, approved religious items, and medically necessary items.- that are otherwise acceptable. Programs may allow youth to- Youth may be allowed to possess additional limited personal property as earned privileges based on the youth's progress in the TJJD rehabilitation program. consistent with the program's privilege system and/or interaction in the community in accordance with (GAP) §93.1 of this title. TJJD staff members maintain a current inventory of each youth's personal property other than pictures and letters. A copy of the inventory is given to the youth.~~
- (3) Due to space limitations and fire safety regulations, the number or amount of personal items a youth may possess is limited to what youth may be restricted to possessions that will fit in the youth's their designated storage space in a neat and orderly manner. This includes letters, pictures, books and magazines.
 - (A4) The size of the designated storage space provided to each youth amount of space a youth has to store personal belongings will be left up to the facility, is dependent on the facility's physical plant and dorm configuration. local issues such as the configuration of the dorm.
 - (B5) No youth will be denied the right to possess a type of item allowed by this rule due to what the agency allows based on inadequate storage space; ~~h~~however, ~~TJJD local administration may~~ limit the number or amount of a specific type of item~~these items based on space limitations.~~

- ~~(C) Youth may personalize their areas within reasonable guidelines. Items on walls in bedrooms will be limited to space available on individual bulletin boards.~~
- (46) For youth with a documented history of self-harm, TJJD may restrict self-injury may have restricted access to certain possessions that are otherwise allowed if the item(s) may be used for self-harming behavior. ~~authorized under this policy that might be used to cause themselves harm.~~ These restrictions are will be made on a case-by-case an individual basis and documented ~~in the youth's Individual Case Plan (ICP).~~
- (57) ~~TJJD A program is neither is not~~ liable for and nor will not replace lost, stolen, or damaged personal items of youth unless the loss or damage can be shown to have resulted from staff negligence.
- ~~(8) An inventory of any personal property or clothing a youth is allowed to possess will be established and maintained. Any item not listed on this inventory will be considered contraband and disposed of according to (GAP) §97.11 of this title.~~
- (69) When a youth is transferred to another facility, TJJD transports any ~~Any~~ personal property or clothing the a youth is allowed to possess to the new facility. ~~will move with the youth to each assigned placement.~~
- (740) Youth may not give, take, borrow, steal, ~~barter,~~ or trade possessions with other youth.
- (844) A youth who escapes is shall be considered to have abandoned his/her property. ~~TJJD The~~ administrator will notify the youth's and his/-or her parents, guardian, head of household, or managing conservator ~~of the inventory of property and~~ that the property will be disposed of in 30 days unless shipping COD is authorized. If authorization is given, all property is shipped COD by the least expensive means available. If after 30 days in storage the property has not been demanded, then the property is disposed of. ~~Should a youth be returned before the end of the 30-day period, subsequently return from an escape, TJJD will make~~ reasonable efforts will be made to return any property remaining at the facility. ~~However, a youth shall not be entitled to compensation for any loss or damage caused by disposition or shipping of property in accordance with this procedure.~~
- (942) Parents and youth are will be notified in writing of the rules relating to personal possessions.
- ~~(13) Youth in TYC-operated institutions:~~
- ~~(A) will be provided with standardized clothing and shoes. See (GAP) §91.5 of this title for dress code requirements;~~
- ~~(B) may be allowed to possess additional appropriate clothing to wear to off-campus privileges such as community jobs or school;~~
- ~~(C) will be allowed to possess personal shoes if they are medically necessary; however, the facility may choose to provide this to the youth in lieu of the family;~~
- ~~(D) will be provided appropriate and adequate hygiene products;~~
- ~~(E) will be provided tweezers (girls only) to groom their eyebrows/facial hair. However, the female youth will have only controlled access, and shared tweezers will be sterilized between uses. If tweezers are being inappropriately used, access to tweezers will be prohibited. This restriction will be documented on the youth's ICP; and~~
- ~~(F) may possess personal magazines, books or other publications; however, the policy on contraband will limit the content. The youth will be limited in the number or the amount of publications based on storage space limitations, and based on what the local fire marshal will allow (e.g. three books, four publications, etc).~~

(f44) Restrictions on Makeup.

~~The following restrictions on possessing makeup apply only to youth in high restriction facilities. Youth in TYC-operated institutions are restricted from the following:~~

~~(1A) For sanitary reasons, makeup may not be shared among youth.~~

~~(B) Girls on the Corsicana Stabilization Unit may not wear makeup.~~

~~(2C) Boys are not permitted to wear will not be allowed access to makeup, except as allowed by the facility administrator on a case-by-case basis, for safety issues (violating the social norms would leave the boys vulnerable to ridicule and/or harassment).~~

~~(3D) Youth are not permitted will not be allowed to possess any talcum powder, aerosol products, or products in metal or glass containers or cans. The following types of makeup will be prohibited: Lip lip liner pencils, eyeliner (liquid or pencil), eye shadow (cream, powder, or pencil), eyebrow pencil, eyelash curler, loose powder, waterproof cosmetics, or and nail polish. TJJD Institution administrators may place additional local restrictions on certain types or brands of makeup or hygiene products based on safety concerns such as, e.g. alcohol content or, toxicity, etc.~~

~~(E) Youth may not possess any item that is not expressly allowed in TYC policy.~~

(g45) Restrictions on Purchased Items.

~~The following restrictions on purchasing items apply only to youth in high restriction facilities. Youth in TYC-operated institutions may obtain the following items:~~

~~(1A) The only items youth are permitted to purchase are:~~

~~(A) Personal clothing for off-campus privileges;~~

~~(B) shoes;~~

~~(C) makeup and other hygiene products; and~~

~~(D) any items stocked in the facility commissary.~~

~~(2) All purchases for a youth must be made may be purchased by the youth through a local commissary or purchased by the facility on the youth's behalf, using money from the youth's student trust fund in accordance with §380.9931 of this title. See (GAP) §87.4 of this title. Staff members are prohibited from taking money directly from youth for this purpose.~~

~~(3B) Purchased items must be:~~

~~(A) purchased from the facility's commissary; or~~

~~(B) shipped directly from the vendor to the facility. Shipments are searched for contraband in accordance with §380.9315 of this title. Youth are not permitted to receive personal items during visitation. Youth will be allowed to receive phase-appropriate shoes or clothing through the mail, only if it is shipped directly from the store. These items will be searched for contraband by staff in the presence of the youth and placed on the youth's inventory the day they are received.~~

~~(C) If a facility chooses to purchase these items on the youth's behalf, a local procedure shall be outlined to include a standard approval procedure and proper accounting procedures. Staff shall not take money directly from youth for this purpose.~~

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- See INS.19.01 for implementation requirements in institutions.
 - See HWH.05.01 for implementation requirements in halfway houses.

Draft 7/29/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Youth Orientation	Effective Date: 4/26/04 Page: 1 of 1 Replaces: GAP.380.91-15, 4/26/04 12/16/99
ACA: 4-JCF-3A-22, 3B-01, 5A-01, 5A-03 Statute(s): N/A	

RULE

~~(a) Purpose.~~

~~The purpose of this rule is to provide for written and oral program orientation to all youth.~~

~~(a) TJJJ provides youth an orientation. Youth shall be oriented to TYC and to the programs in which they are placed, except as noted in subsection (b) of this section, within ten days of admission.~~

~~(1) An initial verbal orientation is completed within 24 hours after the youth's arrival.~~

~~(2) A comprehensive verbal orientation is completed within 10 calendar days after the youth's arrival.~~

~~(b) Youth who are transferred to a long-term placement at the same facility where the intake orientation was provided do not receive a new orientation.~~

~~(c) If a youth does Youth shall be provided orientation in their own language if they do not understand English, TJJJ provides the verbal and written orientation in the preferred language.~~

~~(d) If a literacy problem exists, Staff members will assist youth to understand written orientation the information provided.~~

~~(e) The Orientation will includes verbal and written information on at least the following topics: but will not be limited to the following topics on which both oral and written information is provided:~~

- ~~(1) intake assessment process;~~
- ~~(2) program goals;~~
- ~~(3) services available;~~
- ~~(4) daily living program;~~
- ~~(5) procedures for gaining access to health care medical services;~~
- ~~(6) procedures governing mail, telephone, and visitation; correspondence;~~
- ~~(7) youth rights;~~
- ~~(8) program rules and regulations;~~
- ~~(9) behavioral rules and possible consequences;~~
- ~~(10) grievance complaint resolution procedure;~~
- ~~(11) release criteria;~~
- ~~(12) TYC liability for youth personal items;~~
- ~~(13) search policy;~~
- ~~(14) emergency evacuation procedure information; and~~
- ~~(15) notice of confidentiality of alcohol and drug abuse records; Notice to Youth, LS-021.~~
- ~~(16) zero-tolerance policy for sexual abuse, sexual activity, and sexual harassment;~~
- ~~(17) trust fund procedures;~~
- ~~(18) religious activities;~~
- ~~(19) education services;~~
- ~~(20) clothing and personal property;~~
- ~~(21) drug testing policy; and~~
- ~~(22) earned privileges.~~

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- See INS.11.01 for implementation procedures in institutions.
 - See HWH.05.05 for implementation procedures in halfway houses.

Draft 7/28/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Structured Activity <u>and</u> Recreation ACA: 4-JCF-5G-03, 5G-04, 5G-05 <u>3-JCRF-5E-01</u> Statute(s): N/A	Effective Date: 12/15/08 Page: 1 of 2 Replaces: GAP. 380.91-17 , <u>12/15/08 12/31/06</u>
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RULE

(a) Purpose.

The purpose of this rule is to provide for ~~and require participation in~~ structured activity and ~~or~~ recreation programs for ~~all youth in residential facilities~~ as a vital and essential aspect of individual development and as opportunity for appropriate social interaction.

(b) Applicability.

This rule applies to high and medium restriction facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) General Provisions.

~~(1b) Each facility's schedule includes the following: TYC facility programs shall provide activities that expend energy and allow physical and psychological release for youth.~~

~~(A) at least one hour of large-muscle exercise:~~

- ~~(i) seven days per week in high restriction facilities; and~~
- ~~(ii) five days per week in medium restriction facilities; and~~

~~(B) structured recreational activities or leisure-time activities:~~

- ~~(i) for at least one hour each day in high restriction facilities; and~~
- ~~(ii) for at least two hours each day in medium restriction facilities.~~

~~(2) The recreation and large-muscle exercise program at each facility:~~

~~(A) is conducted in cooperation with staff from various facility departments;~~

~~(B) provides access to:~~

- ~~(i) a variety of indoor and outdoor recreational activities as weather permits; and~~
- ~~(ii) fixed and movable recreation equipment and adequate indoor and outdoor recreation and activity space; and~~

~~(C) includes:~~

- ~~(i) a variety of physical activities to reflect the expressed interests of the youth and to expose youth to different opportunities;~~
- ~~(ii) physical skill-building to help maintain lifetime health and fitness;~~
- ~~(iii) encouragement for youth to self-monitor and set personal fitness goals; and~~

~~(iv) a means to individualize the intensity of activities and measure individual improvement.~~

~~(3e) A written schedule of large-muscle exercise activities activity and recreation events is will be available to youth.~~

~~(d) When possible, activities which promote interaction with the community will be provided.~~

~~(4) TJJJ ensures adequate staff are available to provide proper supervision during recreational activities.~~

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- See INS.51.05 for implementation procedures in institutions.
 - See HWH.09.21 for implementation procedures in halfway houses.

DRAFT

No Changes Recommended

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Title: Moral Values, Worship, and Religious Education ACA: 4-JCF-5F-01, 5F-02, 5F-03, 5F-04, 5F-05, 5F-06, 5F-07	Effective Date: 7/15/14 Page: 1 of 1 Replaces: GAP.380.9121, 11/1/11
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RULE

(a) **Purpose.**

The purpose of this rule is to provide youth with the opportunity to participate in worship and religious education and to develop and internalize a set of personal moral and spiritual values.

(b) **General Provisions.**

- (1) The Texas Juvenile Justice Department (TJJD) determines the religious preference of each youth admitted to TJJD. If a youth is under age 18, TJJD contacts the youth's parent/guardian to verify the youth's religious preference. If there is a disagreement regarding the religious preference for a youth under age 18, the religious preference will be established by the parent/guardian. If TJJD is unable to contact the parent/guardian after due diligence, TJJD will honor the youth's requested religious preference.
- (2) TJJD provides youth the opportunity to participate in religious education programs, services, and counseling.
- (3) Participation in religious education programs, services, and counseling is voluntary.
- (4) Arbitrary and discriminatory restrictions of religious freedoms are prohibited.
- (5) High restriction and medium restriction facilities operated by or under contract with TJJD must provide for reasonable access to religious education programs, services, and counseling.
- (6) Participation in religious education programs, services, and counseling may be limited only when documentation indicates a threat to the safety of persons involved or the activity disrupts order in the facility.
- (7) Youth in TJJD-operated facilities may request that a specific religious practice or item be made available to him/her. The request is subject to an assessment, accommodation, and approval process.
- (8) TJJD provides access to personal clergy for a youth's faith group in accordance with §380.9317 of this title.
- (9) TJJD encourages the participation of volunteer religious groups and individuals in its religious services and programs.

See INS Chapter 81 for implementation procedures.

Draft 8/5/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/1/09
Subchapter: Program Services	
Division: Health Care Services	Page: 1 of 3
Rule: Suicide Alert Definitions	Replaces: GAP. 380.91-87 , 12/1/09 8/31/09
ACA: 4-JCF-4D-07	
Statutes: N/A	

(a) **Purpose.**

~~The purpose of this rule is to establish~~ definitions of terms used in the Texas Juvenile Justice Department's (TJJD's) Texas Youth Commission's (TYC's) suicide prevention policies as set forth in established by §§380.91-88, 380.91-89, and 380.91-90 of this title.

(b) **Definitions.**

- (1) **Constant Motion Check**--a type of room check in which a staff member walks through the housing unit in an irregular pattern at random intervals to prevent youth from "timing" room checks. Constant motion checks are ~~to be~~ performed in addition to regular room checks and documented on the regular room check log.
- (2) **Critical Incident Review Committee**--a ~~multidisciplinary~~ review conducted by a multi-disciplinary team convened designed to critically review the circumstances surrounding a death or serious incident and to recommend corrective action where necessary. The critical incident review may consider information such as incident reports, training/personnel records, policies/procedures, other relevant documents, facility practices, any non-confidential information resulting from a morbidity and mortality review, and any other information the review team determines is necessary for a comprehensive review.
- (3) **Critical Incident Support Team**--a team used to provide support to youth, employees, and families involved in or adversely affected by the death of a ~~TJJD TYC~~ youth or staff member.
- (4) **Designated Mental Health Professional (DMHP)**--a doctoral--level psychologist who has primary responsibility and accountability for the evaluation, monitoring, and treatment of youth referred for suicide risk in high restriction facilities. In the absence of a doctoral--level psychologist ~~due to position vacancy~~, an MHP may be appointed to serve as the acting DMHP with the approval of the central office ~~division~~ director over treatment services.
- (5) **Mental Health Professional (MHP)**--a doctoral--level psychologist, masters--level mental health specialist, associate psychologist, licensed professional counselor, licensed psychological associate, or a licensed clinical social worker.
- (6) **Morbidity and Mortality Review**--an assessment of the overall clinical care provided and the circumstances leading up to a ~~life-threatening suicide attempt or death~~ or certain serious medical incidents. Its purpose is to identify program strengths and opportunities for improvement in clinical care ~~and/or system policies and procedures~~.
- (7) **Protective Custody**--a temporary program in high restriction facilities designed for the placement of youth who cannot be safely managed in the current dorm/living unit due to risk of self-harm, as determined by an MHP after a face-to-face assessment.
- (8) **Psychiatric Provider**--a psychiatrist or psychiatric mid-level practitioner licensed to practice in the state of Texas.
- (9) **Rescue Kit**--an emergency medical treatment kit carried by designated employees or placed in designated secure locations that contains items such as a CPR pocket mask, latex gloves, and a tool capable of cutting ligatures.

- (10) **Suicidal Behavior**--includes suicide attempts, suicidal gestures, intentional self-injurious behavior, or development of a plan or strategy for committing suicide. Suicidal behavior generally involves some overt action or clear indication of the development of a specific plan or strategy to injure or kill oneself.
- (A) **Life-Threatening Suicide Attempt**--a suicide attempt that a health care professional determines would have resulted in death except for circumstances beyond the youth's control.
- (B) **Suicide Attempt**--an act apparently intended to end one's life. A suicide attempt is a type of suicidal behavior.
- (C) **Self-Injurious Behavior**--behavior that causes harm, such as self-laceration, self-battering, taking overdoses, or exhibiting deliberate recklessness. Self-injurious behavior is considered a type of suicidal behavior for reporting purposes.
- (11) **Suicidal Ideation**--thoughts of engaging in suicide-related behavior. This means a youth expresses thoughts or fantasies about committing suicide or expresses a desire to kill himself/herself, but lacks a specific plan or strategy to carry it out. Suicidal ideation is not considered a type of suicidal behavior for reporting purposes.
- (12) **Suicide Alert**--a status that begins following a face-to-face suicide risk assessment by an MHP, indicating that a youth is at risk to attempt suicide or self-injury and is in need of increased supervision.
- (13) **Suicide Observation Folder**--a folder containing suicide observation logs/check sheets and any other pertinent information as determined by an MHP. The staff directly responsible for monitoring the youth will possess the folder at all times while the youth is on suicide alert.
- (14) **Suicide Observation Level**--levels of observation determined by an MHP to provide enhanced supervision for youth who are awaiting a suicide risk assessment or placed on suicide alert. General criteria for determining the appropriate level of observation are provided in subparagraphs (A) - (C) of this paragraph, however the MHP may assign any level of observation deemed appropriate under the circumstances based on his/her clinical judgment.
- (A) **One-to-One Observation** is generally considered appropriate for a youth who is actively suicidal, either by threatening or engaging in self-injury, and who may require emergency psychiatric placement. One-to-one observation includes the following:
- (i) Assigned staff may not have any other concurrent duties.
- (ii) Assigned staff ~~remains is~~ within six feet of the youth and maintains continuous, direct visual observation of the youth at all times, including while the youth is in his/her room or while ~~the youth is~~ sleeping.
- (iii) Assigned staff ~~will documents~~ the youth's status at least once every ten minutes.
- (iv) Assigned staff must be formally relieved by another staff or by the discontinuation of the ~~one-to-one 1:1~~ status.
- (v) Doors to individual rooms ~~will~~ remain unlocked, except when a youth presents an imminent danger to staff due to aggressive behavior. Procedures for obtaining approval to lock the door for such behavior are set forth in ~~§380.97.45~~ of this title.
- (B) **Constant Observation** is generally considered the appropriate level of observation for a youth who is actively suicidal, either by threatening or engaging in self-injury, but does not appear to require emergency psychiatric placement. Constant observation includes the following:

~~(i) For youth not placed in a security unit or the Corsicana Stabilization Unit:~~

- ~~(i)~~ During waking hours, the youth is within 12 feet and within sight of assigned staff at all times. Staff may have concurrent duties if the duties do not interfere with observation of the youth. The assigned staff will documents the youth's status at least once every ten minutes (or every five minutes if the youth is placed in a security unit or a crisis stabilization unit).
- ~~(ii)~~ During sleeping hours, assigned staff will observes and documents youth's status at least once every five minutes and will performs constant motion checks at least once every hour.

~~(ii) For youth who are placed in a security unit or the Corsicana Stabilization Unit:~~

~~(i) Assigned staff will observe and document the youth's status at least once every five minutes and will perform constant motion checks at least once every 30 minutes.~~

~~(ii)~~ For youth in a security unit or crisis stabilization unit, Doors to individual rooms remain ~~will be~~ locked.

(C) **Close Observation** is generally considered the appropriate level of observation for a youth who is not actively suicidal and would be considered a lower risk for suicide, but expresses suicidal ideation and/or has a recent history of self-injurious behavior. In addition, close observation would be appropriate for a youth who denies suicidal ideation or does not threaten suicide, but demonstrates other concerning behavior (through actions, current circumstances, or recent history) indicating the potential for self-injury. Close observation includes the following:

- (i) Assigned staff will observes and documents the youth's status at least once every ten minutes and will performs constant motion checks at least once every hour. The Staff is ~~will~~ generally ~~be~~ involved in concurrent duties that do not interfere with required observation of the youth.
- (ii) This level of observation may not be applied to youth who are placed in a security unit or a crisis stabilization unit. ~~the Corsicana Stabilization Unit.~~

- (15) **Suicide-Resistant Room**--a room ~~that which~~ provides a safe environment and has no obvious materials/possessions that can be used in self-injurious behavior or any item ~~that which~~ may be used for hanging. The room is free of all obvious protrusions and any items that provide an easy anchoring device for hanging. Lighting is tamper-proof and there are no switches or electrical outlets in the room. The door of the room has a heavy-gauge, clear panel that provides which allows staff an unobstructed view of the room.
- (16) **Suicide Risk Assessment**--a standardized, face-to-face assessment by an MHP that contains specific lines of inquiry regarding suicide risk, a mental status examination, and clinical observations and recommendations.
- (17) **Suicide Risk Screening**--a standardized, face-to-face interview by an MHP or by a trained designated staff in consultation with an MHP to determine the appropriate suicide observation level until a suicide risk assessment is conducted.
- (18) **Trained Designated Staff**--staff trained to conduct a suicide risk screening. In TJJD TYC programs this will include at least the following staff: a minimum the superintendent, assistant superintendent, administrative duty officer, dorm supervisor, program specialists, case managers, on-duty supervisor, placement coordinators, principal, and Juvenile Correctionals Officer (JCO) V or VI.

Draft 7/29/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/1/09
Subchapter: Program Services	
Division: Health Care Services	Page: 1 of 8
Rule: Suicide Alert for High Restriction Facilities	Replaces: GAP. 380.91-88 , 12/1/09 8/31/09
ACA: 4-JCF-4B-06, 4D-07	
Statutes: N/A	

RULE

(a) Purpose.

~~The purpose of this rule is to~~ establish procedures for ~~suicide prevention by~~ identification, assessment, treatment, and protection of youth in high restriction facilities that may be at risk for suicide.

(b) Applicability.

This rule applies to all youth currently assigned to placement in high restriction facilities operated by the Texas Juvenile Justice Department (TJJD). ~~Texas Youth Commission (TYC)~~.

(c) Definitions.

Definitions pertaining to this rule are under §380.91-87 of this title.

(d) General Provisions.

- (1) Treatment for youth determined to be at risk for suicide ~~is will be~~ provided within the least restrictive environment necessary to ensure safety.
- (2) Youth determined to be at risk for suicide ~~will~~ participate in regular programming to the extent possible, as determined by a mental health professional (MHP). Only an MHP may make exceptions to the provision of regular programming, housing placement, or clothing.
- (3) Designated staff ~~will~~ carry rescue kits at all times while on duty for use in the event of a medical emergency caused by a suicide attempt. Rescue kits are will also ~~be~~ placed in designated buildings or areas of the campus that are not accessible to youth.
- (4) As soon as possible, but immediately, not to exceed two hours, after a suicide or a suicide attempt, the facility administrator or designee notifies the will notify a youth's parent/ or guardian (with the youth's consent if the youth is age 18 or older). ~~after a life-threatening suicide attempt or suicide.~~

(e) Intake Screening and Assessment.

- (1) **Upon Initial Admission to TJJD. TYC.**
 - (A) Upon arrival to a TJJD TYC-orientation and assessment unit, designated intake staff ~~will~~ keep youth within direct line-~~of-~~sight supervision until the youth is screened or assessed for suicide risk.
 - (B) Within one hour ~~after of~~ the youth's arrival to a TJJD TYC-orientation and assessment unit, an MHP ~~will conducts~~ an initial mental health screening and documents the results ~~on the agency-approved form~~.
 - (C) If the youth is identified by the MHP as potentially at-~~risk~~ for suicide, the youth ~~is will~~ immediately ~~be~~ referred for a suicide risk assessment, to be conducted by an MHP in accordance with time frames established in subsection (f)(3) of this section. within four hours after referral. In the interim, the youth is maintained will be on constant observation.

- (D) Within 14 days after ~~a youth's~~ arrival at the orientation and assessment unit, all youth ~~will~~ receive a comprehensive mental health evaluation conducted by an MHP. The mental health evaluation will include a suicide risk assessment if one has not already been completed.
- (E) The suicide risk assessment ~~completed upon initial admission will~~ includes:
- (i) a mental status exam;
 - (ii) a review of all mental health and medical records submitted from the courts, county juvenile detention facilities, or any other medical or mental health provider, to include any assessments by MHPs relating to prior suicide alerts during confinement;
 - (iii) a review of all other available screenings and assessments ~~that are available~~; and
 - (iv) referrals for follow-up treatment or further assessment, as indicated.
- (F) The designated mental health professional (DMHP) ~~will sign~~ the suicide risk assessment, acknowledging his/her review.
- (2) **Upon Admission at a Subsequent Placement (Intrasystem Transfers).**
- (A) Upon arrival of a youth who is not currently on suicide alert, a nurse ~~will complete~~ an intrasystem health screening, including questions relating to suicidal ideation and behavior.
- (B) If the youth is identified by the screening as potentially at ~~risk~~ for suicide, the nurse ~~immediately refers the youth will make an immediate referral~~ to an MHP for completion of a suicide risk assessment.
- (C) An MHP ~~will conduct~~ a suicide risk assessment (including all items listed in subsection (f)(5) of this section) within:
- (i) four hours after the screening if the MHP determines the youth engaged in a suicide attempt or is actively suicidal; youth's arrival if referred by the nurse; or
 - (ii) 24 hours after the screening if the MHP determines the youth does not appear to be actively suicidal but engaged in some other type of suicidal behavior or ideation; or
 - (iii) seven calendar days after the screening if the MHP determines the youth does not appear to be at risk for suicide. after the youth's arrival for all other youth.
- (3) **Upon Return to TJJD, TYC.**
- (A) Within one hour ~~after~~ of a youth's arrival at a high restriction facility following a period of at least 48 hours spent out of TJJD's TYC's physical custody (e.g., revocation of parole, return from bench warrant), a trained designated staff member or MHP ~~will initiate~~ a suicide risk screening. The youth ~~is will be~~ kept within direct line-of-sight supervision until the youth is screened. If the screening is conducted by a trained designated staff member, he/she ~~will~~ immediately ~~contacts~~ an MHP to communicate the results of the screening.
- (B) ~~Based on the results of the screening, a~~ An MHP ~~will conduct~~ a suicide risk assessment (including all items listed in subsection (f)(5) of this section) within:
- (i) four hours after the screening if the MHP determines the youth engaged in a suicide attempt or is actively suicidal;

- (ii) 24 hours after the screening if the MHP determines the youth does not appear to be actively suicidal but engaged in some other type of ~~may otherwise be at risk for~~ suicidal behavior or ideation; or
- (iii) seven calendar days after the screening if the MHP determines the youth does not appear to be at risk for suicide.

(f) **Responding to Suicidal Behavior or Ideation.**

- (1) If any staff member has reason to believe that a youth has demonstrated suicidal behavior or ideation, the employee must:
 - (A) ~~for medical emergencies,~~ immediately use the rescue kit if appropriate and seek medical attention if there is a medical emergency;
 - (B) verbally engage the youth;
 - (C) provide constant observation unless an MHP directs a higher observation level;
 - (D) begin a suicide observation log to document youth status checks;
 - (E) immediately notify the on-duty supervisor or the duty officer;
 - (F) document in the dorm/shift log that he/she notified the notification of the on-duty supervisor or duty officer ~~in the dorm/shift log~~; and
 - (G) ~~complete for suicidal behavior, document the incident on~~ an incident report if suicidal behavior was involved.
- (2) As soon as possible, but no later than one hour after notification, the on-duty supervisor or duty officer will ensure a trained designated staff member or MHP initiates a suicide risk screening. If the screening is conducted by a trained designated staff member, that staff member he/she will immediately communicates the results of the screening to the MHP.
- (3) If the youth is not transported to the emergency room, An MHP ~~shall~~ conducts a face-to-face suicide risk assessment within:
 - (A) four hours after the screening if the MHP determines the youth engaged in a suicide attempt or is actively suicidal; or
 - (B) 24 hours after the screening if the MHP determines the youth did not engage in a suicide attempt and does not appear to be actively suicidal, but engaged in some other type of suicidal behavior or ideation.
- (4) If the youth is transported to the emergency room:
 - (A) the MHP decides, before the youth returns from the emergency room, whether the youth will be placed on constant or one-to-one observation upon his/her return to the facility; and
 - (B) the MHP conducts a face-to-face suicide risk assessment within four hours after the youth's return to the facility.
- (54) The suicide risk assessment will include:
 - (A) a mental status exam;
 - (B) a review of the youth's masterfile and medical record, as indicated;

- (C) referrals for follow up treatment or further assessment, as indicated;
- (D) a determination of whether to place the youth on suicide alert, assignment of an observation level, and designation of appropriate precautions; and
- (E) a review of the assessment by the DMHP.

(65) Whenever possible, suicide risk screenings and assessments ~~are will be~~ conducted in a confidential setting, suitable environment, free from distractions.

(g) **Actions Taken Upon Completion of Suicide Risk Assessment.**

(1) **Documentation Requirements.**

- (A) Upon completion of a suicide risk assessment, the MHP ~~will documents~~ the results of the assessment, including any changes in the youth's observation level, ~~on the agency approved form(s).~~
- (B) If the youth is placed on suicide alert, the MHP ~~will ensures~~ that the youth's name is placed on the facility's suicide alert list and the updated list is distributed to facility staff.

(2) **Notification of Assessment Results.**

- (A) If the youth is placed on suicide alert:
 - (i) the MHP ~~will immediately notifies notify~~ infirm staff, the youth's case manager, dorm staff, and the on-duty supervisor of the youth's observation level and any additional instructions; ~~and -~~
 - (ii) the youth's case manager ~~notifies will notify~~ the youth's parent ~~or /~~ guardian as soon as possible after the youth is placed on suicide alert (with the youth's consent if the youth is age 18 or older).
- (B) If the youth is not placed on suicide alert, the MHP ~~notifies will notify~~ the referring staff and the youth's case manager that the youth was assessed but not placed on suicide alert.

(3) **Assignment of Staff to Monitor Youth.**

If the youth is placed on suicide alert, the on-duty supervisor ~~will assigns~~ a specific staff member to monitor the youth and carry the suicide observation folder.

(h) **Supervision of Youth on Suicide Alert.**

- (1) Unless the youth is already placed in a suicide-~~resistant~~ room, the on-duty supervisor ~~or trained designated staff will coordinates~~ a search of the youth's room or personal area and ~~removes~~ any potentially dangerous items.
- (2) The suicide observation folder must be in the possession of the monitoring staff member at all times while the youth is on suicide alert.
 - (A) At no time may the youth possess the suicide observation folder.
 - (B) Each time the youth is transferred to the supervision of another staff member, the receiving staff member must take possession of the folder and document the transfer of supervision in the folder.
- (3) As required by the youth's assigned suicide observation level, the monitoring staff member must:

- (A) maintain direct visual observation of the youth; and~~er~~
 - (B) document the youth's status at the required interval.
- (4) For youth assigned to one-to-one or constant observation, the monitoring staff member must not leave the youth unattended or let the youth out of his/her sight.
- (A) When the youth is in the bathroom or shower, the monitoring staff must remain within six feet of the youth, and:
 - (i) observe at least a portion of the youth's body (i.e., head, feet, or other observable parts excluding genitalia); and/or
 - (ii) maintain verbal contact.
 - (B) When the youth is engaged in regular programming (e.g., education, group counseling, recreation, etc.), the monitoring staff will accompany the youth to the activity and remain within the required distance (i.e., six or 12 feet). If the youth cannot be maintained within the required distance without disrupting the program, the MHP must be consulted to consider possible modifications to the youth's supervision plan or scheduled routine to ensure that the youth can be appropriately monitored.
- (5) Removal of a youth's clothing and issuance of suicide-resistant clothing, as well as cancellation of programming and routine privileges, will be avoided whenever possible and only ~~used~~ ~~utilized~~ as a last resort for periods during which the youth is physically engaging in self-injurious behavior. Decisions regarding issuance of suicide-resistant clothing and restrictions in programming and/or routine privileges may ~~only~~ be made ~~only~~ by the MHP. A decision to conduct a strip search if criteria in §380.9709 of this title are met may be made only in consultation with the MHP.
- (6) Unless approved by the DMHP in consultation with the facility administrator, youth on suicide alert are not allowed access to off-campus activities or non-medical appointments. Decisions regarding off-campus medical appointments ~~are will be~~ made by medical staff.

(i) **Treatment and Reassessment of Youth on Suicide Alert.**

- (1) An MHP ~~will~~ ~~develops~~ a written treatment plan (or ~~revises~~ an existing care plan) that includes treatment goals and specific interventions designed to address and reduce suicidal ideation and threats, self-injurious behavior, and suicidal threats perceived to be based upon attention-seeking or manipulative behavior. The treatment plan ~~will~~ ~~describes~~:
 - (A) signs, symptoms, and circumstances under which the risk for suicide or other self-injurious behavior is likely to recur;
 - (B) how recurrence of suicidal and other self-injurious behavior can be avoided; and
 - (C) actions ~~both~~ the youth and staff can take if the suicidal and other self-injurious behavior ~~does~~ ~~occur~~.
- (2) The MHP ~~will~~ ~~consults~~ with the youth's case manager to recommend modifications to the youth's individual case plan based on issues identified in the treatment plan. The MHP ~~will~~ ~~consults~~ with direct care staff regarding the youth's progress.
- (3) While the youth is on suicide alert, the MHP ~~will~~ ~~assesses~~ the youth at least once every 48 hours, unless the youth is placed on one-to-one observation, in which case the MHP ~~will~~ ~~assesses~~ the youth at least once every 24 hours.
- (4) For each assessment, the MHP ~~will~~:

- (A) reviews the contents of the suicide observation folder, as well as progress notes from other MHPs as applicable;
 - (B) determines whether any changes should be made to the youth's observation level or other precautions, in consultation with the DMHP;
 - (C) documents any changes in the observation level or other safety precautions in the suicide observation folder; and
 - (D) documents the assessment as a progress note that provides a sufficient description of the youth's emotional status, observed behavior, recommended observation level, justification for decision, and any special instructions for staff.
- (5) Each time a change is made to the youth's observation level or other safety precautions, the MHP ~~notifies~~ ~~will notify~~ direct care staff and ensures an updated suicide alert list is distributed to facility staff, including infirmary staff.
- (6) During routine meetings between the psychology department and the psychiatric provider, the DMHP or designee ~~will discuss~~ ~~es~~ information concerning youth on suicide alert with the psychiatric provider.

(j) **Protective Custody or Emergency Psychiatric Placement.**

- (1) If an MHP, in consultation with the DMHP, determines that the youth is a serious and immediate danger to himself/herself and cannot be safely managed in the living unit, the MHP may initiate placement in a suicide--resistant room by referring the youth to the protective custody program in accordance with §380.97.45 of this title. All treatment, re-assessment, and observation requirements established in this rule will continue to apply while the youth is assigned to protective custody, unless otherwise noted in §380.97.45 of this title.
- (2) If the DMHP or psychiatric provider determines that the youth is in serious and imminent risk of self-injury and cannot be safely or appropriately managed in protective custody, the DMHP or psychiatric provider may seek emergency psychiatric placement in accordance with §380.8771 of this title. The youth will be placed on one-to-one observation until received at the emergency placement. ~~The DMHP or psychiatric provider will seek placement in the following order:~~
- ~~(A) the Corsicana Stabilization Unit, in accordance with §87.67 of this title;~~
 - ~~(B) the nearest state hospital, in accordance with §87.69 of this title; or~~
 - ~~(C) as a last resort and only with the approval of the appropriate administrator, a private psychiatric facility in accordance with §87.71 of this title.~~

(k) **Intrasystem Transfer of Youth on Suicide Alert.**

- (1) Prior to transferring a youth on suicide alert to another high restriction facility:
- (A) within 24 hours prior to transfer, the MHP at the sending facility ~~will:~~
 - (i) ~~sends forward~~ a summary of the youth's suicidal behavior, assessments, and treatment ~~via email~~ to the DMHP and facility administrator or designee at the receiving facility and any transitional facilities en route to the receiving facility;
 - (ii) calls the DMHP at the receiving and any transitional facilities to communicate the observation level of the youth and any other pertinent information; and
 - (iii) ~~notifies~~ ~~notify~~ the health services administrator at the sending facility, who will communicate the observation level of the youth and any other pertinent information to the receiving facility's infirmary; and

(B) direct care staff ~~at the sending facility will~~ provide the suicide observation folder to the transporting staff.

(2) An MHP at the receiving facility ~~will~~:

(A) as soon as possible, but no later than four hours after the youth's arrival, reviews the transfer summary and meets with the youth;

(B) ~~notifies notify~~ direct care and nursing staff of the youth's suicide observation level prior to assignment of the youth to a dorm/living unit;

(C) places the youth on the facility's suicide alert list;

(D) ensures the suicide observation log is provided to the staff assigned to monitor the youth;

(E) consults with the DMHP regarding the plan for treatment and assessment.

(l) **Release or Discharge of Youth on Suicide Alert.**

(1) Prior to releasing or discharging a youth on suicide alert to a community placement (medium restriction or home placement), the MHP ~~will~~:

(A) provides the youth (or parent/guardian if the youth is under age 18) with a referral for follow-up care;

(B) coordinates with appropriate clinical staff to schedule a follow-up appointment;

(C) ~~identifies identify~~ emergency resources, if needed; and

(D) ~~notifies notify~~ the youth's parole officer, as applicable.

(2) The MHP ~~sends will forward~~ mental health records to the receiving mental health provider upon request.

(m) **Reduction of Observation Level and Removal from Suicide Alert.**

(1) The level of observation for a youth on suicide alert may be modified or discontinued only after a face-to-face assessment by an MHP, in consultation with the DMHP.

(2) The MHP may reduce the youth's suicide observation level by no more than one level every 24 hours, unless otherwise approved by the DMHP on a case-by-case basis.

(3) Only an MHP or the DMHP may authorize removal of a youth's name from the suicide alert list. Only youth on ~~the lowest available close~~ observation level may be removed from suicide alert.

(4) The MHP ~~notifies appropriate will notify dorm staff and infirmary~~ staff when a youth's observation level is reduced and when a youth is removed from suicide alert. Infirmary staff ~~will~~ notify the psychiatric provider of all such changes.

(5) The youth's case manager ~~notifies will notify~~ the youth's parent or /guardian when the youth is removed from suicide alert ~~(with the youth's consent if the youth is age 18 or older)~~.

(6) Upon removal from suicide alert, the MHP ~~identifies will identify~~ in the treatment plan any needed follow-up mental health services.

(n) **Training.**

(1) All staff who have direct contact with youth (including security, direct care, nursing, mental health, and education staff) ~~will~~ receive initial training in suicide prevention and response during pre-service training. Training ~~will~~ addresses topics including, but not limited to:

- (A) identifying the warning signs and symptoms of suicidal behavior;
 - (B) high-risk periods for suicide;
 - (C) juvenile suicide research, to include the demographic and cultural parameters of suicidal behavior, incidence, and precipitating factors;
 - (D) responding to suicidal and depressed youth;
 - (E) communication between correctional and health care personnel;
 - (F) referral procedures;
 - (G) housing, observation, and suicide alert procedures; and
 - (H) follow-up monitoring of youth who engage in suicidal behavior or ideation.
- (2) All personnel who have direct contact with youth ~~will~~ receive annual suicide prevention training.
- (3) Staff designated to conduct suicide screenings receive training from an MHP regarding suicide alert policy, suicide indicators, and suicide screening.
- (o) **Post-Incident Debriefing and Analysis ~~for Completed Suicides and Life-Threatening Attempts.~~**
- (1) ~~After a suicide or a life-threatening suicide attempt, T~~the facility administrator or designee ~~will~~ coordinates a debriefing with appropriate facility staff as soon as possible after the situation has been stabilized, in accordance with agency procedures.
 - (2) ~~After a suicide, the executive director. The chief executive officer~~ or designee may dispatch a critical incident support team to provide counseling for youth and staff, coordination of facility activities, and assistance with follow-up care.
 - (3) ~~After a suicide, T~~the medical director ~~will~~ conducts a morbidity and mortality review in coordination with appropriate clinical staff. The medical director may conduct a morbidity and mortality review after a life-threatening suicide attempt.
 - (4) ~~After a suicide or a life-threatening suicide attempt, a A cross-divisional central office~~ critical incident review ~~committee will~~ is convened to ~~examine all relevant information,~~ determine if the incident reveals system-wide deficiencies, and to recommend improvements to agency policies, operational procedures, the physical plant, and/or training requirements.
 - (5) In the event of a suicide, all actions, notifications, and reports required under ~~§385.99-51~~ of this title ~~must will~~ be completed.

See CMS.06.71 for implementation procedures.

Draft 8/5/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/1/09
Subchapter: Program Services	
Division: Health Care Services	Page: 1 of 6
Rule: Suicide Alert for Medium Restriction Facilities	Replaces: GAP.91.89, 8/31/09
ACA: 3-JCRF-4C-06, 4C-09	
Statutes: N/A	

RULE

(a) Purpose.

~~The purpose of this rule is to~~ establish procedures for ~~suicide prevention by~~ identification, assessment, treatment, and protection of youth in medium restriction facilities who ~~that~~ may be at risk for suicide.

(b) Applicability.

(1) This rule applies to all youth currently assigned to placement in medium restriction facilities operated by the Texas Juvenile Justice Department (TJJD). ~~Texas Youth Commission (TYC).~~

(2) Responsibilities assigned to mental health professionals (MHPs) in this rule apply only to MHPs employed by TJJD.

(c) Definitions.

Definitions pertaining to this rule are under §380.91-87 of this title. ~~For purposes of this rule, the definition of mental health professional (MHP) may also include psychiatric providers.~~

(d) General Provisions.

(1) Treatment for youth determined to be at risk for suicide ~~is will be~~ provided within the least restrictive environment necessary to ensure safety.

(2) Youth determined to be at risk for suicide ~~will~~ participate in regular programming to the extent possible, as determined by an MHP. Only an MHP may make exceptions to the provision of regular programming, community access, housing placement, or clothing.

(3) Rescue kits for use in medical emergencies ~~are will be~~ placed in designated locations within the facility that are not accessible to youth.

(4) As soon as possible, but immediately, not to exceed two hours, after a suicide or a suicide attempt, the facility administrator or designee notifies the youth's will notify the parent/ or guardian (with the youth's consent if the youth is age 18 or older) ~~after a suicide attempt or suicide.~~

(e) Intake Screening.

(1) Upon a youth's admission to a medium restriction facility, a trained staff ~~will~~ administers a health screening, which includes a review of the youth's file and questions relating to suicidal ideation and behavior. The results of the health screening ~~are will be~~ documented ~~on the agency-approved form.~~

(2) If a youth is identified during the screening as potentially at ~~risk~~ for suicide:

(A) the trained staff ~~will~~ immediately notifies ~~notify~~ the facility administrator or designee;

(B) the facility administrator or designee ~~will~~ contacts an MHP to conduct a suicide risk assessment; and

(C) the facility administrator or designee ~~will~~ assigns a suicide observation level. If possible, the administrator ~~will~~ consults with an MHP in determining the appropriate level.

(3) The suicide risk assessment must be completed as soon as possible, not to exceed 72 hours.

(f) **Responding to Suicidal Behavior or Ideation.**

(1) If any staff member has reason to believe that a youth has demonstrated suicidal behavior or ideation, the employee must:

(A) ~~for medical emergencies,~~ immediately seek medical attention if there is a medical emergency;

(B) verbally engage the youth;

(C) immediately notify the facility administrator or designee;

(D) provide constant observation unless the facility administrator or designee directs a higher observation level;

(E) document in the appropriate shift log that he/she notified the notification of the facility administrator or designee ~~in the appropriate shift log~~; and

(F) ~~complete for suicidal behavior, document the incident on~~ an incident report if suicidal behavior was involved.

(2) Upon notification by a staff member, the facility administrator or designee ~~will~~ begins a suicide observation log to document youth status checks.

(3) Within one hour after notification, a trained designated staff ~~will~~ initiates a suicide risk screening. The trained staff ~~will~~ immediately communicates the results of the screening to the facility administrator or designee.

(4) The facility administrator or designee ~~will~~ assigns an observation level, based on the results of the suicide screening. If possible, the administrator ~~will~~ consults with an MHP in determining the appropriate level.

(A) For youth engaging in suicidal behavior, the administrator ~~will~~ ensures the youth remains on one-to-one observation until an MHP conducts a face-to-face suicide risk assessment.

(B) For youth engaging in suicidal ideation only, the administrator ~~will~~ ensures the youth remains on at least constant observation until an MHP conducts a face-to-face suicide risk assessment.

(C) Youth who are waiting for a suicide risk assessment are not allowed community access (e.g., community service, employment, academic attendance) unless ~~TJJD FYC~~ staff supervise the youth on at least constant observation.

(5) The facility administrator or designee ~~will~~ contacts an MHP to conduct a face-to-face suicide risk assessment. The assessment must be completed within:

(A) four hours if the youth engaged in a suicide attempt; or

(B) as soon as possible, but not to exceed 72 hours, if the youth engaged in any other type of suicidal behavior or ideation.

(6) If the time required for an MHP to conduct a suicide risk assessment is exceeded, the youth will be maintained on at least constant observation until he/she is assessed. If necessary, the facility

administrator or designee may secure emergency psychiatric care to obtain an evaluation of the youth.

(g) **Actions Taken Upon Completion of Suicide Risk Assessment.**

(1) **Documentation Requirements.**

Upon completion of a suicide risk assessment, the MHP ~~will~~ documents the results of the assessment, including any changes in the youth's observation level.

(2) **Notification of Assessment Results.**

(A) Upon completion of a suicide risk assessment, the MHP ~~will~~ communicates the results of the assessment to the facility administrator or designee.

(B) If the youth is placed on suicide alert:

(i) the facility administrator or designee ~~will~~ immediately notifies ~~notify~~ facility staff of the youth's ~~placement on suicide alert, the youth's~~ observation level, and any additional instructions; and

(ii) the youth's case manager notifies ~~will notify~~ the youth's parent or guardian as soon as possible after the youth is placed on suicide alert (with the youth's consent if the youth is age 18 or older).

(C) If the youth is not placed on suicide alert, the facility administrator or designee notifies ~~will notify~~ the referring staff that the youth was assessed and not placed on suicide alert.

(3) **Assignment of Staff to Monitor Youth.**

If the youth is placed on suicide alert, the facility administrator or designee ~~will~~ assigns a specific staff member to monitor the youth and document status checks.

(h) **Supervision of Youth on Suicide Alert.**

(1) The facility administrator or designee ~~will~~ coordinates a search of the youth's room and removes any potentially dangerous items.

(2) A suicide observation monitoring sheet must be in the possession of the monitoring staff member with direct supervisory responsibility for the youth at all times while the youth is on suicide alert.

(A) At no time may the youth possess the suicide observation sheet.

(B) Each time the youth is transferred to the supervision of another staff member, the receiving staff member must take possession of the observation sheet and document the transfer of supervision.

(3) As required by the youth's assigned suicide observation level, the monitoring staff member must:

(A) maintain direct visual observation of the youth; and ~~or~~

(B) document the youth's status at the required interval.

(4) For youth assigned to one-to-one or constant observation, the monitoring staff member must not leave the youth unattended or let the youth out of his/her sight. When the youth is in the bathroom or shower, the monitoring staff must remain within six feet of the youth, and:

(A) observe at least a portion of the youth's body (i.e., head, feet, or other observable parts excluding genitalia); and/or

(B) maintain verbal contact.

- (5) ~~Unless approved by the MHP in consultation with the facility administrator, y~~ Youth on suicide alert are not allowed access to off-site activities or appointments unless it is approved by the MHP in consultation with the facility administrator. In such cases, the youth must be supervised on at least constant observation.

(i) **Treatment and Reassessment of Youth on Suicide Alert.**

- (1) An MHP ~~will~~ prepares a written treatment plan for each youth on suicide alert, updating or revising the plan as necessary. The treatment plan ~~will~~ includes:
- (A) identification of the crisis stabilization issues to be addressed in ongoing assessment sessions;
 - (B) a plan of action to address these issues; and
 - (C) the degree of community restriction necessary to provide for the youth's safety.
- (2) The MHP ~~will~~ consults with facility staff to recommend modifications to the youth's individual case plan based on issues identified in the treatment plan.
- (3) While the youth is on suicide alert, the MHP ~~will~~ re-assesses the youth as needed, but at least once every ~~two five~~ calendar days.
- (4) During each assessment, the MHP ~~will~~ :
- (A) reviews relevant suicide alert documentation and information;
 - (B) determines whether any changes should be made to the youth's observation level or other precautions; and
 - (C) documents any changes in the observation level, community restrictions, or other safety precautions.
- (5) Each time a change is made to the youth's observation level or other safety precautions, the facility administrator or designee ~~will~~ ensures the changes are documented and facility staff are notified.
- (6) If the youth is receiving psychiatric services, the facility administrator or designee ~~will~~ ensures the psychiatric provider is notified of the youth's placement on suicide alert and of any relevant information concerning the youth's treatment and supervision while on suicide alert.

(j) **Youth Who Cannot Be Safely Managed in Current Placement.**

- (1) If the facility administrator or ~~an~~ MHP determines that a youth cannot be safely managed within the structure of the current placement due to behavior that indicates imminent risk of serious self-injury, the facility administrator or designee ~~will~~ :
- (A) ensures one-to-one observation for the youth until an emergency psychiatric placement is obtained;
 - (B) obtains emergency psychiatric placement in accordance with §380.8771 of this title. at the Corsicana Stabilization Unit (CSU) or, if the CSU is not able to receive the youth, placement in a local state hospital, or as a last resort, a private psychiatric facility. For youth not on parole status, the administrator may also seek temporary admission to protective custody in a high restriction ~~TJJD TYC~~ facility pending emergency psychiatric placement if none of the above placements are immediately available; and

(C) maintains communication with staff at the emergency placement to obtain current mental status information and assess the length and suitability of the current placement. If the emergency placement exceeds five days, the administrator ~~must will~~ initiate alternate placement in a more secure facility.

(2) For youth maintained on constant and/or one-to-one observation longer than seven days in a medium restriction facility, the facility administrator or designee ~~must will~~ pursue an alternative placement with longer-term stabilization, clinical resources, and increased supervision ~~where the youth may be safely managed.~~

(k) **Reduction of Observation Level and Removal from Suicide Alert.**

(1) The level of observation for a youth on suicide alert may be modified or discontinued only after a face-to-face assessment by an MHP.

(2) The facility administrator or designee ~~notifies will notify~~ facility staff when a youth's observation level is reduced and when a youth is removed from suicide alert. ~~The D~~ designated facility staff ~~notifies will notify~~ the psychiatric provider of all such changes.

(3) The youth's case manager ~~notifies will notify~~ the youth's parent ~~or /~~ guardian when the youth is removed from suicide alert ~~(with the youth's consent if the youth is age 18 or older).~~

(l) **Release or Discharge of Youth on Suicide Alert.**

Prior to releasing or discharging a youth on suicide alert to a community placement (~~i.e.,~~ another non-secure placement or home placement), ~~the MHP, in coordination with~~ the youth's case manager ~~contacts the MHP to ensure the following are completed, will:~~

- (1) provide the youth (or parent/guardian if youth is under age 18) with a referral for follow-up care;
- (2) coordinate with appropriate clinical staff to schedule a follow-up appointment;
- (3) identify emergency resources, if needed; and
- (4) forward mental health records to the receiving mental health provider upon request.

(m) **Training.**

(1) All direct care staff ~~will~~ receive initial training in suicide prevention and response during pre-service training, as well as annual updates during in-service training. Training ~~will~~ ~~addresses~~ topics including, but not limited to:

- (A) identifying the warning signs and symptoms of suicidal behavior;
- (B) ~~high-~~ risk periods for suicide;
- (C) juvenile suicide research, to include the demographic and cultural parameters of suicidal behavior, incidence, and precipitating factors;
- (D) responding to suicidal and depressed youth;
- (E) communication between correctional and health care personnel;
- (F) referral procedures;
- (G) housing, observation, and suicide alert procedures; and
- (H) follow-up monitoring of youth who engage in suicidal behavior or ideation.

- (2) Staff designated to conduct suicide screenings receive training from an MHP regarding suicide alert policy, suicide indicators, and suicide screening.

(n) **Post-Incident Debriefing and Analysis** ~~for Completed Suicides and Life-Threatening Attempts.~~

- (1) ~~After a suicide or a life-threatening suicide attempt, T~~he facility administrator or designee ~~will~~ coordinates a debriefing with appropriate facility staff as soon as possible after the situation has been stabilized, in accordance with agency procedures.
- (2) ~~After a suicide, the executive director~~ ~~The chief executive officer~~ or designee may dispatch a critical incident support team to provide counseling for youth and staff, coordination of facility activities, and assistance with follow-up care.
- (3) ~~After a suicide, T~~he medical director ~~will~~ conducts a morbidity and mortality review in coordination with appropriate clinical staff. The medical director may conduct a morbidity and mortality review after a life-threatening suicide attempt.
- (4) ~~After a suicide or a life-threatening suicide attempt, a A cross-divisional central office~~ critical incident review ~~is committee will~~ convened to ~~examine all relevant information,~~ determine if the incident reveals system-wide deficiencies, and ~~to~~ recommend improvements to agency policies, operational procedures, ~~the~~ physical plant, and/or training requirements.
- (5) In the event of a suicide, all actions, notifications, and reports required under §385.99-51 of this title ~~must will~~ be completed.

See CMS.06.73 for implementation requirements.

Draft 7/29/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/1/09
Subchapter: Program Services	
Division: Health Care Services	Page: 1 of 1
Rule: Suicide Prevention for Parole	Replaces: GAP. 380.91-90 , 12/1/09 8/31/09
ACA: N/A	
Statutes: N/A	

RULE

(a) **Purpose.**

~~The purpose of this rule is to establish~~ procedures for the protection of youth on parole in the community who that may be at risk for suicide ~~within the community while on parole.~~

(b) **Applicability.**

This rule applies to all youth under the jurisdiction of the Texas Juvenile Justice Department (TJJD) Texas Youth Commission (TYC) who are assigned to parole in home placements. ~~the community.~~

(c) **Definitions.**

Definitions pertaining to this rule are under §380.91-87 of this title.

(d) **General Provisions.**

- (1) Any staff member who observes a youth engaging in suicidal behavior or ideation must immediately respond in a manner that protects youth safety.
- (2) If a staff member observes or becomes aware of a youth engaging in suicidal ideation, the staff member ~~will:~~
 - (A) immediately ensures that the following individuals are youth's parent/legal guardian and parole officer have been notified of the youth's behavior:
 - (i) the youth's parent/guardian (with the youth's consent if the youth is age 18 or older); and
 - (ii) the youth's parole officer; and
 - (B) provides the youth and/or parent/guardian community resource information regarding community resources where a mental health professional may be consulted.
- (3) If a staff member observes or becomes aware of a youth engaging in suicidal behavior, the staff member ~~will:~~
 - (A) immediately ensures that the following are local law enforcement and the youth's parent/legal guardian and parole officer have been notified of the youth's behavior;
 - (i) the local mental health authority or local law enforcement, as appropriate;
 - (i) the youth's parent/guardian (with the youth's consent if the youth is age 18 or older); and
 - (ii) the youth's parole officer;
 - (B) provides the youth and/or parent/guardian community resource information regarding community resources where a mental health professional may be consulted; and
 - (C) refers the youth for emergency psychiatric placement in accordance with §380.8771 of this title if the staff member determines, in consultation with the appropriate administrator, that the youth is in imminent danger of serious self-injury and is not receiving adequate treatment and supervision in the community. ~~refer the youth for emergency psychiatric placement in accordance with §87.71 of this title.~~



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO SUBMIT A RULE REVIEW NOTICE AND PROPOSED REVISIONS
WITHIN
37 TAC §§380.9103 – 380.9107, 380.9115 – 380.9121, and 380.9187 – 380.9190 TO THE TEXAS
REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the State Programs and Facilities Division staff has completed this review for the above-referenced rules in 37 TAC Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter C (Program Services); and

WHEREAS, the staff recommends revisions to §§380.9103 – 380.9107, 380.9115, 380.9117, and 380.9187 – 380.9190; and

WHEREAS, the staff recommends no revisions to §380.9121; and

WHEREAS, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days’ notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

NOW, THEREFORE BE IT RESOLVED THAT for the above-referenced rules, the Board grants approval to publish the proposed revisions and a proposal to complete the rule review in the *Texas Register* for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Royce Myers, Human Resources Director

Subject: Discussion, consideration, and possible approval to publish new 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period

Date: July 31, 2014

The Administration and Training Division is proposing new 37 TAC §385.9981, relating to Sick Leave Pool Administration.

The staff requests approval to submit the proposed rule to the *Texas Register* for a 30-day public comment period.

The agency already has an internal policy (PRS.28.08) that addresses the sick leave pool. However, Texas Government Code §661.002 requires the governing body of a state agency to:

- (1) adopt a rule (i.e., public policy/procedure codified in the Texas Administrative Code) relating to the operation of the agency sick leave pool; and
- (2) appoint the agency's sick leave pool administrator.

This new rule:

- establishes the director of human resources or his/her designee as the pool administrator;
- requires contributions to the TJJJ sick leave pool to be voluntary;
- prohibits a donating employee from designating a specific employee to receive the donated hours;
- requires a recipient to meet certain eligibility requirements; and
- sets limits on withdrawals from the sick leave pool.

Attached to this memo, please find:

- The text of the proposed rule
- A resolution for board action

7/31/14 Draft

Chapter: Agency Management and Operations Subchapter: Miscellaneous Rule: Sick Leave Pool Administration ACA: N/A Statute(s): Texas Government Code, §661.002	Effective Date: TBD Page: 1 of 1 New
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RULE

(a) **Purpose.**

The purpose of this rule is to establish a sick leave pool for Texas Juvenile Justice Department (TJJD) employees as mandated by Texas Government Code, §661.002.

(b) **General Provisions.**

- (1) The director of human resources or designee is the pool administrator.
- (2) All contributions to the TJJD sick leave pool are voluntary.
- (3) The donating employee may not designate a specific employee to receive the donated hours.
- (4) An employee is eligible to use time contributed to the sick leave pool if the employee has exhausted his/her sick leave because of:
 - (A) a catastrophic illness or injury; or
 - (B) a previous donation of time to the pool.
- (5) An employee may withdraw time from the sick leave pool that the employee did not contribute only if the employee or an immediate family member suffers a catastrophic illness or injury.
- (6) The following provisions apply to employees who withdraw sick leave pool time that is beyond what they contributed.
 - (A) The pool administrator determines the number of hours that an employee may withdraw from the pool; however, the amount withdrawn may never exceed the lesser of:
 - (i) one-third of the total time in the pool; or
 - (ii) 90 days.
 - (B) An employee absent on time withdrawn from the sick leave pool may use the time as sick leave earned by the employee, and the employee is treated for all purposes as if the employee were absent on earned sick leave.
 - (C) The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the sick leave pool.





**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO SUBMIT NEW 37 TAC §385.9981, RELATING TO SICK LEAVE POOL
ADMINISTRATION, TO THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this 22nd day of August, 2014, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:			Second:		

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to the proper accomplishment of TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

WHEREAS, Texas Government Code §661.002 requires the governing body of each state agency to adopt rules and prescribe procedures relating to the operation of the agency’s sick leave pool; and

WHEREAS, the TJJD staff has recommended new 37 TAC §385.9981; and

WHEREAS, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days’ notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes submission of new 37 TAC §385.9981 for publication in the *Texas Register* for a 30-day public comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Amy Lopez, Senior Director of Education

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9125 - 380.9163, relating to Education Programs and Youth Employment/Work, in the *Texas Register* for a 30-day public comment period

Date: August 5, 2014

As part of the agency's rule review process, the Education Division has completed its review of assigned rules from Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter C (Program Services). As a result of this review, the staff recommends the following:

- Repeal §380.9143 and §380.9163.
- Make no revisions to §380.9161 (Note: This rule was recently revised and is on the August agenda for final adoption).
- Revise all other assigned rules.

Attached to this memo you will find:

- A table summarizing the contents and proposed changes for rules assigned to the Education Division.
- The text of the rules to be revised and repealed.
- A resolution for board action.

Staff requests the board's approval to publish these proposed rule revisions/repeals and a rule review notice in the *Texas Register* for a 30-day comment period.

Texas Administrative Code Rule Review
37 TAC Chapter 380, Subchapter C – Program Services

(Rules assigned to Education Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9125	Youth with Limited English Proficiency	Establishes that TJJD will provide English language learners with reasonable access to all programs and services	Yes	<ul style="list-style-type: none"> • Specified that youth are provided accommodations on an individual basis to ensure equitable participation in facility programs and that the Language Proficiency Assessment Committee (LPAC) determines what these accommodations will be on an individual basis. 	Ready for board review
380.9141	Education Administration	Establishes basic requirements for the administration of the TJJD education program in compliance with state and federal laws.	Yes	<ul style="list-style-type: none"> • Moved information from 380.9143 into this rule. • Clarified that TJJD’s school schedule must <u>average</u> at least 5 ½ hours of instruction per day over the entire 180-day school term. The rule no longer requires each day to include at least 7 hours excluding intermissions. • Added an option for youth who have completed a high school diploma or equivalent to participate in a post-high school vocational program. The rule no longer requires each youth to participate in reading and math instruction until they have reached 12.9 in both areas on the Test of Adult Basic Education. • Added a reference to the sections in the Texas Human Resources Code that authorize TJJD to operate schools. • Clarified that the 45-minute teacher preparation period is required at least 4 days per week, not necessarily every day. • Added a reference to the Texas Education Agency rule that requires school districts to provide education to TJJD youth with disabilities residing in community-based facilities. • Clarified that only TJJD-operated medium restriction facilities, not contract facilities, are bound by the subsection on medium restriction facilities. 	Ready for board review
380.9143	Basic Education	Describes the process for assessing each youth’s educational needs and addressing those needs.	No	<ul style="list-style-type: none"> • Consolidated information from this rule into 380.9141. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9145	Career and Technology Education	Establishes that TJJJ provides youth with career and technology education opportunities.	Yes	<ul style="list-style-type: none"> • Narrowed the rule to focus only on career and technology programming provided through TJJJ. • Removed a reference to placing youth assessed as eligible for advanced vocational training into specialized vocational contract programs. Eligibility for vocational training is not used by TJJJ as the primary factor in placing a youth. 	Ready for board review
380.9149	College/Technical Institute Financial Assistance	Provides an opportunity for qualified youth to receive funding through TJJJ to attend college or a technical/trade school.	Yes	<ul style="list-style-type: none"> • Removed information relating to scholarships provided through private trusts administered by TJJJ. These are not public funds and should not be governed by an administrative rule. The rule now only addresses financial assistance provided with General Revenue funding. • Limited the program to apply only to community colleges or technical schools, not 4-year institutions. • Made the following changes to the eligibility criteria: <ul style="list-style-type: none"> ○ removed the requirement to complete the SAT or ACT exam (not required for community college); ○ added a requirement that the youth must document that all applicable financial assistance in addition to the Pell Grant has been applied for; ○ added behavioral requirements (e.g., no recent major rule violations, currently complying with conditions of placement/parole) ○ added a requirement to sign the TJJJ financial assistance agreement. • Added limitations on financial assistance, such as: <ul style="list-style-type: none"> ○ listing the allowable expenses; ○ prohibiting TJJJ funds from paying for late fees, library fines, or parking tickets. • Removed the specific requirements for the number of credit hours that must be taken each semester. • Specified the factors TJJJ will review when determining whether to continue a youth's financial assistance, such as GPA below 2.0, poor attendance, or failure to provide academic performance information to TJJJ. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9151	Library and Instructional Resources	Establishes that TJJJ uses a wide range of appropriate learning resources to assist youth and teachers. Also describes the process for a person to contest and appeal TJJJ's use of a particular learning resource.	Yes	<ul style="list-style-type: none"> Clarified that anyone, not just employees, may file a challenge to TJJJ's use of a learning resource. Removed the ability to appeal challenges of learning resources to the executive director. The second appeal (i.e., superintendent of education) will now be final. 	Ready for board review
380.9155	Participation and Reporting Requirements of the Reading Improvement Program and PBIS System	Defines what constitutes acceptable youth participation in the Reading program and the Positive Behavioral Interventions and Supports (PBIS) program for purposes of parole eligibility. Also describes TJJJ's obligation to evaluate the effectiveness of these programs by measuring and reporting certain data.	Yes	<ul style="list-style-type: none"> Made non-substantive clean-ups and minor clarifications. 	Ready for board review
380.9161	Youth Employment and Work	Requires TJJJ to provide opportunities for youth to participate in compensated and uncompensated work in TJJJ residential facilities.	Yes	<ul style="list-style-type: none"> This rule is listed separately on the August 2014 board agenda for final adoption. If adopted, there are no additional changes needed for purposes of rule review. 	Ready for final board action under separate agenda item
380.9163	Youth Industries Program, Initial Preparation	Establishes the process for TJJJ to establish a cost accounting center when a private employer wishes to participate in the Prison Industry Enhancement Certification Program.	No	<ul style="list-style-type: none"> Repealed. Consolidated basic information relating to the Prison Industry Enhancement Certification Program into 380.9161. 	Ready for board review

Draft 7/16/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Basic Services Rule: Youth with Limited English Proficiency ACA: N/A Statutes: N/A	Effective Date: 11/1/11 Page: 1 of 1 Replaces: GAP.91.25, 4/26/04
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RULE

(a) **Purpose.**

~~This rule ensures that the Texas Juvenile Justice Department provides every youth who has a home language other than English and who is identified as limited English proficient a full opportunity to participate in an English as a Second Language program. The Texas Youth Commission will provide reasonable access to all programs and services for youth that are determined to be English language learners.~~

(b) **Definitions.**

~~**English Language Learner**--a youth whose primary language is one other than English and whose English language skills are such that the youth has difficulty performing ordinary classwork in English. The terms English language learner and limited English proficient are used interchangeably. is the term to identify youth who have insufficient English to succeed in the English-only environment within TYC.~~

(c) **General Provisions.**

- (1) TJJD provides reasonable access to all programs and services for youth who are determined to be English language learners.
- (2e) Upon admission to an orientation and assessment unit, each all youth is are screened to determine if a language other than English is primary. Youth with a primary language other than English are assessed for the degree of English proficiency. TJJD uses state-approved assessments for classification purposes.
- (3) The Language Proficiency Assessment Committee (LPAC) reviews youth assessments and determines language and instructional accommodations on an individual basis.
- (4d) The results and conclusions of all educational, psychological, and other assessments will consider the possible influence of limited English proficiency on the outcome or test scores.
- (5) Youth are provided the necessary linguistic accommodations to ensure competency in listening, speaking, reading, and writing in the English language and to ensure equitable participation in facility programs.
- (6) All appropriate linguistic accommodations, as determined by the LPAC, must be provided to youth in accordance with state law.

See EDU.39.01 for implementation procedures.

Draft 7/30/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Education Programs Rule: Education Administration ACA: 4-JCF-5D-03, 5D-04, 5D-05, 5D-08 Statute(s): HR Code §242.003, §242.051 Education Code, Chapter 30, Subchapter E	Effective Date: 12/18/03 Page: 1 of 3 Replaces: GAP.380.91-41, 12/18/03 5/30/03 GAP.380.9143, 12/18/03
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RULE

(a) Purpose.

~~The purpose of this rule is to establish~~ basic requirements for the administration of educational and vocational services consistent with applicable federal and state laws and the educational needs of Texas Juvenile Justice Department (TJJD) Texas Youth Commission (TYC)-youth.

(b) Orientation and Assessment Units.

(1) Upon admission to a TJJD orientation and assessment unit, each youth's educational needs are assessed and education records are requested from previously attended schools.

(2) An individual case plan is developed for each youth in accordance with §380.8701 of this title. The case plan includes academic and vocational objectives.

~~(b) All youth shall attend school unless staff has approved a youth over the compulsory school attendance age for alternative training or a work program. Youth under the state compulsory school attendance majority age will be enrolled in school.~~

(c) High Restriction Facilities. Institutions.

The following provisions apply to education services provided at high restriction facilities with TJJD-operated educational programs.

(1) TJJD operates schools as provided for in Texas Human Resources Code §242.003 and §242.051, as well as TYC schools are accredited under the provisions of the Texas Education Code, Chapter 30, Subchapter E.

(2) TJJD Eeducational programs ~~will~~ comply with applicable federal and state requirements.

~~(3) All youth will be enrolled in an education program. Youth who have completed high school will be in a post high school training/education program and may be employed part-time. Youth who have completed a high school diploma or the equivalent will continue to participate in reading and math instruction until they have reached 12.9 on the Test of Adult Basic Education in both areas, or until they are released from TYC institutions.~~

~~(34) TJJD provides competency-based instruction. The principal, assistant principal, diagnostician, Reintegration of Offenders-Youth (RIO-Y) Counselor, licensed school psychologist, or qualified teacher will provide~~ educational counseling, and vocational counseling to youth.

(4) The school calendar is established annually by the TJJD Education Division and is approved by the executive director.

(5) TJJD offers 180 instructional days per school year for all youth enrolled in school. The school schedule includes a daily average of at least five and one-half hours (330 minutes) of instruction in required secondary curriculum based on a 180-day school term or its equivalent. The school schedule will include a minimum of seven (7) hours of instruction daily, including intermissions and

~~recesses, according to the school calendar established annually by the central office education department. Four (4) of the seven (7) hours must be in core curriculum areas. The superintendent of education may grant waivers for less than seven (7) hours, but not less than four (4) hours, of school.~~

- ~~(6) Teaching schedules for each teacher include a preparation period of at least 45 minutes for a minimum of four days per week.~~
- (76) Each The-school will-offers all credits necessary to meet the minimum-high school graduation program-requirements following the state curriculum and will-administers state assessments required for graduation. As needed, youth are scheduled for special education, remedial education, English as a second language, and career and technology education courses. Youth who complete all Texas Education Agency (TEA) requirements for high school graduation while enrolled in a TJJD school will graduate from the TJJD school.
- ~~(7) Student mastery of state curriculum requirements for high school credits will be documented and retained in student education files for verification of course completion.~~
- (8) GED preparation classes and testing are will-be-available to all age-appropriate youth who express an interest in obtaining a high school equivalency diploma. students.
- ~~(9) A four-year diploma plan is developed and revised at least annually for each youth who is 14 years of age or older and has not completed a high school diploma. An appropriate education plan is developed for each youth under 14 years of age and for each youth who has already obtained a high school diploma or equivalent.~~
- ~~(10) Youth who have received a high school diploma or equivalent are required to participate in a post-high school training/education program in either an educational or vocational setting.~~
- ~~(11) Youth have the opportunity to receive credit for courses offered by TJJD schools and credit earned from post-secondary courses.~~
- ~~(12) Student mastery of state curriculum requirements for high school credits is documented and retained in student education files for verification of course completion.~~
- ~~(139) Schools will-provide library services and materials for youth in accordance with §380.9151 of this title. on-campus.~~
- ~~(1440) Schools will-use available federal funds to provide required specialized education and vocational training-instruction/training not otherwise available in the institution.~~
- ~~(15) Youth must complete:~~
- ~~(A) progress tests on designated dates to determine their improvement since completing admission testing; and~~
- ~~(B) required reading and math assessments prior to release.~~
- ~~(16) A youth's participation and progress in the education program, the reading improvement program, and the Positive Behavioral Interventions and Supports system are considered in decisions regarding the youth's privileges and progress toward release. See §380.9155 of this title for more information.~~
- ~~(11) Teaching schedule provides each teacher a minimum of 45 minutes per day for preparation.~~
- (d) **Medium Restriction Facilities, Halfway Houses and Contract Programs.**
- The following provisions apply to TJJD youth placed in TJJD-operated medium restriction facilities.

- ~~(1) Staff will ensure that all community facilities serving TYC youth have access to approved educational services.~~
- ~~(12) Medium restriction facilities and local school districts are required to follow 19 TAC §89.115 concerning the provision of public school services to TJJD youth in addition to any memorandum of understanding entered into between TJJD and the local school district. Staff will ensure that community facilities follow the guidelines established jointly by TYC and TEA for their utilizing public school services.~~
- (2) TJJD shares educational assessment information with the serving school in the community.
- (3) TJJD confers with school officials to advocate for appropriate academic and vocational course assignments for TJJD youth.
- (4) Daily study time and tutorial assistance are provided to youth.
- (5) A youth's educational participation and progress are considered in decisions regarding the youth's privileges and progress toward release.

(e) **Parole.**

- (1) Youth who have not received a high school diploma or equivalent high school equivalency certificate are required as a condition of parole ~~expected~~ to be enrolled in an education or vocational program and attending regularly.
- (2) ~~TJJD Staff will~~ assists paroled youth who have received a high school diploma or equivalent to enroll high school equivalency certificate in enrolling in a post-secondary training/education program or to obtain in obtaining full-time employment.

See the Education Procedure Manual for implementation procedures.

Chapter: Rules for State-Operated Programs and Facilities
Subchapter: Program Services
Division: Education Programs
Rule: Basic Education

Effective Date: 12/18/03, T-63
Page: 1 of 2
Replaces: GAP.91.43
Dated: 2/20/98, T-42

ACA Standard(s): 4-JCF-5D-01, 5D-05, 5D-08, 5D-09

RULE

(a) **Purpose.**

The purpose of this policy is to provide for identifying a youth's basic educational needs and a means for addressing these needs.

(b) **Assessment Units.**

- (1) The educational needs of each youth are initially assessed upon admission to the Texas Youth Commission (TYC).
- (2) Individual educational records are requested from previous schools.
- (3) The individual case plan (ICP) developed for each youth includes academic and vocational objectives for the youth and addresses special education or English as a second language as needed.

(c) **Institutions.**

- (1) The institution continues to develop and implement the ICP with modifications to address special needs, if applicable.
- (2) The principal develops and revises annually or as needed a four-year diploma plan for each youth who is 14 years or older and has not completed a diploma. Principals will develop an appropriate education plan for youths under 14 years of age and for youths who have already obtained a diploma.
- (3) TYC follows Texas Education Agency (TEA) policies in identifying youth for special education services and in providing the designated services.
- (4) The basic education program provides all course credits required for a minimum high school program, including reading, language arts, math, science, social studies, technology applications, and GED preparation courses. As needed, a youth is scheduled for special education, remedial education, English as a second language, and prevocational or vocational courses.
- (5) Teachers provide competency based instruction to all youth.
- (6) Library materials meet approved educational, informational and recreational needs and interests of youth.
- (7) Youth are administered state educational assessments required to complete a high school diploma.
- (8) Youth are enrolled in TEA approved or post-secondary courses and have an opportunity to receive credit or partial credit for the courses.
- (9) Youth who complete all TEA requirements for high school graduation while enrolled in a TYC school may graduate from the TYC school.

- (10) Age appropriate and capable youth who express interest in obtaining a high school equivalency diploma participate in GED preparatory programs and have an opportunity to complete GED testing.
- (11) Youth complete progress tests at designated dates to determine their improvement since completing admission testing, and complete required reading and math assessments prior to release.
- (12) A youth's educational participation and progress are considered in decisions regarding the youth's privileges and progress toward release.
- (13) Upon receipt of a request from a public school in which a TYC youth is enrolled, the principal of the TYC school in which the youth was last enrolled will provide an academic achievement record (AAR) of all credits earned toward completion of a high school diploma.

(d) **Halfway Houses and Contract Programs.**

- (1) TYC educational assessment information is shared with the serving public school.
 - (2) The serving public school is responsible for completing additional assessments, as needed, including special education review and admission procedures.
 - (3) Appropriate academic and vocational course assignments are determined by the youth's school. Facility staff confer with school officials to advocate for appropriate assignments.
 - (4) Daily study time and tutorial assistance are provided to youth in the facility.
 - (5) A youth's educational participation and progress are considered in decisions regarding the youth's privileges and progress toward release.
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REPEL

Draft 7/25/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: <u>2/20/98</u>
Subchapter: Program Services	
Division: Education Programs	Page: 1 of 1
Rule: Career and Technology Education	Replaces: GAP <u>380.91-45</u> , <u>2/20/98</u> <u>12/31/96</u>
ACA: 4-JCF-5D-01, 5D-06	
Statutes: N/A	

RULE

(a) **Purpose.**

~~The purpose of t~~This rule ~~establishes a program is~~ to provide ~~for~~ youth with opportunities for career and technology education ~~opportunities~~.

(b) **General Provisions. Institutions.**

- (1) Upon admission to TJJD, Eeach youth completes a vocational assessment. The results of the assessment may be are considered when determining appropriate career and technology education program placement for the youth.
- (2) Youth enrolled in a career and technology education program complete a course in which they explore prepare an individual career path. plan.
- (3) Youth who are academically ready and are in compliance with behavioral expectations have an opportunity to enroll in introductory career and technology education courses in conjunction with their basic academic courses.
- (4) Factors such as Age, interest, safety, and basic literacy factors are considered when placing youth in advanced pre-employment career and technology education courses.
- ~~(5) Community vocational resources, including job placement services and training programs, are utilized to supplement career and technology agency resources.~~
- ~~(56) TJJD regularly reviews C~~career and technology training options ~~are reviewed regularly~~ to determine their relevancey to employment opportunities in the community.
- ~~(67) TJJD TYC~~ uses business, industry, and community resources in developing academic and vocational education programs for selected youth.

~~(c) **Halfway Houses and Contract Programs.**~~

- ~~(1) Contract programs which focus on vocational training receive youth assessed as eligible for advanced vocational training. Such programs also provide opportunities for completion of high school equivalency diplomas.~~
- ~~(2) Youth attending public schools have the opportunity to enroll in career and technology education courses the same as other youth attending the school.~~
- ~~(3) Youth beyond the compulsory school attendance age may enroll in training programs other than those affiliated with the public schools.~~

See EDU.17.17 for implementation procedures.

Draft 7/30/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/31/96
Subchapter: Program Services	
Division: Education Programs	Page: 1 of 3
Rule: College/Technical Institute Financial Assistance <u>for College or Technical School</u>	Replaces: <u>GAP.380.9149, 12/31/96</u> <u>GOP.51.07 & TAC</u> <u>§87.37, 4/29/93</u>
ACA: N/A	
Statutes: N/A	

RULE

(a) Purpose.

~~The purpose of this rule is to provide for an opportunity for qualified Texas Juvenile Justice Department (TJJD) youth on parole to receive financial assistance from TJJD, subject to availability of funds, to enroll in community colleges in TYC custody who are qualified and wish to attend public or private institutions of higher education or technical schools institutes in Texas, to apply for TYC college or technical institute financial assistance.~~

(b) Applicability.

This rule applies only to financial assistance provided by TJJD:

- (1) from general revenue funds;
- (2) for community college or technical school courses other than dual-credit high school courses; and
- (3) for youth who are on parole status at the time of enrollment in the community college or technical school course(s).

(c) Eligibility Acceptance Criteria.

(1) Academic Criteria.

A youth must meet the following academic criteria to be eligible to receive financial assistance from TJJD: (1) All youth requesting financial assistance complete an application and document:

- (A) completion of a GED or high school diploma;
- (B) completion of the state-required assessment TASP test, unless documented as exempt;
- (C) completion of the appropriate college admissions examination, i.e., SAT or ACT;
- (D) document that he/she has applied for that the Pell Grant and document that those funds will be has been applied for and is available for the requested semester college admission date; and
- (D) document that all other applicable financial assistance has been applied for and document whether any additional assistance has been approved.

(2) Behavioral Criteria.

A youth must meet the following behavioral criteria to be eligible to receive financial assistance from TJJD:

- (A) have no major rule violations within the previous 60 days, as confirmed in a Level I or II due process hearing; and

(B) adhere to requirements outlined in his/her individual case plan, conditions of placement, and/or conditions of parole, as applicable.

(3) Programmatic and Other Criteria.

A youth must meet the following programmatic and other criteria to be eligible to receive financial assistance from TJJJ:

~~(A) completion of an independent living preparatory program, if required by TJJJ; and when appropriate.~~

(B) sign a financial assistance agreement with TJJJ, which may contain any additional requirements as deemed appropriate by TJJJ.

~~(2) Youth who are orphan-eligible and meet the acceptance criteria are eligible to receive financial assistance from the Wende or Parrie Haynes Trust. Youth are considered orphan-eligible when they meet the following criteria.~~

~~(A) Parental rights are terminated.~~

~~(B) One or both parents are deceased.~~

~~(C) There is no knowledge or record of parents whereabouts.~~

(d) Limitations on Financial Assistance. Restrictions.

(1) The provision of financial assistance is contingent on the availability of funds. Not all youth who are eligible will receive financial assistance.

~~(1) Certain restrictions apply for youth attending academic institutions of higher learning including colleges and community colleges.~~

~~(A) Youth are required to attend community college or junior college for the first semester.~~

~~(B) Financial assistance is provided for no less than three semester hours and no more than 12 semester hours during the first semester, and no less than nine semester hours each semester thereafter.~~

~~(2) The youth must be under TJJJ jurisdiction at the beginning of each semester for which TJJJ provides financial assistance. Financial assistance is limited to four complete semesters. Summer sessions consisting of 12 semester hours shall constitute one semester.~~

(3) Financial assistance may be used only for the following expenses:

(A) GED testing;

(B) tuition and fees;

(C) books;

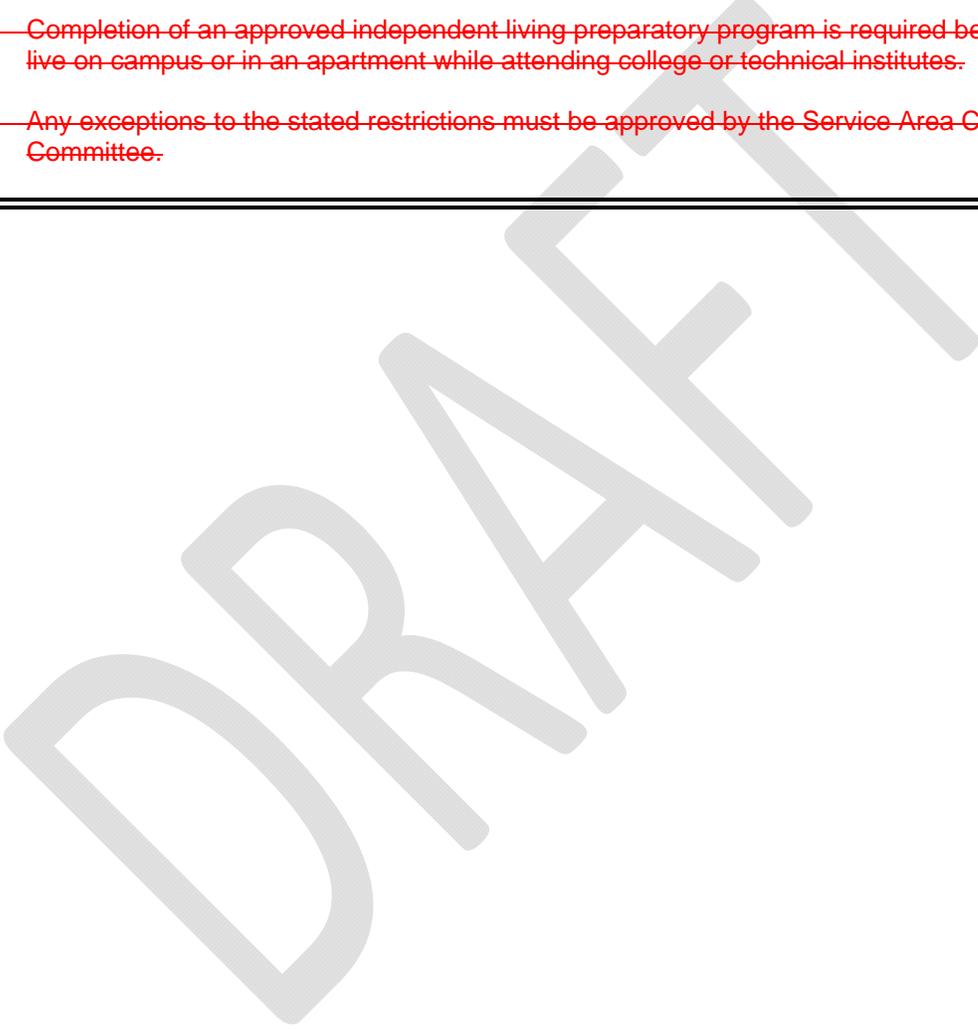
(D) technical school expenses such as uniforms or tools;

(E) other education-related expenses, as approved on a case-by-case basis by the division director over education services or designee.

(4) TJJJ is the payer of last resort. All other funds, such as Pell Grant funds, must be applied to the cost of tuition, fees, books, and required supplies before TJJJ funds are used.

(5) TJJJ funds may not be used for to pay for late fees, library fines, parking tickets, or similar expenses.

(e) Requirements for Receiving Continued Financial Assistance.

- (1) TJJD may discontinue financial assistance for any of the following reasons:
 - (A) behavior that results in arrest, a TJJD administrative due process hearings, or other disciplinary referral of any type;
 - (B) unacceptable academic performance in classed paid with financial assistance, such as a grade point average below 2.0, poor attendance, or unapproved schedule changes; and/or
 - (C) failure to provide TJJD with information regarding the youth's attendance, participation, grades, and progress throughout the term of the financial assistance.
 - (2) TJJD reviews the youth's ~~Continued assistance~~ eligibility for continued financial assistance is reviewed each succeeding semester following receipt of the youth's submitting a grades slip.
 - (3) Completion of an approved independent living preparatory program is required before a youth may live on campus or in an apartment while attending college or technical institutes.
 - (4) Any exceptions to the stated restrictions must be approved by the Service Area College Assistance Committee.
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Draft 7/25/14

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/15/08
Subchapter: Program Services	
Division: Education Programs	Page: 1 of 3
Rule: Library and Instructional Resources	Replaces: GAP. 380.91-51 , 12/15/08 9/22/03
ACA: 4-JCF-5E-02	
Statutes: N/A	

RULE

(a) Purpose.

~~This rule ensures that each Texas Juvenile Justice Department (TJJD) school~~ Each Texas Youth Commission (TYC) facility shall provide a wide range of learning resources at various levels of difficulty that appeal to a variety of interests and represent different points of view to support, enrich, and assist in meeting the needs of the youth and teachers in the education program.

(b) Definitions. Explanation of Term Used.

Learning Resources ~~refers to~~ any print, video, or other material with instructional content or an instructional function.

(c) Responsibility for Learning Resources Selection.

~~(1)~~ The selection ~~and acquisition of the~~ learning resources ~~is shall be~~ made by a Library and Media Review Committee (LMRC) at each school, facility, which is composed of:

- ~~(1A)~~ professional education staff;
- ~~(2B)~~ librarians;
- ~~(C)~~ ~~teachers; or~~
- ~~(3D)~~ teachers or aides trained in the use of reviewing sources; and
- ~~(4E)~~ administrators.

(d) Selection Criteria.

~~(12)~~ The LMRC ~~will select~~s learning resources that ~~will~~:

- (A) stimulate growth in factual knowledge, literacy, appreciation, aesthetic values, and societal standards that will promote lifelong learning and reading habits;
- (B) present opposing sides of controversial issues so that youth may develop, with guidance, the practice of critical analysis and the ability to make informed decisions in their daily lives;
- (C) enrich and support the curriculum, taking into consideration the varied interests, abilities, learning styles, and maturity levels of the youths;
- (D) provide a background of information that will motivate students and staff to examine their own attitudes and behavior, to comprehend their duties, responsibilities, rights, and privileges as participating citizens in our society, and to make intelligent judgments in their daily lives;
- ~~(E)~~ ~~guided by the physical examination, and judicious use of standard reviewing tools and authoritative lists;~~
- ~~(EF)~~ ~~are be~~ representative of religious, ethnic, social, and cultural groups and their contribution to our national heritage and the world community; and
- ~~(EG)~~ ~~are be~~ of various formats; (i.e., print, non-print, and electronic);

~~(d)~~ **Selection Criteria.**

~~The criteria employed in the selection of learning resources are:~~

- ~~(G4)~~ support and ~~are be~~ consistent with the educational goals of the ~~S~~state and ~~TJJD TYC~~ as well as the goals and objectives of ~~the~~ individual facility and the courses taught;
- ~~(H2)~~ ~~are be~~ appropriate for the subject area, ~~resocialization~~, special treatment needs, age, emotional development, ability level, learning styles, and social development; ~~and~~
- ~~(I3)~~ meet high standards of quality in:
 - ~~(iA)~~ presentation;
 - ~~(iiB)~~ physical format;
 - ~~(iiiC)~~ educational significance;
 - ~~(ivD)~~ readability;
 - ~~(vE)~~ authenticity;
 - ~~(viF)~~ artistic quality and/or literary style; ~~and~~
 - ~~(viiG)~~ factual content

- ~~(2e)~~ ~~TJJD TYC~~ facilities will not show ~~R-rated or X-rated~~ videos ~~with an R-rating or any other rating designed for audiences age 17 or older. to any youth. No video may be shown to youth without the approval of the principal.~~

~~(f)~~ ~~Other videos may be shown to TYC youth with the approval of the principal.~~

~~(eg)~~ **Request for Reconsideration of Learning Resources.**

- ~~(1)~~ Any ~~youth or person on behalf of a youth resident or TYC employee~~ may ~~challenge a facility's use request an informal or formal challenge of a~~ learning resources, if he/she feels the ~~material learning resources~~ will have a negative or harmful impact on a youth. Any ~~such challenge applies only request for reconsideration of learning resources is only binding to the individual facility where the challenge is filed.~~
- ~~(2)~~ To ~~challenge a learning resource, the complainant must file an informal reconsideration request on the agency-provided form. The principal must respond to the request. request reconsideration of learning resources, the Request for an Informal Reconsideration form must be completed and submitted to the principal.~~
- ~~(3)~~ ~~If the informal request does not resolve the issue to the complainant's satisfaction, the complainant may file a formal reconsideration request on the agency-provided form. In the event that an informal challenge cannot be resolved, the Appeal for Reconsideration of Learning Resources for a formal challenge must be completed and submitted to the principal and the facility superintendent.~~
- ~~(4)~~ Upon the receipt of a formal ~~request for reconsideration request~~, the principal ~~must form shall direct the formation of a R~~reconsideration ~~C~~committee, which is composed of:
 - ~~(A)~~ a teacher from the area of concern and/or grade level;
 - ~~(B)~~ a program ~~supervisor; administrator;~~
 - ~~(C)~~ a ~~case manager caseworker~~ appointed by the facility superintendent or designee; and
 - ~~(D)~~ the principal.
- ~~(5)~~ The ~~R~~reconsideration ~~C~~committee ~~must shall~~ review the challenged material, ~~and~~ decide if it conforms to the selection criteria ~~and procedures~~ outlined in this ~~rule, policy, and issue a written decision.~~

- (6) The complainant ~~may has the right to~~ appeal the decision ~~of made by~~ the ~~R~~reconsideration ~~C~~committee ~~by submitting an appeal of the agency-provided form~~ to the ~~TJJD~~ superintendent of education ~~in central office~~. ~~The superintendent of education must respond to the appeal in writing. If the complainant has a valid reason for not agreeing with the decision of the superintendent of education, the complainant may appeal to the executive director for the final decision.~~

[See EDU.17.31 for implementation procedures.](#)

DRAFT

Draft 7/25/14

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Education Programs Rule: Participation and Reporting Requirements of the Reading Improvement Program and PBIS System ACA: N/A Statutes: Education Code §30.106	Effective Date: 9/4/10 Page: 1 of 4 New <u>Replaces: GAP.380.9155, 9/1/10</u>
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RULE

(a) Purpose.

~~The purpose of this rule is to establish~~ This rule ~~is to~~ establishes participation requirements and certain reporting requirements for the ~~Texas Juvenile Justice Department (TJJD) Texas Youth Commission (TYC)~~ reading improvement program and ~~Positive Behavioral Interventions and Supports (PBIS)~~ system, as required by Education Code §30.106.

(b) Applicability.

- (1) For purposes of the reading improvement program, this rule applies only to youth in facilities with a ~~TJJD-operated TYC-operated~~ educational program who are required to participate in the reading improvement program based on their scores on the agency-approved reading assessments.
- (2) For purposes of the PBIS system, this rule applies to all youth in facilities with a ~~TJJD-operated TYC-operated~~ educational program.
- (3) Decisions concerning whether to release a youth on parole ~~are will be~~ made in accordance with §§~~380.85-55, 380.85-59, and 380.85-69~~ of this title.

(c) Definitions.

- (1) **Designated Education Location**--the assigned location for instructional delivery, including the educational building, ~~or~~ alternate classroom, ~~or and~~ security classroom.
- (2) **Instructional Minutes**--time designated by a youth's school schedule for the delivery of academic and vocational services.
- (3) **Positive Behavioral Interventions and Supports (PBIS) System**--a framework for systemic and individualized interventions to achieve important social and learning outcomes while preventing problematic behavior.
- (4) **Reading Improvement Program**--a comprehensive instructional system designed to improve reading skills. The program is delivered in a tiered system ~~that which~~ provides increasing levels of support and intervention based on the level of assessed reading deficit.
- (5) **Removal for Disciplinary Reason**--removal from a designated education location due to a violation of the rules of conduct or a subsequent failure to participate in positive behavioral interventions.

(d) General Provisions.

- (1) All facilities with ~~TJJD-operated TYC-operated~~ schools must develop and implement an agency-approved reading improvement program and PBIS system.
- (2) Youth ~~are will be~~ provided written and verbal information that clearly explains participation requirements for the reading improvement program and PBIS system.

- (3) The extent to which a youth is expected to participate in the reading improvement program and/or PBIS system ~~must shall~~ be consistent with a youth's individualized education plan and/or ~~l~~imited ~~p~~roficiency ~~a~~ssessment ~~e~~Committee (LPAC) recommendations, as applicable.
- (4) Participation in the reading improvement program and PBIS system ~~will~~ ~~contributes~~ toward a youth's stage progression and the ability to earn privileges, in accordance with ~~§380.87-03~~ and ~~§380.95-02~~ of this title.
- (5) ~~Before~~ ~~Prior to~~ a youth ~~is being~~ considered for release on parole, a review ~~must shall~~ be conducted to determine whether the youth has met participation requirements in the reading improvement program and PBIS system. Lack of participation in the reading improvement program and/or PBIS system prior to ~~September 1, 2010, must~~ ~~the effective date of this rule shall~~ not delay a youth's release.
- (6) Youth and parents/guardians ~~must shall~~ be provided prior written notice concerning the right to provide input into the determination of whether a youth has participated in the reading improvement program and/or PBIS system.
- (7) A staff representative from a youth's ~~a~~ddmissions, ~~r~~Review, and ~~e~~Dismissal committee and/or ~~LPAC, limited proficiency assessment committee,~~ as applicable, ~~must shall~~ participate in determining whether the youth has participated in the reading improvement program and/or PBIS system.

(e) **Youth Participation in the Reading Improvement Program.**

Participation in the reading improvement program means a youth has:

- (1) completed the program as demonstrated by achieving the reading level corresponding to the youth's age based on an agency-approved reading assessment; **or**
- (2) participated in the program **prior to completion** of the youth's minimum length of stay (MLOS) or minimum period of confinement (MPC), as demonstrated by:
 - (A) the youth's:
 - (i) attendance for at least 90% of available reading instructional periods during the youth's enrollment in the program; **and**
 - (ii) completion of all required reading assessments during the youth's enrollment in the program; **or**
 - (B) progress in the program commensurate with ability and opportunities for participation; **or**
- (3) participated in the program **after completion** of the youth's MLOS or MPC, as demonstrated by:
 - (A) the youth's:
 - (i) attendance for at least 90% of available reading instructional periods during the most recent 30-day period; **or**
 - (ii) progress in the reading improvement program during the most recent 30-day period, commensurate with ability and opportunities for participation; **and**
 - (B) completion of all required reading program assessments during the most recent 30-day period.

(f) **Youth Participation in the PBIS System.**

Participation in the PBIS system means:

- (1) during the most recent six-month period, a youth has responded to PBIS prevention and/or intervention strategies to the extent that:
 - (A) the youth has no more than a total of three:
 - (i) days on which he/she was removed from a designated education location for a disciplinary reason; and/or
 - (ii) written refusals to attend class in the designated education location; **or**
 - (B) the youth has:
 - (i) missed no more than ~~10% ten percent~~ of available instructional minutes due to removal from a designated education location for a disciplinary reason and/or written refusal to attend class in the designated education location; and
 - (ii) demonstrated a pattern of increased time spent in class; **or**
- (2) the youth has responded to PBIS prevention and/or intervention strategies to the extent that:
 - (A) the youth possesses the behavioral skills necessary to transition to his/her future academic, vocational, or vocational training placement; or
 - (B) appropriate transition supports are in place to promote the youth's transition to his/her future academic, vocational, or vocational training placement.

(g) Evaluation for Effectiveness.

(1) Reading Improvement Program.

The reading improvement program ~~is shall be~~ evaluated for effectiveness according to the following criteria and subgroups.

- (A) The rate of improvement in reading performance, as measured by monthly progress monitoring using curricular-based assessments in each of the essential components of reading instruction including, but not limited to:
 - (i) phonemic awareness;
 - (ii) phonics;
 - (iii) fluency;
 - (iv) vocabulary; and
 - (v) comprehension.
- (B) The annual rate of improvement in reading performance as measured using the battery of assessments set forth in subparagraph (A) of this paragraph, disaggregated by subgroups including, but not limited to:
 - (i) students receiving general education services;
 - (ii) students receiving special education services;
 - (iii) students receiving English as a Second Language services; and
 - (iv) ethnicity.
- (C) Student ratings of the quality and impact of the reading improvement program, as measured on a student self-reporting instrument.

(2) **PBIS System.**

The PBIS system ~~is shall be~~ evaluated for effectiveness according to the following criteria and subgroups.

- (A) Documentation of school-related disciplinary referrals, disaggregated by factors and subgroups including, but not limited to:
- (i) type of infraction;
 - (ii) location of infraction;
 - (iii) time of infraction;
 - (iv) students receiving general education services;
 - (v) students receiving special education services;
 - (vi) students receiving English as a Second Language services; and
 - (vii) ethnicity.
- (B) Documentation of school-related disciplinary actions, including time-out, placement in the security unit, use of restraints, and other aversive control measures, disaggregated by subgroups including, but not limited to:
- (i) general education;
 - (ii) eligibility for special education services;
 - (iii) eligibility for English as a Second Language services; and
 - (iv) ethnicity.
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Chapter: Rules for State-Operated Programs and Facilities
Subchapter: Program Services
Division: Youth Employment and Work
Rule: Youth Industries Program, Initial Preparation

Effective Date: 4/26/04, T-65
Page: 1 of 3
Replaces: GAP.91.63
Dated: 12/18/03, T-63

ACA Standard(s): N/A

RULE

(a) **Purpose.**

The purpose of this rule is to establish preliminary activities necessary for creating a Cost Accounting Center (CAC) and implementing a Youth Industries Program as authorized by Chapter 61 of the Human Resources Code and in compliance with Chapter 18 of the United States Code §1761.

(b) **Designation as a Cost Accounting Center.**

The Texas Youth Commission's (TYC's) Employment Training Program Administrator (ETPA) will seek a designation as a CAC for a proposed employer, whereby goods and services made as a result of a TYC industry program may be sold in interstate commerce and to the federal government pursuant to Chapter 497 of the Government Code.

(c) **Application.**

An employer who seeks a CAC designation shall submit to the ETPA the following:

- (1) TYC prescribed application form;
- (2) Business plan;
- (3) Account information;
- (4) Job description;
- (5) Letter of certification of non-impairment of existing service contracts;
- (6) Certification of eligibility to receive state funds, grant or loan;
- (7) Liability insurance policy;
- (8) Workers' Compensation insurance policy or an equivalent policy;
- (9) Workplace safety guidelines;
- (10) CAC environmental information form;
- (11) Occupancy agreement (memorandum of understanding (MOU) with TYC); and
- (12) Other information required to obtain CAC designation.

(d) **Prison Industry Enhancement Certification Program (PIECP) Wage and Displacement of Worker Assurance.**

- (1) As a part of the CAC designation process, the ETPA shall obtain from the Texas Workforce Commission (TWC) the following:
 - (A) the PIECP wage rates, which for TYC youth is the federal minimum wage because of the age of the youth and the extensive training component of their employment.
 - (B) a determination on the displacement of workers created by the proposed place of employment.
- (2) The ETPA shall maintain files of correspondence with TWC and shall annually obtain from TWC for each approved CAC a new listing of wage rates. The PIECP wage rates are the wage rates paid by an employer for similar work in that locality as determined by TWC.

(e) Consultation With Business and Labor Organizations.

- (1) As a part of the CAC designation process, the ETPA shall consult with representatives of local businesses and labor central bodies, if any, and the Texas AFL-CIO and the Texas Association of Business and Chambers of Commerce.
- (2) The ETPA shall advise in writing the business and labor organizations of the following:
 - (A) identification of the scope of the intended project, including projected number of jobs for TYC youth and non-TYC youth workers;
 - (B) projected initiation date;
 - (C) information regarding PIECP participation;
 - (D) PIECP wage information;
 - (E) worker displacement information;
 - (F) an explanation that statutory consultation is required;
 - (G) a statement by the CAC applicant that the industry project will not impair existing contracts for services; and
 - (H) a statement indicating that comments are invited.
- (3) To the extent required by law, the ETPA shall advise the appropriate business and labor organizations as to the status of each such project at least annually, and at the time, solicit additional comments, concerns, and recommendations.
- (4) A file of correspondence and contacts with business and labor organizations shall be maintained.

(f) National Environmental Policy Act Compliance.

- (1) The ETPA will obtain from the CAC a completed CAC Environmental Information form.
- (2) The ETPA shall request and obtain verification of environmental and cultural resource compliance from the following entities:
 - (A) United States Fish and Wildlife Service;
 - (B) Texas Commission on Environmental Quality;
 - (C) Council of Texas Archeologists or other qualified archeologist or archeology society;
 - (D) United States Department of Agriculture Natural Resources Conservation Service (Soil Survey); and
 - (E) Federal Emergency Management Agency (Flood Hazard Mapping).

(g) Youth Participation.

- (1) TYC youth employment is voluntary and is limited to eligible youth. A youth's eligibility for employment is to be determined by TYC staff with consideration for age, behavior, training and education.
- (2) To participate in a CAC, youth must comply with all program rules, regulations, and requirements.

(h) Wage Withholding.

- (1) TYC youth shall be paid the PIECP wage rate.
- (2) The wages of TYC youth are subject to deductions for income taxes, Social Security and Medicare deductions, child support, court ordered restitution, and payments to the Crime Victims' Compensation Fund.
- (3) Deductions may not exceed 80 percent of gross wages.

- (4) TYC youth shall execute a voluntary agreement relating to the deductions that will be made from gross wages. Compensation is deposited and credited to the youth's account within the Institutional Youth Trust Fund.
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REPEAL



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO SUBMIT A RULE REVIEW NOTICE AND PROPOSED REVISIONS
WITHIN**

37 TAC §§380.9125 – 380.9163 TO THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:		Second:			

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the Education Division staff has completed this review for the above-referenced rules in 37 TAC Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter C (Program Services); and

WHEREAS, the staff recommends the repeal of §380.9143 and §380.9163; and

WHEREAS, the staff recommends revisions to §§380.9125, 380.9141, 380.9145 – 380.9155; and

WHEREAS, the staff recommends no revisions to §380.9161; and

WHEREAS, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days’ notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

NOW, THEREFORE BE IT RESOLVED THAT for the above-referenced rules, the Board grants approval to publish the proposed repeals and revisions and a proposal to complete the rule review in the Texas Register for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Interim Executive Director

Rajendra Parikh, Director of Medical Services

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9113, §§380.9175 – 380.9186, and §§380.9191 – 380.9198, relating to Health Care Services, in the *Texas Register* for a 30-day public comment period

Date: August 5, 2014

As part of the agency's rule review process, the Medical Services Division staff has completed its review of assigned rules in Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter C (Program Services). The staff recommends changes to all the assigned rules except §380.9194, which the staff recommends be repealed.

Attached to this memo you will find:

- A table summarizing the rule review and proposed changes
- The text of the revised rules
- A resolution for board action

Staff requests the board's approval to publish these proposed revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

Texas Administrative Code Rule Review
37 TAC Chapter 380, Subchapter C – Program Services

(Rules assigned to Medical Services Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9113	Food and Nutrition	Requires TJJD to provide food services that meet the basic nutritional needs of youth.	Yes	<ul style="list-style-type: none"> Updated organization names and federal program names. Clarified that standardized menus for institutions and halfway houses will be developed <i>or revised and reviewed</i> annually. Clarified that the 14-hour maximum interval between the scheduled start time of the evening meal and the breakfast meal refers to the <i>following day's</i> breakfast meal. 	Ready for board review
380.9175	Health Care Definitions	Provides definitions used throughout the subchapter.	Yes	<ul style="list-style-type: none"> Incorporated definitions from §380.9198 (Four-Point Restraints for Medical and Mental Health Purposes). Made non-substantive terminology updates. 	Ready for board review
380.9181	Medical Consent	Explains TJJD's statutory authority to consent to certain medical services for youth.	Yes	<ul style="list-style-type: none"> Clarified that this rule does not apply to youth committed to TJJD who are under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS). Medical consent for these youth is governed by an MOU between TJJD and DFPS. Clarified that TJJD has the authority to consent for medical treatment of a youth under age 18 if the person having the right to consent cannot be contacted and the youth's health care need constitutes a medical emergency for a life-threatening condition. Clarified that if TJJD is able to contact the person with the authority to consent, TJJD will defer to his/her decision as long as consent is not withheld for treatment of a life-threatening condition. 	Ready for board review
380.9183	Health Care Services for Youth	Establishes the scope of services provided and guidelines for delivery of health care services to TJJD youth.	Yes	<ul style="list-style-type: none"> Clarified that TJJD provides neither orthodontic braces nor maintenance of braces for youth. Also clarified that TJJD may provide transportation for orthodontic care if staff can accommodate traveling the distance required to return the youth to the treating orthodontist. Added a description of the role of the local health authority as 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
				<p>providing coordination and/or supervision of medical services for youth.</p> <ul style="list-style-type: none"> • Added that nurses are available seven days a week to triage youth health concerns and to respond to onsite emergencies. • Added that dental services are provided onsite on a routine basis. • Clarified that at halfway houses, nurses provide services on a regularly scheduled basis and are available by telephone as needed; medical and psychiatric services are provided via telemedicine/telepsychiatry or at the nearest institution; and dental services are provided onsite at the nearest institution. • Clarified that dental intake screening and examination are not required if performed and documented within the past 180 days. Also clarified that youth will receive dental examinations annually and treatment as needed. • Added a requirement to provide dental cleanings when a dentist determines a cleaning is necessary. Removed the requirement to provide dental cleanings annually. • Added that youth receive a hearing screening at intake and are referred to an audiologist for evaluation and treatment as needed. (consistent with current practice) • Added the availability of family planning services by referral for youth who request information. • Added that TJJD is not responsible for medical costs incurred by a youth on conditional placement status with a parent, relative, or guardian. • Clarified that in a life-threatening situation, non-medical personnel may contact 911 in accordance with medical emergency procedures. 	

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9184	Health Insurance	Allows TJJJ to pursue reimbursement from third-party payers for medical care provided to youth committed to TJJJ.	Yes	<ul style="list-style-type: none"> Clarified that TJJJ and its health care contractors <i>may</i> (rather than <i>shall</i>) pursue reimbursement by third party payers for youths' medical care. 	Ready for board review
380.9186	Infirmiry Admission and Discharge	Establishes conditions and procedures for use of infirmaries located in TJJJ facilities.	Yes	<ul style="list-style-type: none"> Changed terminology to refer to infirmiry admission for psychiatric <i>monitoring</i> (rather than psychiatric <i>crisis</i>). Added that a physician (in addition to a psychiatrist or designated mental health professional) may admit a youth to the infirmiry for psychiatric monitoring. Added that a registered nurse designee may admit a youth to the infirmiry for a medical diagnosis or condition for up to 24 hours. 	Ready for board review
380.9191	Psychopharmacotherapy	Allows for the use of psychotropic medication as a treatment method for youth with symptoms of mental illness. Also provides limitations on prescribing such medications.	Yes	<ul style="list-style-type: none"> Added that medication prescription is a collaborative effort among the psychiatric provider, the youth, and the parent/guardian when feasible. Added that the youth/parent/guardian will be notified of treatment objectives, medication disadvantages, available alternatives, consequences of not following the recommended treatment plan, and potential medication side effects. (consistent with current practice) Added that psychotropic medication is prescribed in accordance with disease management guidelines and the formulary adopted for use by TJJJ and the University of Texas Medical Branch – Correctional Managed Care (UTMB). 	Ready for board review
380.9192	Involuntary Emergency Administration of Psychotropic Medication	Establishes criteria and procedures for administering psychotropic medication in a psychiatric emergency when the youth cannot or will not consent.	Yes	<ul style="list-style-type: none"> Made non-substantive terminology updates. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9193	Family Planning Services	Describes TJJD's role in providing family planning education services to TJJD youth. Prohibits TJJD from providing contraceptives.	Yes	<ul style="list-style-type: none"> Changed the availability of family planning education for youth in TJJD-operated residential placements. Formerly available on site and by referral to appropriate community agencies, the proposed change to this rule makes these services available only by referral to appropriate community agencies. 	Ready for board review
380.9194	Automated External Defibrillators	Establishes procedures and guidelines for using, storing, and maintaining AEDs.	No	<ul style="list-style-type: none"> Repealed because the information in this rule is addressed in other TJJD manuals and no requirement exists to include this information in the Texas Administrative Code. 	Ready for board review
380.9195	Pregnancy and Abortion	Establishes TJJD's role in managing pregnant youth committed to TJJD. Prohibits TJJD from providing funds for or otherwise allowing its contracted medical provider to perform an abortion for the purpose of terminating a normal pregnancy.	Yes	<ul style="list-style-type: none"> Added a statement that requires TJJD to pay for all services related to a requested abortion if pregnancy results from an incident of sexual abuse or sexual assault in any lockup or juvenile facility. 	Ready for board review
380.9197	Acquired Immune Deficiency Syndrome/HIV	Establishes requirements for HIV/AIDS education, HIV testing, confidentiality, reporting, counseling, and treatment in TJJD residential facilities.	Yes	<ul style="list-style-type: none"> Clarified that testing is for <i>HIV</i> (rather than <i>HIV/AIDS</i>). Added that medical staff educate youth regarding HIV/AIDS as indicated and/or requested, in addition to HIV/AIDS education provided upon admission and as part of the academic program. Deleted the following topics from health education programs for TJJD youth: infection control procedures, comprehensive services available including treatment, and occupational precautions. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Areas for Revision Identified by Staff	Status of Revisions
380.9198	Four-Point Restraints for Medical and Mental Health Purposes	Establishes criteria, limitations, and procedures for the use of four-point restraints.	Yes	<ul style="list-style-type: none"> • Clarified that a <i>nurse</i> (rather than <i>healthcare staff</i>) performs regular checks of the youth's physical condition and placement of restraints, along with an assessment of circulation, position, and open airway at least every 15 minutes. • Removed the requirement for a nurse to check the physical condition of the youth within the first 30 minutes and every hour thereafter because these checks are part of the 15-minute checks performed by the nurse. • Moved definitions to §380.9175 (Health Care Definitions). 	Ready for board review

7/24/14 Draft

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: TBD
Subchapter: Program Services	
Division: Basic Services	Page: 1 of 1
Rule: Food and Nutrition	Replaces: GAP.380.9113, 8/28/98, T-43
ACA: 4-JCF-4A-03, 4A-05, 4A-08, 4A-09	

RULE

- (a) ~~This rule establishes Purpose. The purpose of this rule is to establish~~ standards to ensure that Texas Juvenile Justice Department (TJJD) agency programs provide food services to meet the basic nutrition needs of its youth.
- (b) Food services departments in TJJDTYG facilities may be operated by TJJDTYG employees or through contracts with private organizations.
- (c) Facility food service departments shall meet applicable state and local sanitation and health standards.
- (d) Facilities shall comply with participation requirements for the United States U.S. Department of Agriculture ~~National Breakfast Program and the~~ National School Lunch Program and School Breakfast Program.
- (e) The ~~diet provided shall meet the~~ most recent Recommended Dietary Allowances (RDA) published by the National Research Council shall be utilized in planning menus.
- (f) Standardized menus will be developed or revised as needed and reviewed annually for institutions and for halfway houses by a dietitian.
- (1) A single menu for staff and youth will be followed.
 - (2) Medical diets shall be provided as prescribed by appropriate medical or dental personnel.
 - (3) Religious diets will be provided when a youth's religious beliefs require adherence to religious dietary laws consistent with §380.9121 (GAP) §91.21 of this title. ~~(relating to Moral Values, Worship and Religious Education).~~
- (g) Food will be served in an appetizing and attractive manner.
- (h) Youth shall be served three meals and a snack(s) daily; at least two of the meals are hot.
- (i) The scheduled start time between the evening meal and the following day's breakfast meal shall not exceed 14 hours.
- (j) On-duty correctional care staff shall supervise youth during meals.
- (k) Meals and snacks shall not be used as disciplinary measures.
- (l) Facilities will implement a system for determining and responding within reason, to youth food preferences.
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7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: TBD Page: 1 of 2 Replaces: GAP.380.9175, 8/1/09, T-98
Subchapter: Program Services	
Division: Health Care Services	
Rule: Health Care Definitions	
ACA: N/A	

RULE

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

~~(1) **Automated External Defibrillator (AED)**--a United States Food and Drug Administration approved electronic device which is programmed to analyze the heart's rhythm for any abnormalities and, if necessary, directs the rescuer to deliver an electrical shock (defibrillation) to assist the heart in reestablishing a normal rhythm.~~

(1) **Designated Mental Health Professional**--has the meaning assigned by §380.9187 of this title.

(2) **Four-Point Restraint**--a professionally manufactured and commercially available restraint chair or bed designed to secure both arms and both legs to the chair or bed with cloth or leather straps.

(32) **Health Care Professional**--an individual ~~who is~~ licensed by a professional board to practice in the State of Texas in a ~~field of~~ health care field including nursing, medicine, psychiatry, or dentistry.

(43) **Health Services Administrator**--~~an individual who is~~ a licensed registered nurse who manages and coordinates, ~~at the facility,~~ the delivery of ~~on and off site~~ health care services for youth at a Texas Juvenile Justice Department (TJJD) facility.

~~(4) **Medical Provider**--a physician or mid-level practitioner who provides health care services to Texas Youth Commission (TYC) youth under a contractual agreement with TYC.~~

(5) **Life-Threatening Medical Emergency**--a situation that is ~~either~~ imminently life-threatening or that requires immediate health care to prevent ~~the development of~~ a life-threatening condition from developing. Examples ~~of an imminently life threatening situation would~~ include a youth being unresponsive, being unconscious, not breathing, ~~or~~ experiencing severe respiratory distress, or experiencing severe bleeding in streams or spurts.

(6) **Medical Alert**--a flagging or identifying process that alerts staff of a potentially dangerous or life-threatening diagnosed condition. ~~These Examples of these~~ conditions may include, but are not limited to, a history or current diagnosis of chronic/acute asthma, cardiac problems, diabetes, seizures, serious injury, anaphylactic allergic reactions, or any other serious condition that significantly affects affecting daily living activities and requires requiring special assistance or special attention.

(7) **Medical Provider--a:**

(A) Texas-licensed physician; or

(B) Texas-licensed mid-level practitioner, such as a nurse practitioner or physician assistant, acting under the authorization of a physician.

(8) **Mental Health Professional**--has the meaning assigned by §380.9187 of this title.

- (97) **Psychiatric Emergency**--a situation ~~that may require administering in which it may be necessary to administer~~ psychotropic medication to prevent harmful behaviors associated with a diagnosed psychiatric condition.
- (10) **Psychiatric Provider**--a:
- (A) Texas-licensed psychiatrist; or
 - (B) Texas-licensed psychiatric physician assistant or psychiatric nurse practitioner acting under the authorization of a psychiatrist.
- (118) **Sick Call**--a ~~regularly-scheduled routine~~ time ~~when during which~~ a health care professional addresses ~~the health youth health~~ care needs ~~of youth~~.
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7/23/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Medical Consent ACA: 4-JCF- 4C-44 Statute: Texas Family Code §32.001	Effective Date: TBD Page: 1 of 2 Replaces: GAP.380.9181, 8/1/09, T-98
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RULE

(a) **Purpose.**

~~The purpose of this rule is to establish~~ This rule establishes a procedure ~~for by which~~ the Texas Juvenile Justice Department (TJJD) Texas Youth Commission (TYC) may exercise its authority to consent to particular medical services for youth in TJJD TYC jurisdiction in accordance with the Texas Family Code, §32.001(b).

(b) **Definitions.** ~~Applicability.~~

See §380.9175 of this title for definitions of certain terms in this rule.

~~(1) Definitions pertaining to this rule are under §91.75 of this title.~~

(c) **Applicability.**

This rule does not apply to youth committed to TJJD who are under the managing conservatorship of the Texas Department of Family and Protective Services. See Texas Administrative Code, Title 40, Section 702.425 for rules governing consent for these youth.

(d) **General Provisions.**

~~(2) TJJD TYC~~ does not have the authority to consent to medical treatment ~~of any nature~~ for youth on parole ~~status~~ in a home placement. For purposes of this policy, the term "home placement" does not include ~~subsidized independent living the Independent Living Program as~~ described in ~~§380.8583 §87-23~~ of this title.

(ee) **Medical Consent.**

(1) **For Youth under Age 18.**

(A) ~~TJJD TYC~~ has the authority to consent to the medical treatment of ~~its~~ youth under ~~the~~ age of 18 only when:

(i) ~~the person having the right to consent (youth's parent or guardian) has been notified and TJJD has not received notification that the person objects; or~~

(ii) ~~the person having the right to consent cannot be contacted and the youth's health care need constitutes a medical emergency for a life-threatening condition. actual objection has not been received by TYC. Though TYC has the authority to consent to treatment other than that specified in §91.83 of this title, TYC will defer to and attempt to contact the person having authority to consent when such medical treatment may be necessary.~~

(B) If TJJD is able to contact the person with authority to consent, TJJD will defer to his/her decision as long as consent is not withheld for treatment of a life-threatening condition

(CB) When a medical or dental provider determines a youth needs a diagnostic or treatment procedure or treatment for a serious injury or illness that requires parental/guardian consent, the parent/guardian will be contacted to provide written or verbal consent directly to the

medical provider. ~~If the parent/guardian cannot be contacted. If this is not possible,~~ the facility administrator has the authority to ~~give his/her~~ consent for treatment of the youth under certain conditions pursuant to ~~§32.001, Texas~~ Family Code §32.001.

(~~DC~~) If a parent or guardian notifies ~~TJJDTYC~~ that he/she objects to ~~TJJDTYC~~ having medical consent authority, the parent or guardian will be asked to provide written consent for routine physical, dental, mental health, and chemical dependency examinations and/or evaluations, and certain immunizations required by law.

(~~ED~~) When a youth is temporarily admitted to a facility of the Texas Department of State Health Services, the ~~TJJDTYC~~ medical director may consent to the specific care outlined in §380.9183 ~~§91.83~~ of this title if the parent or guardian cannot be contacted directly for consent.

(2) **For Youth Age 18 or Older.**

When a youth reaches age 18, he/she has the legal right to ~~legally~~ consent to medical treatment. The youth's consent ~~with respect~~ to treatment for non-life threatening conditions will prevail if there is a conflict between the youth and the parent/guardian and/or ~~TJJDTYC~~.

(~~f~~) **Notification.**

Notification ~~about providing regarding the provision of~~ routine health care services and ~~TJJD'sTYC's~~ authority to consent to treatment:

(1) ___ will occur during the youth's initial admission and any subsequent recommitment to ~~TJJDTYC~~; and

(2) ___ will be by certified mail to the last known address of the person having the right to consent.

See INS.45.01 for medical consent procedures for institution staff.
See HSP.11.01 for medical consent procedures for infirmary staff.

7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Health Care Services for Youth ACA: 4-JCF-4C-06	Effective Date: TBD Page: 1 of 5 Replaces: GAP.380.9183, 11/15/11, T-117
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RULE

(a) Purpose.

~~This~~The purpose of this rule ~~establishes is to establish~~ basic criteria, standards, and guidelines for ~~delivering delivery of~~ health care services to youth ~~who are~~ assigned to ~~residential Texas Youth Commission (TYC) operated residential~~ facilities ~~operated by the Texas Juvenile Justice Department (TJJD)~~ and ~~to~~ certain identified contract care programs.

(b) Definitions.

See §380.9175 of this title for definitions of certain terms in this rule.

~~(b) Applicability.~~

~~(1) Definitions pertaining to this rule are under §91.75 of this title.~~

~~(2) For consent to treatment, see §91.81 of this title.~~

(c) Criteria for Medical Care.

(1) ~~Medical providers provide~~ As established by the TYC medical director, primary medical care ~~will be provided by medical providers~~ according to the following criteria established by the TJJD medical director:

- (A) ~~life-saving~~ treatment;
- (B) ~~limb-saving~~ treatment;
- (C) reasonable care to relieve pain;
- (D) reasonable care for a degenerative condition;
- (E) preventive services ~~including to include~~ age-appropriate immunizations; and
- (F) treatment for medical conditions which, if left untreated, could result in serious bodily harm.

(2) Procedures outside these criteria for medical care must be approved by the ~~TJJD TYC~~ medical director in consultation with ~~TJJD's TYC's~~ executive director.

(d) Criteria for Dental Care.

(1) The dentist ~~assures will assure~~ equitable access to basic preventive services and essential treatment procedures ~~based upon the occurrence of when~~ disease, significant malfunction, or injury ~~occurs~~. Treatment priorities ~~Priority of treatment categories~~ are:

- (A) ~~e~~Emergency/urgent--treatment for conditions ~~that which~~ will worsen or become life-threatening or acute without immediate intervention.
- (B) ~~i~~Interceptive--intermediate treatment for asymptomatic advanced hard- or soft-tissue disease or loss of masticatory function.
- (C) ~~r~~Rehabilitative--definitive treatment for chronic hard- or soft-tissue disease or loss of masticatory function.
- (D) ~~e~~Elective or special needs.

(2) The attending dentist may ~~deviate vary~~ from this prioritization ~~if on an individual basis if judged to be necessary to protect a for the protection of the~~ youth's overall health.

- (3) TJJD provides neither TYC will provide for necessary care of orthodontic braces nor maintenance of orthodontic braces for youth. However, if a youth has orthodontic braces when admitted to TJJD, TJJD provides necessary care to prevent injury to the mouth.

(A) The youth's Maintenance and treatment will be arranged by and paid for by the parent/guardian is responsible for the maintenance and adjustment of orthodontic braces after notification of TJJD TYC policy.

(B) TJJD TYC staff may will assist youth and parents/guardians in making orthodontic appointments, if needed, and providing transportation for orthodontic care. Appointments are usually made with the treating orthodontist, although a local orthodontist who agrees to examine and treat the youth may be used.

(C) TJJD staff may provide transportation for orthodontic care if the staff can accommodate traveling the distance required to return a youth to the treating orthodontist.

(e) **Services.**

- (1) TJJD administers at least TYC will administer the following services, either directly or through contractual arrangements; ~~These services include but are not limited to the following:~~

- (A) physical examinations and treatment;
- (B) dental examinations and treatment;
- (C) treatment of injuries;
- (D) mental health evaluations;
- (E) immunizations;
- (F) laboratory and diagnostic tests;
- (G) administration of prescription or non-prescription medication for an illness or condition;
- (H) chemical dependency evaluations; and
- (I) examination following use of physical force and/or following decontamination resulting from using contamination caused by use of oleoresin capsicum spray, also known as (pepper spray).

- (2) Each TJJD-operated TYC-operated facility and certain identified contract care programs will have a health services administrator designated who is designated to act as the local health authority. The local health authority provides coordination and/or supervision of medical services for youth.

- (3) Contract health care professionals provide ~~The appropriate level of~~ health care services will be provided in the infirmary at each institution through contract health care professionals for youth who are not in need of hospitalization, but who need increased observation or medical care, but who do not need hospitalization.

- (4) In institutions:

(A) nurses are available seven days a week to triage youth health concerns and respond to onsite emergencies;

(B) nurses conduct a regularly-scheduled Nurses will provide services for routine sick call requests at least five days a per-week to address non-urgent, sick-call requests;

(C) medical Medical and psychiatric providers, dentists, and a psychiatrist will provide deliver services on-site or via telemedicine/telepsychiatry at least once weekly; and

(D) dental staff provides services on-site on a routine basis.

- (5) In halfway houses;:

(A) nurses provide on-site nursing case management and consultation will be provided as needed on a regularly scheduled basis and are available by telephone as needed;

(B) medical Medical and psychiatric providers, dentists, and psychiatrists will provide services as needed, deliver services to youth via telemedicine/telepsychiatry and/or at the nearest institution as needed; and

(C) dental services are provided at the nearest institution.

(6) ~~When admitted to TJJD, Upon admission to TYC,~~ all youth ~~will~~ receive a:

(A) health screening;

(B) physical examination, unless a physical examination was performed and documented (if no documentation within the past 90 days);

(C) mental health screening and evaluation; a

(D) dental screening, and examination, and dental cleaning as prescribed by the dentist. Youth will receive a health screening, physical examination, dental examination, and dental cleaning annually thereafter, unless a dental screening and examination have been performed and documented within the past 180 days; and

(E) vision and hearing screenings.

(7) ~~Upon admission to TYC, all youth will receive a vision screening.~~ If the vision screening indicates ~~that~~ the youth needs a new prescription for eyewear, state-issued prescription eyewear is will be provided. Youth ~~whose placement is placed in a high-restriction facilities facility~~ are prohibited from wearing contact lenses, except when where medically necessary ~~as a form of treatment~~ and when glasses are ineffective for correcting vision.

(8) If the youth fails the hearing screening, the youth is referred to an audiologist for evaluation and treatment as needed.

(9) If the dentist determines a dental cleaning is necessary, the procedure is scheduled, performed by a dental hygienist, and documented in the electronic medical record.

(10) Youth receive physical and dental examinations annually and treatment as needed, in accordance with (c) and (d) above.

(118) In facilities housing females, obstetrical, and gynecological, and family planning services are will be available on-site or by referral.

(12) Family planning services are available by referral for youth who request information.

(f) **Limitation of Services.**

(1) ~~TJJDTYC~~ is not responsible for medical costs incurred by a youth:

(A) on furlough or conditional placement status with a parent, relative, or guardian;

(B) on parole status, unless the youth's placement is in a ~~TJJDTYC~~-operated/contract residential program;

(C) on escape/abscond status; or

(D) in a detention center or a county facility.

(2) Pharmaceutical, cosmetic, and medical experiments are prohibited. This policy does not preclude individual treatment of a youth ~~based on the need for who needs~~ a specific medical procedure that which is not generally available.

(g) **Health Care Requirements.**

(1) Facilities housing more than 25 youth must have a central medical room with medical examination facilities.

- (2) ~~When youth are in the infirmary, they are supervised by a TJJD Youth present in the infirmary will be supervised by a TYC~~ staff member at all times.
- (3) The physician or dentist at each facility is the decision authority for clinical decisions under their respective areas of responsibility. ~~medical/dental services at the respective facility.~~
- (4) The medical provider ~~will develop~~ develops the youth's medical plan of care.
- (5) A medical provider ~~is will be~~ available once each week to provide health care services to youth and to respond to youths' health concerns.
- ~~(6) Youth respond to youth~~ complaints about regarding services ~~which~~ they did or did not receive are processed through the youth grievance system in accordance with §380.9331 of this title.
- ~~(76)~~ In each ~~TJJD-operated TYC-operated~~ residential program ~~and certain identified contract care programs~~, the superintendent, health services administrator, medical provider, and dentist must have regularly scheduled meetings to review health care services at the facility, including any concerns, ~~or~~ problems, or barriers related to providing the provision of health care. ~~If concerns problems are identified, a corrective action plan is developed, implemented, and monitored to ensure that issues are adequately addressed, follow-up must occur to ensure that the recommended actions are implemented and the problem has been resolved.~~
- ~~(87)~~ A youth who, by history or examination, has a serious or life-threatening medical condition may be placed on medical alert status by a medical provider. ~~A nurse may temporarily place a youth on medical alert status if such conditions occur during movement from one facility to another until a medical provider can be notified.~~
- ~~(98)~~ The medical provider or psychiatric provider psychiatrist may authorize medical and pharmacological intervention when required in a life-threatening situation consistent with §380.9181 §91.81 of this title. ~~When this intervention requires the use of psychotropic medication, the authorization must meet be consistent with criteria in §380.9192 §91.92 of this title.~~
- ~~(109)~~ Each ~~TJJD-operated TYC-operated~~ residential program and certain identified contract care programs ~~will post emergency medical procedures including, but not limited to, how to contact the on-call nurse and medical, dental, and psychiatric providers in an emergency for providing health care to youth when there is not a nurse on duty, including how to contact the on-call nurse.~~
- ~~(1140)~~ Pharmaceutical procedures ~~will~~ comply with federal and state laws and accepted industry practices pertaining to the about the acquisition, storage, administration, and documentation of prescription drugs.

(h) **Medical Concerns Reported by Youth.**

- (1) Any youth may request a sick call for the evaluation of health care concerns.
- ~~(2) TJJD staff may contact a nurse if a youth reports a health concern or if the staff is concerned about a youth's health status.~~
- ~~(2) Any youth may file a complaint related to his/her health care service through the youth grievance procedure in accordance with §93.31 of this title.~~

(i) **Emergency Room Referrals.**

Emergency room referrals may ~~only~~ be authorized only by a medical provider, health services administrator or designee, or the medical or nursing director. In a life-threatening situation, non-medical personnel may contact 911 in accordance with medical emergency procedures.

(j) **Notification.**

~~TJJD staff immediately notifies a youth's parents~~ Parents or guardians ~~will immediately be notified of a if a youth's serious illness, or injury occurs, or recommended need for surgery~~ is recommended.

For implementation procedures, see: References:

- [CMS.03.25 \(Referral for Psychological/Psychiatric Services\)](#)
- [INS.45.05 \(Medical Emergency Responses, Training, and Preparedness\)](#)
- INS.45.09 (Medical Concerns)
- INS.45.35 (Sick Call, Medical Appointments, and Unscheduled Encounters)
- INS.15.31 (Daily Log)
- Health Services Procedure Manual Chapter 4 (Health Care and Treatment)

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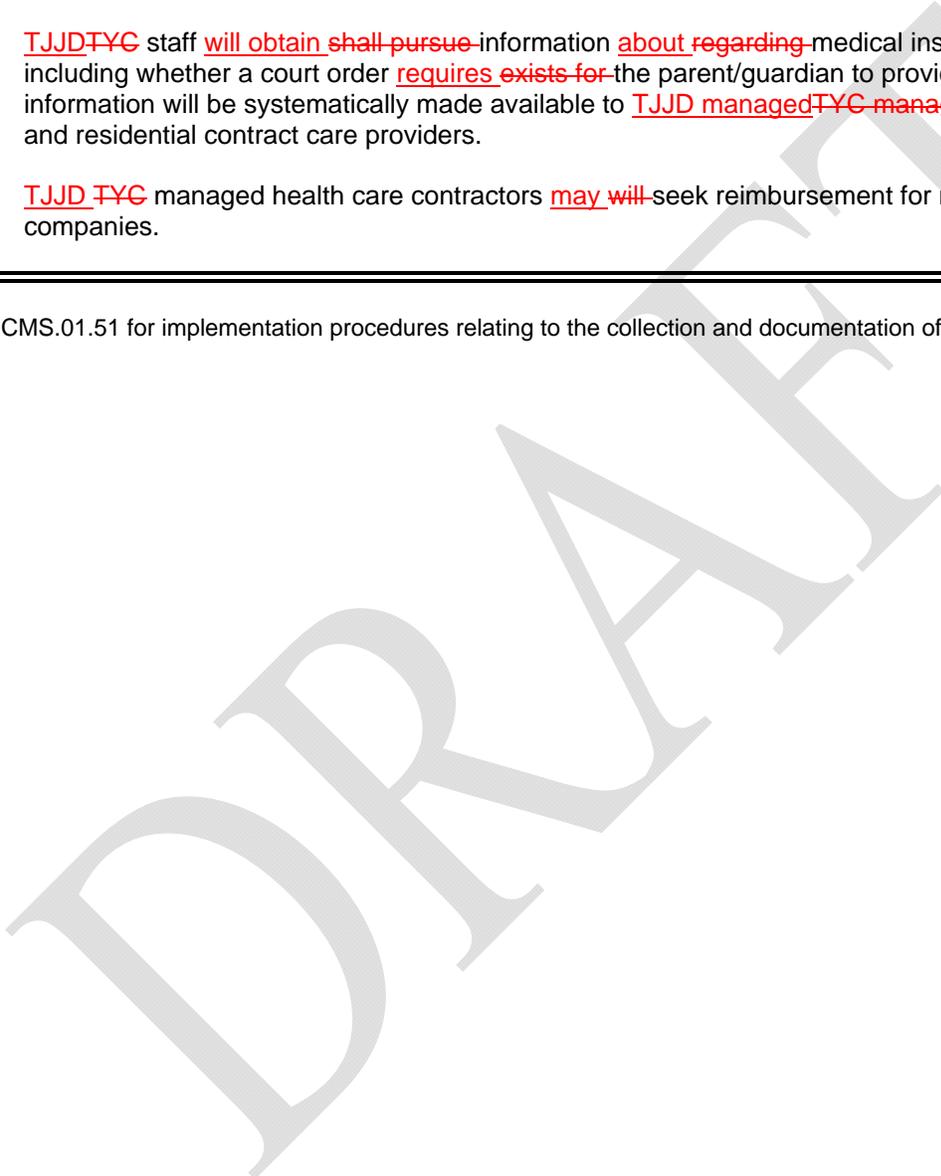
7/25/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Health Insurance ACA: N/A	Effective Date: TBD Page: 1 of 1 Replaces: GAP.380.9184, 9/1/11, T-113
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RULE

- (a) ~~The Texas Juvenile Justice Department (TJJD) may~~ **Purpose. The purpose of this rule is to establish procedures whereby the Texas Youth Commission (TYC) shall** pursue reimbursement by third party payers for the medical care of youth committed to the agency.
- (b) ~~TJJD TYC~~ staff ~~will obtain shall pursue~~ information ~~about regarding~~ medical insurance coverage of youth, including whether a court order ~~requires exists for~~ the parent/guardian to provide insurance. The information will be systematically made available to ~~TJJD managed TYC managed~~ health care contractors and residential contract care providers.
- (c) ~~TJJD TYC~~ managed health care contractors ~~may will~~ seek reimbursement for medical care from insurance companies.

See CMS.01.51 for implementation procedures relating to the collection and documentation of health insurance.



7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Infirmiry Admission and Discharge ACA: 4-JCF-4C-21	Effective Date: TBD Page: 1 of 2 Replaces: GAP.380.9186, 8/1/09, T-98
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RULE

(a) **Purpose.**

~~Purpose. The purpose of this rule is to establish~~ This rule establishes conditions and procedures for youth to be admitted to and discharged from use of infirmaries in Texas Juvenile Justice Department (TJJD) ~~Texas Youth Commission (TYC)~~ facilities.

(b) **General Provisions.**

- (1) Nursing care will be provided in the infirmiry at each institution through contract health care staff for youth who ~~do are~~ not ~~in~~ need of hospitalization, but who need increased observation or medical care. Infirmiry admissions ~~are utilized for~~ include youth who are acutely ill, injured, medically compromised due to mental health decompensation, or ~~are~~ recovering from surgery or illness, ~~or youth who need increased observation as result of a psychiatric crisis (identified by a Ph.D. level psychologist or psychiatrist).~~
- (2) Juvenile correctional officers ~~Corrections Officers (JCO's)~~ shall supervise youth admitted to the infirmiry at all times.
- (3) Only nursing staff may receive medical ~~Physician~~ orders ~~shall be received only by nursing staff directly~~ from the medical provider ~~physician~~.

(c) **Infirmiry Admission for Medical Diagnosis.**

- (1) The medical provider or health services administrator or designee determines if a youth requires observation or treatment for a medical diagnosis or condition.
- (2) The health services administrator or registered nurse designee may admit a youth to the infirmiry for a medical diagnosis or condition ~~to the infirmiry~~ for up to 24 hours. Only a medical provider may authorize admission ~~Admission~~ to the infirmiry for 24 hours or longer, ~~may only be authorized by the medical provider.~~
- ~~(3) Discharge from the infirmiry may be ordered only by a physician if the youth was admitted for 24 hours or longer. A physician or nurse may discharge youth admitted for less than 24 hours.~~
- (3) Only a medical provider may discharge the youth if the youth:
 - (A) was admitted to the infirmiry for 24 hours or longer; or
 - (B) was admitted by a medical provider for any length of time.
- (4) A nurse or medical provider may discharge the youth if he/she was admitted to the infirmiry by a nurse.

(d) **Infirmiry Admission for Psychiatric MonitoringCrisis.**

- (1) A psychiatrist or physician, if readily available, may admit a youth to the infirmiry for Admission to the infirmiry for youth needing close observation and/or monitoring after a psychiatric-related incident. for a psychiatric crisis may be authorized by a psychiatrist, if available. The designated mental health professional ~~director of clinical services~~ may authorize the admission when a

psychiatrist ~~or medical provider~~ is not ~~readily available. on-site, and~~ The nurse will immediately notify the psychiatrist, or a physician if a psychiatrist is not available, and document the notification and any order/instructions in the electronic medical record. Psychiatrist or physician orders shall be obtained for youth admitted to the infirmiry within two hours of admission.

- (2) In obtaining psychiatrist or physician orders for youth experiencing a psychiatric crisis, nursing staff ~~provides should provide to~~ the psychiatrist relevant medical information such as current medications, vital signs, subjective or objective data (e.g., laboratory values), observations, and assessment. The psychiatrist or physician order ~~includes should include~~ instructions regarding any observations that nursing staff must make about the youth's mental status, as well as instructions for any other type of monitoring or medications that are to be administered.
 - (3) A Ph.D. level psychologist or psychologist associate (if a Ph.D. level is not available) evaluates will ~~evaluate~~ the youth at least once a day.
 - (4) Disposition (discharge or referral) ~~is will be~~ made by the psychiatrist or physician.
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7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Psychopharmacotherapy ACA: N/A	Effective Date: TBD Page: 1 of 2 Replaces: GAP.380.9191, 9/19/11, T-115
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RULE

(a) Purpose.

~~The purpose of this policy is to provide for the use of~~ This rule provides guidelines for using psychopharmacotherapy as part of an established treatment plan for Texas Juvenile Justice Department (TJJD) an established method of treatment for Texas Youth Commission (TYC) youth exhibiting symptoms of mental illness, mental disorder, or emotional distress in accordance with an established treatment plan.

(b) General Provisions.

Under no circumstances are tranquilizers, psychostimulants, or other psychotropic medications administered:

(1) for purposes of discipline, security, or control purposes;

(2) for experimental research; or

(3) as a sleep aid (unless sleep disturbance is related to a primary mental health diagnosis), or experimental research.

(c) Prescribing Psychotropic Medication.

(1) TJJD strives to ensure that prescribing psychotropic medication is a collaborative effort among the psychiatric provider, the youth, and the parent/guardian when feasible.

All discussions and/or notifications to the youth and/or the parent/guardian regarding treatment objectives, medication disadvantages, available alternatives, consequences of not following the recommended treatment plan, and potential medication side effects are documented in the youth's medical record.

During the intake and assessment process, the psychiatric provider may continue the medication after reviewing the youth's medical record and/or conducting a psychiatric evaluation. Indication for the psychopharmacotherapy must be documented in the youth's medical record.

~~(2) Unless psychotropic medication is being prescribed for purposes of ensuring continuity of care upon admission or transfer, psychotropic~~ Psychotropic medication may only be prescribed only as part of in accordance with an established treatment plan after a youth has received nursing, medical, and mental health screenings and evaluations. A previously prescribed medication may be continued upon TJJD admission or transfer to promote continuity of care in accordance with (c)(1).

~~(3) Psychotropic medication shall be~~ Psychotropic medication is shall be prescribed only to a youth who exhibits symptoms that meet criteria in the meets the current Diagnostic and Statistical Manual criteria for a psychiatric disorder. During the intake and placement process, a chart review, psychiatric evaluation, and/or psychotropic medication review shall be performed by the treating psychiatric provider prior to continuing, initiating, or changing a psychotropic medication order. Indication for the psychopharmacotherapy must be documented. Every effort will be made to ensure that prescribing of psychotropic medication is a collaborative effort between the psychiatric provider and the youth, necessitating, whenever reasonable or possible, the sharing of information such as treatment objectives, disadvantages, available alternatives, and side effects.

(43) The schedule and dosage of prescribed psychotropic medication are consistent with established community standards of care and nationally--accepted practice guidelines. If the schedule and dosage differ there is a departure from these standards or guidelines, the psychiatric provider must clearly document his/her rationale.

(54) Standing orders will not be utilized for prescribing psychotropic medication, except where psychiatric mid-level practitioners are used to provide services under a supervising psychiatrist. The use of standing orders shall comply with applicable state regulations.

(6) Psychotropic medication is prescribed in accordance with disease management guidelines and the formulary adopted for use by TJJ and the University of Texas Medical Branch – Correctional Managed Care (UTMB). The guidelines and formulary are developed and revised as needed by the TJJ/UTMB Pharmacy and Therapeutics Committee, consisting of psychiatrists, pharmacists, nurses, the TJJ medical director, and the UTMB mental health directors.

(d) **Psychotropic Medication Administration.**

(1) Psychotropic medication is administered orally. The preferred method of medication administration will be the oral route unless there is documentation of specific contraindications have been documented.

(2) Psychotropic medication may not be administered against the will of a youth except in a psychiatric emergency as specified in §380.9192 §91.02 of this title.

See HSP.06.09 for implementation procedures.

7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Involuntary Emergency Administration of Psychotropic Medication ACA: 4-JCF-4C-29, 4C-30, 4D-01	Effective Date: TBD Page: 1 of 2 Replaces: GAP.380.9192, 8/1/09, T-98
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RULE

(a) Purpose.

~~The purpose of this rule is to establish~~ This rule establishes criteria and procedure for the Texas Juvenile Justice Department (TJJD) to administer administering psychotropic medication to youth in TJJD TYC-operated high restriction residential facilities. ~~These criteria apply~~ in a psychiatric emergency when the youth cannot or will not give consent for the administration.

(b) Definitions.

~~See §380.9175 of this title for definitions of certain terms in this rule.~~

(c) References.

~~(1) For definitions pertaining to this rule, see §91.75 of this title.~~

~~(2) See §380.9723 §97.23 of this title for use of force procedures and approved techniques.~~

(d) Criteria for the Involuntary **Emergency** Administration of Psychotropic Medication.

(1) Psychotropic medication may be administered in an injectable form to a youth with a diagnosed mental health condition in a psychiatric emergency when the youth cannot or will not give consent ~~if the youth has a diagnosed psychiatric disorder and the youth demonstrates any of the actions listed below: one or both of the following criteria are met:~~

(A) imminent and substantial harm to self because ~~of overt the youth is overtly engaging in~~ behaviors that could result in bodily harm or death; or

(B) imminent and substantial physical harm to another because of acts the youth overtly commits.

(2) Only a facility psychiatric or medical provider ~~(under the direction of a psychiatrist) or physician as defined in §380.9175 of this title~~ may prescribe the involuntary emergency use of psychotropic medication.

(e) Restrictions for Administering Psychotropic Medication.

(1) Psychotropic drugs shall not be administered for ~~the purposes of~~ punishment or for program management or control. Pharmaceutical experimentation or research using TJJD TYC youth is strictly prohibited.

(2) Standing medication orders are prohibited in a psychiatric emergency.

(f) Emergency Commitment to a State Hospital or Admission to a Crisis Corsicana Stabilization Unit.

(1) TJJD initiates ~~For a youth who requires continued medication against his/her will,~~ commitment to a state hospital for a youth requiring compelled psychotropic medication will be initiated. See ~~§380.8769 §87.69~~ of this title for regarding state hospital commitment ~~procedures for commitment to a state hospital.~~

- (2) If the youth qualifies for admission to ~~a crisis stabilization unit~~~~Corsicana Stabilization Unit (CSU)~~, staff ~~shall~~ immediately ~~initiates~~~~initiate~~ an admission referral ~~to CSU~~. See ~~§380.8767 -§87.67~~ of this title regarding admission to ~~a crisis stabilization unit~~~~CSU~~.

(gf) **Notification.**

- (1) The facility administrator or designee ~~notifies~~ ~~will notify~~ the parent/guardian of involuntary administration of psychotropic medication as soon as possible following the action.
- (2) Psychiatric emergencies ~~are~~ ~~will be~~ reported in accordance with agency procedures for reporting serious incidents.

See HSP.06.10 for specific procedures for clinical staff.

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7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: TBD
Subchapter: Program Services	
Division: Health Care Services	Page: 1 of 1
Rule: Family Planning Services	Replaces: GAP.380.9193, 2/20/98, T-42
ACA: 4-JCF-4C-19	

RULE

- (a) ~~Purpose. The purpose of this rule is to establish~~ This rule establishes the ~~TYC's~~ role of the Texas Juvenile Justice Department (TJJD) in providing family planning education and services to ~~its~~ youth in TJJD-operated residential placements.
- (b) Family planning education ~~is will be made~~ available to youth in TJJD-operated ~~TYC operated~~ residential placements, ~~either on-site or~~ by referral to appropriate community agencies.
- (c) ~~If requested by a youth, family~~ Family planning services, (including ~~contraception, provision of contraceptive methods~~) will be made available ~~by referring him/her to appropriate community agencies when the youth is released from TJJD to youth in TYC residential placement.~~ placements at the time of their release by referral to appropriate community agencies, if requested by the youth.
- (d) ~~TJJD~~ ~~The TYC~~ staff will act as a liaison with community organizations ~~that to~~ provide comprehensive family planning services for ~~TJJD TYC~~ youth.
- (e) ~~Medical providers~~ ~~Physicians~~ paid, ~~either~~ directly or indirectly, by ~~TJJD do TYC~~ will not provide contraceptives to ~~TJJD TYC~~ youth as a family planning service.

DRAFT

Chapter: Rules for State-Operated Programs and Facilities
Subchapter: Program Services
Division: Health Care Services
Rule: Automated External Defibrillators

Effective Date: 8/1/09, T-98
Page: 1 of 2
Replaces: GAP.91.94
Dated: 3/15/05, T-69

ACA Standard(s): 4-JCF-4C-59

Reference: Health and Safety Code, Chapter 779

RULE

(a) **Purpose.**

The purpose of this policy is to establish procedures and guidelines for the operation, storage, maintenance, and training requirements associated with the use of Automated External Defibrillators (AEDs).

(b) **Applicability.**

This rule applies to employees at TYC-operated facilities, designated district offices, and the Central Office/Annex.

(c) **Definitions.**

Definitions pertaining to this rule are under §91.75 of this title.

(d) **General Provisions.**

- (1) The TYC medical director authorizes the acquisition of AEDs for placement at all TYC-operated facilities, designated district offices, and the Central Office/Annex.
- (2) Upon acquiring an AED, the chief local administrator or designee shall notify the local emergency medical services (EMS) provider of the existence, location, and type of AED.

(e) **Cardiac Chain of Survival.**

Cardiac chain of survival is the current treatment for sudden cardiac arrest that includes the following four steps:

- (1) Call 911 or facility gatehouse/control center and include notification that an AED will be used;
- (2) begin Cardiopulmonary Resuscitation (CPR);
- (3) provide early defibrillation; and
- (4) provide Advanced Cardiac Life Support (to be performed by EMS).

(f) **Restrictions for Use.**

- (1) The AED is to be used **only** if the person is unresponsive and has no pulse.
- (2) The AED is to be used **only** on persons over the age of eight years old.
- (3) The AED will provide voice prompts giving further instructions if it cannot read the cardiac rhythm due to improper electrode placement, motion of the person, low battery, or electromagnetic interference, etc.
- (4) The AED voice prompt **will not** instruct the user to shock the person if the person's cardiac rhythm does not warrant a shock or if the person's cardiac rhythm suddenly changes and shock is no longer indicated.

- (5) The AED voice prompts **will not** advise the user to shock the person if the person is experiencing a myocardial infarction.

(g) **AED Training.**

- (1) A qualified CPR/First Aid/AED TYC trainer or a qualified contracted trainer will provide American Red Cross (or an equivalent nationally recognized organization) CPR/First Aid training and instruction in the use of an AED to all TYC sole supervision staff annually. The facility administrator will designate staff to receive additional hands-on training on the use of AED.
- (2) All TYC staff are required to watch the AED training video annually. Training will include the location of the AED and be documented and maintained by the local training officer.
- (3) The AED training program is approved by the TYC medical director and the Texas Department of State Health Services in accordance with the Health and Safety Code, Chapter 779.

(h) **General Requirements.**

- (1) The AED shall be readily accessible to staff, but at no time shall an AED be accessible to TYC youth.
- (2) Each TYC-operated facility that houses youth, designated TYC district offices, and the Central Office/Annex will have an AED on-site.
- (3) The AED should be stored in a protective case at all times. The storage area should be free from water, dirt, extreme cold (less than 32 degrees F), and extreme heat (over 100 degrees F).
- (4) The following equipment should be stored with each AED:
- (A) carrying case;
 - (B) scissors;
 - (C) defibrillation pads (2 sets; each facility/district office will keep on hand an additional set of AED replacement pads);
 - (D) razor;
 - (E) towel;
 - (F) pocket mask; and
 - (G) latex disposable gloves.

For implementation procedures see INS.45.25.

7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Pregnancy and Abortion ACA: N/A	Effective Date: TBD Page: 1 of 1 Replaces: GAP.380.9195, 6/21/99, T-44
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RULE

- (a) ~~Purpose. The purpose of this rule is to establish the agency's~~This rule establishes the role of the Texas Juvenile Justice Department (TJJD) in ~~providing for managing~~ a pregnant youth placed in a TJJD-operated residential facility. ~~committed to Texas Youth Commission (TYC).~~ New commitment, recommitment, or revocation of a female in her seventh month of pregnancy is not encouraged by ~~TJJD/TYC.~~ Committing counties are encouraged to make arrangements for the youth's care until delivery of the child.
- (b) ~~Recognizing In recognition of the high risks associated with high-risk nature of~~ adolescent pregnancy and the importance of immediate prenatal care, TJJD ensures all female youth receive a pregnancy test when admitted to TJJD. ~~on admission to TYC.~~
- (c) The agency ~~provides shall provide~~ regular prenatal and post-natal care to pregnant youth. Care This care includes providing medical examinations, determining appropriate levels of activity ~~levels,~~ taking safety precautions, and monitoring nutrition. If the admission assessment process determines a pregnant youth is ~~determined to be~~ chemically dependent ~~through the assessment process at the time of admission,~~ the youth receives will receive appropriate care for the high-risk pregnancy in order to manage any addiction-related medical complications of the youth or ~~her child associated with the addiction.~~
- (d) A youth who is committed, recommitment, or had parole revoked during pregnancy ~~is will be~~ placed in a TJJD facility based upon the risks and needs appropriate to risk and need as determined by ~~the TJJD/TYC~~ centralized placement unit. Youth ~~receive will be provided~~ counseling and assistance in planning for the care of their ~~unborn~~ child after delivery. Youth are not allowed to house their children in TJJD-operated TYC-operated facilities.
- (e) Therapeutic measures may be required in instances of imminent or inevitable abortion, incomplete abortion, or missed abortion. Surgical procedures may be required to terminate ~~a the~~ pregnancy to preserve the life of the mother. Termination ~~of a pregnancy is will be~~ allowed as a therapeutic measure when necessary; however, two physicians must provide a written documentation of need. ~~must be provided by two physicians.~~ Written documentation may be provided by the facility physician and an obstetrician or family practitioner.
- (f) ~~TJJD neither TYC will neither provide~~ funds ~~for nor allows~~ contract medical providers to perform an induced, non-therapeutic abortion, solely for the purpose of terminating a normal pregnancy except as provided in (h). ~~on any female committed to the TYC.~~
- (g) Upon request, ~~TJJD TYC~~ personnel may direct a youth requesting a non-therapeutic abortion ~~services~~ to available resources. The youth or youth's parent/guardian will be responsible for arranging appointments and paying for all services related to the abortion except as provided in (h).
- (h) If pregnancy results from an incident described in §380.9337 of this title or from a sexual assault in any lockup or juvenile facility, TJJD pays for all services related to a requested abortion.

7/29/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: Acquired Immune Deficiency Syndrome /HIV/AIDS ACA: 4-JCF-4C-25	Effective Date: TBD Page: 1 of 3 Replaces: GAP.380.9197, 1/15/11, T-107
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RULE

(a) Purpose.

~~The purpose of this rule is to provide~~ This rule provides for a safe and healthy environment for youth in Texas Juvenile Justice Department (TJJD) ~~Texas Youth Commission (TYC)~~ residential facilities by offering regarding HIV/AIDS education, testing, and counseling/treatment and by ensuring compliance with confidentiality, and reporting laws, and counseling/treatment. Each youth ~~Every individual~~ is treated equally, and every ~~youth's individual's~~ right to privacy is respected.

(b) Definitions.

- (1) **AIDS**--Acquired ~~i~~mmune ~~d~~eficiency ~~s~~ynndrome as defined by the ~~United States~~ Centers for Disease Control and Prevention (CDC).
- (2) **HIV**--Human ~~i~~mmunodeficiency ~~v~~irus.
- (3) **Test Result**--Any statement indicating that indicates that an identifiable individual has or has not been tested for ~~AIDS or~~ HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS. This includes, including a statement or assertion that the individual is positive, negative, at risk, or has or does not have a certain level of antigen or antibody.

(c) Testing.

- (1) Testing for HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS is part of routine laboratory testing performed when a youth is admitted upon admission to TJJD TYC and does not require a specific consent form.
- (2) ~~Except as provided by law, youth~~ Youth have the right to refuse HIV testing in writing, including routine HIV testing performed during admission, except as provided by law.
- (3) HIV/~~AIDS~~ testing ~~is not shall not be~~ performed routinely as a result of an assault.
- (4) HIV/~~AIDS~~ testing may be performed on a youth only when: under the following circumstances only:
 - (A) admitted to TJJD Upon admission to TYC;
 - (B) requested by the youth Upon request and/or with the youth's consent by the youth after his/her admission to TJJD TYC;
 - (C) ~~As~~ compelled by court order, following a request made by TJJD staff in accordance with Health and Safety Code §81.050 and agency policy relating to occupational exposure to reportable diseases, including ~~HIV/AIDS/HIV~~ infection and AIDS; and/or
 - (D) directed by Pursuant to a warrant obtained by the Office of Inspector General or other law enforcement entity.
- (5) Blood may be collected for HIV testing only by nurses, medical providers, or ~~by~~ the Texas Department of State Health Services (DSHS) or its local testing designee.

- (6) Post-test counseling ~~is shall be~~ provided for youth with positive HIV/AIDS test results. Pre-test counseling ~~is shall be~~ provided for any HIV test conducted after admission to TJJD TYC.

(d) **Confidentiality.**

HIV/AIDS test results or a youth's HIV/AIDS status are confidential and may not be released or disclosed except to:

- (1) the TJJD TYC medical director;
- (2) the TJJD TYC director of nursing;
- (3) a physician, nurse, or other health care personnel who has a legitimate need to know the information ~~in order~~ to provide for the youth's health and welfare;
- (4) the youth's parent/guardian if the youth is under age 18 years of age or with the youth's consent if the youth is ~~over 18 years of age~~;
- (5) any medical professional with a signed release from the youth or the youth's parent/guardian, as appropriate. The ~~written consent release~~ must ~~specifically~~ state that HIV test results are to be released;
- (6) a TJJD TYC employee for a result obtained in accordance with Health and Safety Code §81.050 and subsection (c)(4)(C) of this section; or
- (7) ~~pursuant to law~~, any person with a legal right pursuant to law to obtain the information.

(e) **Reporting.**

As required by state law, TJJD TYC reports any AIDS cases or ~~the~~ HIV positive status positivity of a youth diagnosed by a physician in accordance with ~~the~~ CDC standards to the appropriate DSHS authority through the facility medical provider.

(f) **Housing.**

HIV positive youth ~~are not will not be~~ segregated from the general population based solely on positive HIV status. Housing assignments are made in accordance with ~~§380.8524 §85.24~~ of this title.

(g) **Treatment.**

HIV positive youth ~~are will be~~ referred immediately to appropriate health care facilities or specialists for further evaluation, treatment, and counseling.

(h) **Access to Services.**

Youth in TJJD TYC facilities ~~are not shall not be~~ denied equal access to appropriate medical services because of their HIV/AIDS/AIDS/HIV status.

(i) **Education.**

- (1) TJJD TYC provides educational information to youth ongoing training regarding HIV/AIDS as follows to youth.

(A) All youth participate in an education session when admitted to TJJD.
~~upon admission to TYC.~~

(B) Education may continue as part continues as a routine segment of the academic program.

~~(C) Medical staff educate youth as indicated and/or requested.~~

(2) HIV/AIDS education for youth is based ~~upon~~ current, accurate scientific information provided by officially ~~-~~recognized authorities on public health. Information is communicated in a manner that youth comprehend and is sensitive to cultural and other differences.

(3) Education programs address topics including, but not limited to:

(A) disease and disease process;

(B) signs and symptoms;

(C) modes of HIV transmission, including high ~~-~~risk and criminal behaviors that are ~~a~~ potential risks ~~s~~ for HIV transmission during confinement and after release;

(D) methods of ~~preventing prevention of~~ HIV transmission; ~~and~~

~~(E) infection control procedures;~~

~~(F) comprehensive services available including treatment;~~

~~(G) confidentiality of medical information and the civil and criminal penalties for failing to comply- adhere.;~~ ~~and-~~

~~(H) occupational precautions.~~

(j) **Training.**

(1) All TJJD direct ~~-~~care staff ~~receives~~ ~~receive~~ training initially ~~during at~~ orientation and annually ~~thereafter~~ ~~for review~~.

(2) Staff at TJJD district offices and Austin Central Office receive educational ~~information pamphlets-~~ annually.

See HSP.07.04 for implementation procedures.

7/28/14 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Healthcare Services Rule: Four-Point Restraints for Medical and Mental Health Purposes ACA: 4-JCF-2A-18(M), 4C-47(M) Statute(s): N/A	Effective Date: TBD 4/1/14 Page: 1 of 4 Replaces: GAP.380.9198, 4/1/14 11/1/14
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RULE

(a) Purpose.

This rule establishes the criteria, procedures, and limitations for use of four-point restraints when used for medical or mental health purposes.

(b) Applicability.

- (1) This rule applies to all residential facilities operated by the Texas Juvenile Justice Department (TJJD) that are authorized to administer four-point restraints.
- (2) This rule applies only to four-point mechanical restraints. For all other types of restraint used for medical or mental health purposes, provisions of [§380.9723](#) of this title apply.

(c) Additional References.

For criteria ~~and procedures~~ on administering a psychotropic drug in a psychiatric emergency when a youth will not give consent for the administration, see [§380.9192](#) of this title.

(d) Definitions.

For definitions of terms used in this section, see [§380.9175](#) of this title.

~~(1) — Designated Mental Health Professional — has the meaning assigned by [§380.9187](#) of this title.~~

~~(2) — Four-Point Restraint — a professionally manufactured and commercially available restraint chair or bed designed to secure both arms and both legs to the chair or bed with cloth or leather straps.~~

~~(3) — Medical Provider — a:~~

~~(A) — Texas licensed physician; or~~

~~(B) — Texas licensed mid-level practitioner, such as a nurse practitioner or physician assistant, acting under the authorization of a physician.~~

~~(4) — Mental Health Professional — has the meaning assigned by [§380.9187](#) of this title.~~

~~(5) — Psychiatric Provider — a:~~

~~(A) — Texas licensed psychiatrist; or~~

~~(B) — Texas licensed psychiatric physician assistant or psychiatric nurse practitioner acting under the authorization of a psychiatrist.~~

(e) General Provisions.

- (1) Four-point restraints may only be used for medical or mental health purposes as described by this rule. Four-point restraints may not be used for any other purpose.
- (2) Restraint equipment used for medical or mental health purposes must be used only in a manner consistent with its intended design and purpose.
- (3) Only restraint equipment approved by the executive director or designee may be used in TJJD facilities.

- (4) TJJD staff who ~~will may be expected to~~ participate in the application of four-point restraints or monitoring, managing, or approving the restraint must receive special training and may not participate in its implementation until the training has been received. The training will include proper use and application of restraint devices and applicable TJJD policies and guidelines regarding the implementation, documentation, and possible continuation of the restraint.
- (5) If facility resources are not sufficient to support the procedural requirements specified in this rule, four-point restraints must not be used.
- (6) A medical provider must be consulted prior to placing a youth in a four-point restraint device if the youth is pregnant or has a seizure disorder or any other medical condition that contraindicates such restraint.
- (7) The facility administrator or designee must ensure that the parent/guardian of a youth placed in a four-point restraint is notified within 24 hours after the restraint is initiated.

(f) **Four-Point Restraints for Medical Purposes.**

(1) **Authorized Facilities.**

Four-point medical restraints are authorized only at high restriction facilities that:

- (A) operate an on-site infirmary; and
- (B) have been authorized by the executive director or designee to administer four-point restraints.

(2) **Criteria for Use.**

Medical restraints may be used only to administer medical treatment to a resistant youth when failure to administer the treatment could have serious health implications as determined by a physician or mid-level practitioner (such as a nurse practitioner or physician assistant).

(3) **Authorization for Use.**

- (A) Only a medical provider may order a medical restraint. The order must be based upon a determination that:
 - (i) all appropriate, less restrictive interventions have proved unsuccessful in controlling the youth's behavior to a degree that would allow the medical treatment to be administered; and
 - (ii) transfer to a local emergency room or other appropriate facility is not immediately feasible.
- (B) An order for medical restraint must specify the type of restraint to be used, duration of the restraint, any special instructions, and justification for the restraint.
- (C) Prior to the expiration of the first hour, a registered nurse must contact the medical provider to develop a treatment plan, if the restraint is still needed. The treatment plan must include transfer to a local emergency room or other appropriate facility if the need for restraint exceeds one hour.

(4) **Procedural Requirements.**

- (A) A medical provider or nurse must be present during the application of restraints.
- (B) Youth are provided:
 - (i) 15-minute checks by healthcare staff to assess the youth's condition, including circulation, position, and open airway. Such checks must be documented in the youth's medical record;

- (ii) range-of-motion exercises performed by a nurse at least every 30 minutes for a period of at least five minutes;
 - (iii) regularly scheduled meals and drinks;
 - (iv) continuous visual supervision by staff; and
 - (v) opportunities for elimination of bodily waste as needed.
- (C) A medical restraint must be terminated upon a determination by the medical provider that the youth's behavior no longer justifies application of medical restraints or expiration of the provider's order, whichever occurs first.

(g) **Four-Point Restraints for Mental Health Purposes.**

(1) **Authorized Facilities.**

Four-point mental health restraints are authorized only at facilities designated by the executive director or designee.

(2) **Criteria for Use.**

- (A) Four-point restraints for mental health purposes are authorized for use only when the restraint is necessary to prevent serious self-injury and all appropriate, less restrictive interventions have proven unsuccessful in controlling the youth's self-injurious behavior, as determined by a designated mental health professional or a psychiatric provider.
- (B) The restraint must be terminated as soon as the youth's behavior indicates the threat of imminent self-injury is absent, as determined by a designated mental health professional or psychiatric provider.

(3) **Authorization to Initiate and Continue Restraint.**

- (A) Only a designated mental health professional or a psychiatric provider may authorize the initiation of a mental health restraint.
- (B) At least one staff member trained specifically in mental health restraint techniques must be involved in the application of the restraint. If at least one trained staff member is not available, the restraint may not be used.
- (C) Before the end of the first hour of restraint, the designated mental health professional or psychiatric provider must determine whether to continue the restraint.
- (D) Before the end of the second hour of restraint:
 - (i)- a mental health professional must conduct a face-to-face assessment of the youth; and
 - (ii) the designated mental health professional or psychiatric provider must determine whether to continue the restraint.
- (E) Before the end of the fourth hour of restraint and at least once every four hours thereafter:
 - (i) a mental health professional must conduct a face-to-face assessment of the youth;
 - (ii) the designated mental health professional and psychiatric provider must be notified of the youth's status; and
 - (iii) the designated mental health professional or psychiatric provider must determine whether to continue the restraint.
- (F) No order or approval for mental health restraint may be in force for longer than eight hours without consultation with a psychiatric provider.

- (G) No order or approval for mental health restraint may be in force for longer than 12 hours without:
- (i) direct observation of the youth by the designated mental health professional;
 - (ii) a written order to extend the restraint from the psychiatric provider; and
 - (iii) written instructions from the designated mental health professional regarding continued assessments and monitoring.

(4) **Procedural Requirements.**

- (A) A specially trained, on-site staff member must manage the entire restraint incident. Duties of this staff member include:
- (i) ensuring policy and procedure are followed;
 - (ii) notifying the designated mental health professional or psychiatric provider of any significant changes in the youth's behavior;
 - (iii) ensuring required documentation and notifications are completed; and
 - (iv) assigning one or more staff members to:
 - (I) provide continuous supervision of the youth for the duration of the incident;
 - (II) document the youth's behavior and emotional state; and
 - (III) facilitate communication between all staff members involved in the restraint.
- (B) Staff must ensure the youth's personal dignity by providing a protected environment and as much privacy as possible.
- (C) Youth must be provided:
- ~~(i) regular checks, performed by a nurse, of the physical condition of the youth and the placement of the restraints within the first 30 minutes and every hour during the restraint;~~
 - ~~(ii) regular checks, performed by a nurse, of the youth's physical condition and placement of the restraints, along with an assessment of circulation, position, and open airway checks at least every 15 minutes by healthcare staff;~~
 - (iii) an opportunity for range of motion exercises at least every 30 minutes for a period of at least five minutes by trained staff;
 - ~~(iiiiv)~~ regularly scheduled meals and drinks;
 - (iv) opportunity for elimination of bodily waste at least once every two hours; and
 - ~~(vi)~~ continuous visual supervision by staff.
- (D) The designated mental health professional, in consultation with a psychiatric provider if indicated, must develop a detailed plan for clinical follow-up, which may include referral to a TJJD stabilization unit or state hospital if the youth meets criteria in [§380.8767](#) or [§380.8769](#) of this title.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO SUBMIT A RULE REVIEW NOTICE, PROPOSED REVISIONS, AND A PROPOSED REPEAL WITHIN 37 TAC §380.9113, §§380.9175 - 380.9186, and §§380.9191 - 380.9198 TO THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **22nd day of August, 2014**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott W. Fisher					
John Brieden III					
Joseph Brown					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
MaryLou Mendoza					
Rene Olvera					
Laura Parker					
Jimmy Smith					
Calvin Stephens					
Melissa Weiss					
Motion:			Second:		

where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and make an assessment of whether the reasons for initially adopting the rule continue to exist; and

WHEREAS, the Medical Services Division staff has completed this review for the above-referenced rules in 37 TAC Chapter 380 (Rules For State-Operated Programs and Facilities); and

WHEREAS, the staff recommends the repeal of §380.9194; and

WHEREAS, the staff recommends revisions to §380.9113, §§380.9175 - 380.9186, §§380.9191 - 380.9193, and §§380.9195- 380.9198; and

WHEREAS, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days' notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

NOW, THEREFORE BE IT RESOLVED THAT the Board grants approval to publish proposed revisions to 37 TAC Chapter 380 and a proposal to complete the rule review for the above-referenced rules in the *Texas Register* for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 22nd day of August, 2014.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



Texas Juvenile Justice Department

Finance and Audit Committee Meeting

11209 Metric Blvd., Building H, Austin, Texas 78758

Thursday, June 26, 2013– 1:00 p.m.

BOARD MEMBERS PRESENT:

Calvin Stephens, Committee Chairman

Jane King

Scott W. Fisher, Board Chairman

The Honorable Judge John Brieden

EXECUTIVE STAFF PRESENT:

David Reilly, Interim Executive Director

Mike Meyer, Chief Financial Officer

Chelsea Buchholtz, General Counsel

Elaine Mays, Chief Information & Technology Officer

Teresa Stroud, Sr. Director of State Programs & Facilities

Rajendra Parikh, Medical Director

Roland Luna, Inspector General

OTHER GUESTS PRESENT:

Art Hinojosa, TJJD

Carolyn Jackson, TJJD

Clynisse Smith, TJJD

Deidre Hernandez, TJJD

Estela Medina, Travis JPD

Jeannette Lepe, TJJD

John Isle, TJJD

Kati Kieffer, TJJD

Karen Kennedy, TJJD

Katrena Plummer, TJJD

Kenneth Ming, TJJD

Kevin DuBose, TJJD

Kevin Niemeyer, LBB

Matthew Segura, TJJD

Rebecca Thomas, TJJD

Susan Humphrey, Bell JPD

Sarah McCleary, TJJD

Stephanie Melot, TJJD

Call to order

Committee Chairman Calvin Stephens called the meeting to order at 1:00 p.m.

Excused Absences

There were no absences.

May 29, 2014 Meeting Minutes

Board Chairman, Scott W. Fisher moved to recommend approval of the meeting minutes. The Honorable Judge John Brieden seconded. The motion passed.

Updates from the Chief Information and Technology Officer

Elaine Mays, Chief Information & Technology Officer, presented this informational report. The Information and Technology Department (IT) continues to move forward on current projects. The Juvenile Correctional Management System (JCMS) team has successfully completed another roll-out bringing the total of counties, now online, to 105 out of 166 and the Government Funded Systems project is 98 percent completed to meet the June 30th deadline.

In response to a question by Mr. Stephens, Ms. Mays stated this will complete the upgrade of the systems still running on the legacy Windows XP that was accounted for in the grant project. IT is in the process of closing out the House Bill 2738 project and finalizing with the Texas Department of Information Resources (DIR). This addresses the legacy software and hardware throughout the entire agency. DIR will submit the final report to Legislators in October 2014.

Jim Southwell, Deputy Chief Information & Technology Officer, responded to a question the Board had asked at the May 30th TJJJ Board Meeting, regarding the custom software application environment overview and whether these would be built in-house or purchased externally. The IT Division is still in the review process to identify what those functions are and how they would be integrated. There are over 100 applications in use on a daily basis. They are broken down in administrative and human resources applications, financial services applications, county focused applications, investigative & monitoring systems, state youth management and web services.

Approximately 60 percent of the applications identified in the report are considered out dated tool kits. This is a long involved process since they have evolved over a number of years. In a response to a question asked by Judge Brieden, Mr. Southwell stated there are five main development platforms in our current environment that need to be replaced including the mainframe. This is the oldest and currently where our financial and correctional care systems operate.

In addition to those environments there are a couple of others where we are using a system called the Public Information Education Management Systems (PIEMS), from the Texas Education Agency (TEA), and the Noble system, from the Noble Software Group, as an assessment tool for the youth.

In a response to a question from Mr. Stephens, Mr. Southwell stated due to the merging of the two legacy agencies (TJPC and TYC), our staffing level puts us in an operational support model.

In a response to a question from Mr. Stephens, Ms. Mays stated additional staffing in IT has been requested in the Legislative Appropriations Request (LAR).

Updates from the Chief Financial Officer

Mike Meyer, Chief Financial Officer, presented this informational report. At the close of the 3rd quarter, the financial report shows TJJJ's institutional population was slightly below projections. The institutional population began the year at a much higher level and has since decreased and stabilized at its present level. The year to date population figure remains slightly above projections which reflects the downward trend. The year to date figure continues to slowly decrease and may converge, or nearly converge, on the projected figure by the end of the year. When agency grants are excluded, Agency expenditures through the end of the 3rd quarter were within expectations hovering around 75percent.

The amended budget has been adjusted to no longer include the \$2.8 designated to carry forward in FY15. Although that approval is still pending, removal of these dollars from the budget will give a more accurate picture of where agency expenditures stand relative to the projected available funds. TJJJ has fully paid its annual State of Risk Management (SORM) obligation of over \$4 million. Payment of the annual obligation slightly skews upward the general revenue expenditure percentage. Overtime expenditures remain below the FY12 expenditures but above the FY13. Finance staff continues to work with operation staff to identify the causes of this trend and possible solutions while identifying funds from among salary dollars to pay the overtime cost each month.

The remainder of the report provides greater detail at the strategy level and based on program method of finance and other categories. The data underlying the third quarter report will provide the bases for addressing any remaining unbudgeted needs through the end of the fiscal year. Finance staff is still in the process of determining the Agency's capacity to meet those needs but it will be less than we were able to accomplish in 2013.

Work also continues on the FY15 operating budget and staff is finalizing a draft of budget reviews for department heads. These will roll-up into the overall agency budget for Board members review when approving the LAR's. Base Reconciliation materials have been submitted and currently under review. Approval of these materials will set the agency's general revenue limits for FY16-FY17. The full LAR is due August 18th which is the Monday before our next scheduled Board meeting. Staff has alerted the Legislative Budget Board (LBB) to this timing issue and awaiting their guidance. The agency's request for carry forward authority is still pending as is the request for bond financing. The bond financing has been approved by the Texas Public Finance Authority (TPFA) and currently under review by the Bond Review Board.

Probation departments were provided an opportunity to request supplemental funding and TJJJ recently awarded over \$500,000 in supplemental funding. These dollars primarily target placement needs and JCMS deployments. In the case of placement requests staff examined budgeted and expended data from counties to determine their degree of need and then prioritized their request based on that evaluation. Since all requests could not be granted staff is preparing for a final round of supplemental funding based primarily on the use of de-obligated funds. The addition to the state financial assistance contract requested counties establish their need for the final payment in advance so if they did not require those payments, they could be repurposed to other counties who need funding.

In response to a question asked by Mr. Stephens, Mr. Meyer stated we are looking at a final round of supplemental funding in the vicinity of \$500,000 to \$700,000.

In response to a question asked by Mr. Stephens, Mr. Meyer stated it has not been the Agency's historical practice to move funding out of Goal A, which is a probation strategy, and can only be done with approval from the LBB.

Report and discussion on exceptional item development for the 2016-2017 Legislative Appropriations

Request

Mr. Meyer presented this informational report. The exceptional item list is a result of an extensive process that started with a division needs survey. Information from that survey was used in the budgetary needs section of the strategic plan and was followed up with a more detailed survey of proposed exceptional items. Proposals were discussed and considered by the Executive Management Team (EMT) and evaluated through a prioritization and funding level survey completed by EMT staff. Based on feedback, the individual proposals were prioritized, grouped as appropriate and a funding level was established for each item.

The items are in draft form and presented for discussion and consideration and will continue to be refined and reworked based on your direction and the feedback of key leadership offices. The final list will be approved by the Board in conjunction with the entire LAR at the end of the summer and detail on each item is provided in the Board packet. At the bottom of the pages in the packet you will see an item number that refers to its placement on the list and the letter references if the item has more than one component.

Item 1 would request funding for the operation of the Agency's headquarters. Amounts requested are based on information from the Health and Human Services Commission (HHSC) on the current cost of operations with adjustment for moderate inflation. The request also includes one Full Time Equivalent (FTE) for management and maintenance for the building.

In response to a question asked by Judge Brieden, Mr. Meyer stated the agreement with HHSC was they would help us with the cost of the building or until we secure an appropriation for that purpose, however the implication was it was only limited to FY14 and FY15.

In response to a question asked by Ms. Jane King, Mr. Meyer clarified the FTE would manage this building, fleet and warehouse activities for the entire agency. This item is more expansive than just the maintenance at the Braker H location.

Item 2 would request funding for IT capital purchases. The amount of this item has been revised to approximately \$10.7 million and IT staff has re-established priorities within that amount. The feedback from the EMT staff, regarding IT requests was essentially that IT is in the best position to prioritize the requests

within a dollar amount that the team felt was reasonable. This excludes repairs and replacement of video surveillance system and radio equipment at facilities.

In response to a question asked by Mr. Stephens, Ms. Mays stated in the initial request, there was a request for FTE's for IT. Mr. Stephens expressed deep concern for the lack of FTEs included in the IT item of the exceptional item list. He encouraged staff to take another look at the needs of the agency from an IT perspective and make sure that those needs are adequately addressed in the exceptional item request. He mentioned that the agency has received guidance from Gartner, DIR, the IT department and others that reflects the need for additional FTEs and that to ask for zero FTEs seems to be illogically dismissing that guidance.

Additionally, Mr. Stephens made the following statement, which he requested to be included in the record. "Let me just say this for the record, so everybody understands me, I'm not just fighting for IT, I'm fighting for a system and some improvements that will have a global impact over our whole agency. And I just happen to have a little bit better focus on IT than my colleagues who are working with the field. So I'm focusing on what I know and what I know if we don't fix IT and fix the things IT impacts then we're going to have a problem. I don't know about what the JCO's do and all that other stuff. I know what I read but I know IT because I deal with IT all the time and so my role here on this Board is to talk about stuff that I know. And what I know is where we are now is not working, what I know is that if we go forward with a budget that does not include additional people, that has been recommended by the premiere, foremost consultant on IT, and we don't have people on there, then we have a problem, for the record."

In response to a question asked by Judge Brieden, Mr. Meyer stated all requests were trimmed down and the Board will determine what will be requested.

Item 3 would increase Juvenile Correctional Officer (JCO) staffing to meet best practices for staffing ratios and also in preparation for compliance with the new Prison Rape Elimination Act (PREA) standards. The dollar in FTE amounts for this item are in flux because the need will be based on whatever staffing level the Agency's able to achieve in base funding.

In a response to a question asked by Judge Brieden, Mr. Meyer stated the request for 74 additional JCO's is a draft number. Mr. Meyer also stated since the new standards do not go into effect until the end of the biennium the discussion around this item was not just about the specific standards going into effect but about addressing some issues we've been facing with additional front line staff.

In response to a question asked by Chairman Fisher, Mr. Meyer responded once an item has been funded, it becomes part of the base. The only things that get removed from the base are one time capital purchases unless there is a determination the agency needs an ongoing capital budget for that purpose then it would move forward.

Item 4 combined two types of support for youth re-entering the community. Establishing a family licensed therapist at each Parole office and expanding existing workforce re-entry programming in the Education department. Based on updated information, staff would like to suggest eliminating the first part of the request and believes it may be achievable by using existing resources, changing contracts, etc. However the second piece we recommend consolidating with item 6.

Item 5 would request funding to enhance training throughout the juvenile justice system. The request for FTE's for this position is increased to 4 with one position housed in Austin to develop curriculum and materials and three positions traveling throughout the field to assist with program development and evaluation. Training would concentrate on smaller departments in particular on how to pull resources with neighboring counties to enhance services.

Item 6 combines several enhancements to education services. One component is a joint initiative with state facilities and education and would develop teams of special education teachers and JCO's. This is in order to provide continuity regarding education services to youth in security or redirect. At present youth in those circumstances may go without instruction for a period of time which could lead to possible compliance issues with the Texas Education Agency (TEA). The remainder of the item is additional instructors and support personnel within the Education department.

Item 7 would provide additional funding to probation departments or make additional funding available and target towards specialized programs, prevention intervention and community based programs and commitment diversions. This list does not include basic probation services due to the Legislature moving

towards a formula-based funding for basic probation whereas the program areas such as prevention intervention, community based programs and commitment diversions are not formula driven.

Item 8 is a capitol item and related to vehicle replacement. The majority of our fleet currently has over 100,000 miles and some over 200,000 miles. The dollar amount was chosen based on a four year cycle replacing the fleet and could be extended or shortened based on how the Board feels about the dollar amount. Some vehicles were replaced in this biennium through a separate grant however we do not have any funding in our budget for ongoing fleet management.

Item 9 will implement the Human Resources (HR) portion in the Central Accounting Payroll/Personnel System (CAPPS). Agency staff met with CAPPS staff to discuss the feasibility and cost of deploying CAPPS HR in the next biennium. This may not be feasible but we are awaiting additional information. In terms of the cost, the number provided is a place holder based on what it would cost the agency to implement the financial modules. Once we receive information back from the comptroller's team we will see where we're at and what the best option is in terms of affordability and timing.

In response to a question asked by Judge Brieden, Mr. Meyer responded the decision point is whether we continue to use KRONOS in full or if we are able to go to some kind of hybrid where we have CAPPS HR and the timekeeping portion of KRONOS or if CAPPS HR eventually develops a more advanced timekeeping system and then we'd be fully on CAPPS HR.

Item 10 is a request by the Office of the Inspector General (OIG) for additional staff and related equipment and additional salary dollars to establish Schedule C Parity. Unlike the request from other divisions, OIG requests were included in full and prioritized based on initial feedback from the EMT, however since the Inspector General reports to directly to the Board, staff recommended this be a separate discussion and the Board would establish the priority level of those requests.

Item 11 captures capital repairs and rehabilitation related to life safety requirements and replacement and/or repair of radio communication and video surveillance systems at state facilities. The agency makes a similar request like this at each session and the dollar amount is less than what we've asked for in the past but only includes the five active facilities. If we receive direction to include all six facilities then the amount would go up.

Item 12 also relates to capital needs at facilities. However this is new construction, specifically additional vocational and general instruction space, establishing WI-FI capabilities and expanding training and HR facilities outside of the fence. Although it is a capital general obligation bonded fund item, this is separated from the repair and rehabilitation item since this is new as opposed to deferred maintenance.

In response to a question by Mr. Stephens, Chief Luna stated it is important for the Board and EMT staff to find a way to prioritize these items and make a greater impact for what our interests are. Prior to 2013 OIG strictly focused on investigations and oversight of the Incident Reporting Center (IRC). OIG continues to be more active in the agency by assisting with status checks and playing a significant role in visitation. OIG staff has also assumed responsibility of representation of the Texas Violent Gang Taskforce, as well as helping with the contraband detection in the interception divisions.

OIG continues to balance their focus of investigations, apprehension and oversight of the Incident Reporting Center (IRC) while assuming additional responsibilities that assist with safety and security. If safety and security is enhanced then staff can focus more on programming, needs of youth, re-entry services and all other agency programs. This request is not just for FTE's but how OIG can be a positive influence on the agency while addressing our focus on safety and security in the OIG strategy.

In response to a question asked by Ms. King, Chief Luna stated there were stale cases we were able to complete but over the last two years, there has been an increase in cases retained for criminal investigation, although those investigations are not being accepted for prosecution, it doesn't negate the fact the number is growing. If that rate continues, OIG does not have the staff to keep up.

In response to a question asked by Chairman Fisher, Chief Luna stated the request for new vehicles would be for the new FTE's in the event this is funded.

In response to a question asked by Chairman Fisher, Chief Luna stated in 2007, when the OIG was created, staff hired were hired under the schedule C pay scale. At that time we were not able to maintain pace with the scheduled increase other law enforcement agencies received which was approximately a 20 percent pay increase, over the biennium, in the last session.

Discussion, consideration and possible approval regarding contract items requiring Board approval

- a) **Associated Marine Institute Kids (AMIKids)**
- b) **Byrd's Foster Group Home**
- c) **Gulf Coast Trades Center**
- d) **National Mentor Healthcare, dba Texas Mentor**
- e) **Rite of Passage**
- f) **Specialized Alternatives for Families and Youth**

Mr. Kenneth Ming, Director of Business Operations, presented this action item. Staff respectively requests the Board to approve the Interim Executive Director to execute these contract amendments for renewals. Ms. King moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

Audit status on project completion and performance measures

Mr. John Isle, Audit Manager, presented this informational item. The report covers the projects that have been completed to date and breaks it down by mandatory audits, discretionary, other projects and additional ongoing requests and when they were reported to the Board.

The community relations and gang intervention program is in the last stages. The risk assessment is winding down and Audit is seeking input from all Board members as well as agency management. The Semi-Annual Follow-Up Report is in the last stages as well. All these are projected to be reported to the Board at the August Board meeting.

There are several pending projects that are projected to start in July. The report on the performance measures, to date, includes the percentage completed of the 2014 Audit plan. Staff plans to have this completed by the October Board meeting. Staff expects to meet the goal of completing the Percentage of High Risk Areas Audit by the August Board Meeting.

Discussion, consideration and possible approval of the delegation of authority to the interim executive director to transfer certain real property not currently utilized by TJJD

Ms. Vanessa Burgess, Staff Attorney, presented this action item. At the January Board meeting, members passed a resolution allowing the transfer of the Gatesville Facility to the Texas Department of Criminal Justice (TDCJ). Subsequent conversation with senior counsel at the General Land Office, however, advised a different approach by correcting the original deed. Staff will document the reason for the correction Staff is requesting delegation of authority for the Interim Executive Director to execute the original deed since there is no record of this happening. Judge Brieden moved to recommend approval by the full board. Mr. Stephens seconded. The motion passed.

Adjourn

The meeting was adjourned at 2:50 p.m.

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director
Elaine Mays, Chief Information & Technology Officer

Subject: Updates from the Chief Information & Technology Officer

Date: August 6, 2014

This memo is for informational purposes; no formal Board action is required.

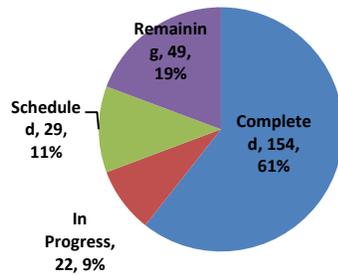
IT Operations & Applications Status Report

The following are the significant occurrences that took place during June & July, 2014:

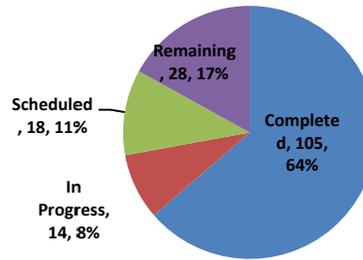
- 1) **Legacy System Study (House Bill 2738, 83rd Texas Legislative Session):** Like most other agencies, TJJJ is participating in a legacy system study of hardware and software applications used across the state. House Bill 2738 required the Texas Department of Information Resources (DIR) to conduct the study in close collaboration with State of Texas agencies. TJJJ has successfully completed all requirements to date and is awaiting the agency summary reports from DIR and the overall cumulative reporting that will be provided to the Legislature in October.
- 2) **Gartner Security Assessment follow-up:** Work continues on all the short-term initiatives identified in the recent Gartner Security Assessment. Research is progressing on application assurance standards, 2-factor authentication, application inventory & system administration procedures and to further evolve the change management process.
- 3) **JCMS Implementations:** Five additional juvenile departments were brought online at the end of June. These departments completed the 3-month migration process transferring from their legacy Caseworker to JCMS.Basic with no significant issues.

With the addition of these departments, the total number of probation departments using the production version of JCMS.Basic/TechShare.Juvenile stands at **105**, which represents **154** Texas counties. An additional 30 juvenile departments covering 44 Counties are scheduled for migration throughout the remainder of 2014.

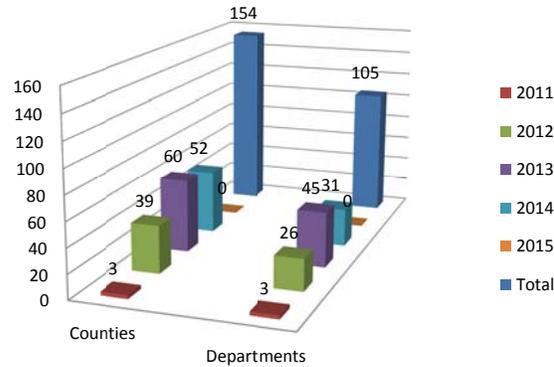
**Implementation Status:
County Perspective**



**Implementation Status:
Department Perspective**



**Yearly totals - by County &
Department**



- 4) **Secure E-mail exchange with UTMB:** Information Technology staff has completed work with the UTMB technical staff to implement a secure e-mail channel between the two organizations. The configuration now encrypts any e-mail exchanged between TJJD and UTMB which better protects youth identification and diagnostic information with no additional effort required on the part of the medical staff.
- 5) **Refinement of Secure VPN connectivity:** In an effort to improve the usability and integrity of the secure connections used by UTMB Medical staff and Parole contractors to access agency technical resources, improvements were recently made to the agency's Secure VPN (SSLVPN) service. The updates included a streamlined landing page used by

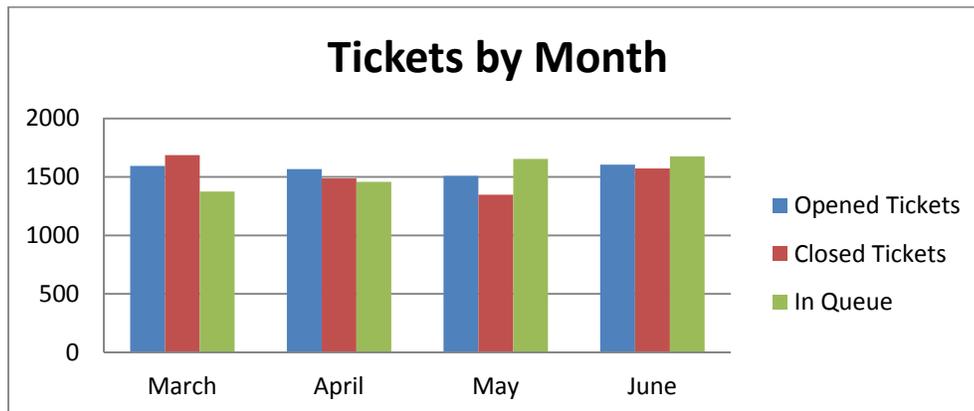
contractors and improved communications to better facilitate the use of internal agency IT resources like the Correctional Care System (CCS).

6) **Governor's Office Grant for IT Equipment/Windows Remediation Project:**

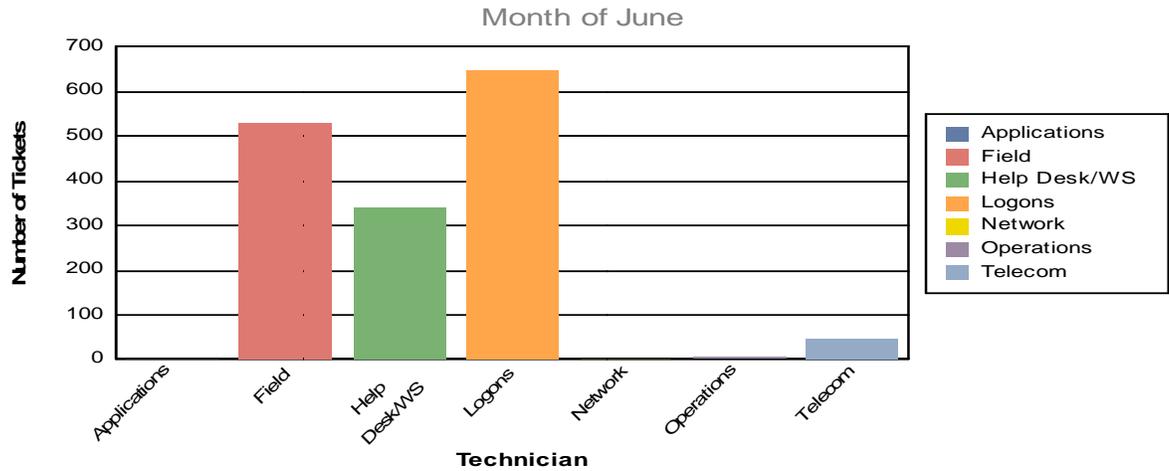
The agency has deployed replacement desktop and laptop computers, purchased under grant funds made available by the Governor's office, across the agency as part of our overall Windows XP remediation process. These new systems replaced the oldest computers still in use throughout the facilities since those systems are unable to be transitioned to the Windows 7 Operating System platform. While we are 100% complete with the deployment of these new systems, the work towards overall Windows XP remediation continues and currently is approximately 29% completed across the organization (when taking all devices into consideration – business/education systems, student systems and surveillance systems).

7) **Migration of Financial Systems to CAPPs:** Work continues on the migration of the agency's legacy financial systems to the Comptroller's CAPPs application. User Acceptance testing continues in an effort to finalize the system configuration and ensure the application fully functional to allow TJJ to conduct its financial business. Additionally, end user training for Austin Office and Field staff has been initiated and will continue into August. The full implementation of the CAPPs financial system will go live on September 1, 2014.

8) **Help Desk Ticket Management:** The graphs below represent the number of technology support submitted to Information Technology.



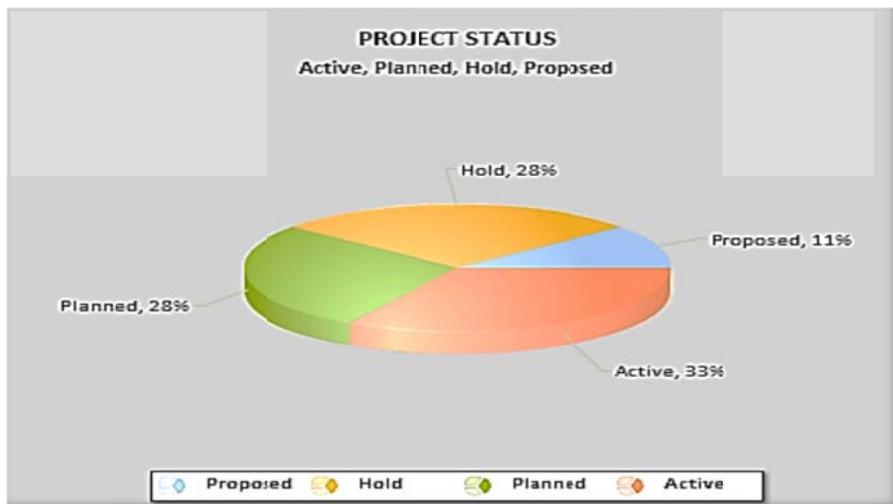
Tickets Closed by Team



IT/Agency Projects: IT Project Management Office

Project Status Overview

- 6—Active [33%]
- 5—On Hold [28]
- 5—Planned [28%] (*awaiting resource availability*)
- 2—Proposed [11%] (*not yet requested/presented to the Governance Steering Committee by User Group*)
- 3—Closed (*since May 27, 2014*)
 - *FY13-55 HB 2738: Legacy Study Materials*
 - *FY14-05 Intranet Redesign*
 - *FY14-08 Juvenile Medicaid Tracker Enhancements*



Gartner Six Month Recommendations

Recommendation	Responsible Member to oversee completion	Proposed Date	Comments/Updates
Define Application Assurance	Mark Fortress	September 30, 2014 – date change	50% complete. Forming the appropriate standards and processes, and aligning existing applications within this new framework.
Establish Application Inventory	Mark Fortress	August 31, 2014 – date change	75% complete. Gathering info and forming process steps for maintaining the inventory.
Change Management Security Evals.	Jim Southwell	July 1, 2014	Had first change management meeting on July 14, 2014
Resource & Time Study	Elaine Mays	September 5, 2014 – date change	Scheduled modified – surveys were submitted to members and results are in the compilation stage.
Full Time ISO position	Elaine Mays	June 1, 2014	Position posted – Will modify pay and repost.
Multi-factor Authentication	M A McLeod	July 1, 2014	Research in progress. Agency will wait on DCS to see what offerings they have available that can lend to cost savings.
System Admin best practices	M A McLeod & Elaine Mays	July 14, 2014	Research continues (resource constraints) will modify end date.
Incident Response Plan	Elaine Mays/Jim Southwell	September 5, 2014 – date change	In progress – modified end date to September 5, 2014 (this will allow time for all parties to review)



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director
Michael Meyer, Chief Financial Officer

Subject: Updates from the Chief Financial Officer

Date: August 6, 2014

The Board will be provided with the July monthly financial report no later than the Finance and Audit Committee meeting. Highlights from the report will be discussed at that meeting.

Staff was able to meet some unbudgeted needs, especially at State facilities, through dollars that had been set aside at the end of the second and third quarters. Examples of funding sources include budgeted dollars for SORM and unemployment that ultimately were not needed. Examples of uses include supplies and backlog maintenance.

Based on available funds, including funds de-obligated by probation departments, staff was able to award approximately \$1.2 million in the final round of Supplemental and Emergent Needs funding for this fiscal year (FY).

The proposed FY 2015 budget was developed based on actual FY 2014 expenditures and in consultation with directors on both personnel matters and funding for operations. Amounts are reflected in materials provided to the Board for discussion under the *Legislative Appropriations Request* agenda item.

As of the writing of this memo, TJJJ's request for bond financing remained outstanding with the Legislative Budget Board, however the request to carry forward \$2.8 million from FY 2014 into FY 2015 had been approved. The agency's budget structure and Base Reconciliation have been approved; however performance measures definitions were still pending approval.

Other updates will be provided at the Committee meeting as appropriate.

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To: Finance and Audit Committee Members
David Reilly, Interim Executive Director
TJJD Executive Team

From: Eleazar Garcia, Chief Auditor

Subject: Results of Audit Follow-up Review, Project 14-2B

Date: August 21, 2014

Attached for your review is our report on the Agency's implementation status of audit recommendations developed to address findings reported in prior audit reports.

The Internal Audit Charter and Audit standards require Internal Audit to follow-up and report on the current status of audit recommendations, as well as to verify effective implementation for recommendations that have been reported as implemented by management. This project was completed to obtain a status update on 54 recommendations reported as open but not yet implemented as well as to verify the implementation of 37 recommendations that were reported as implemented by management prior to February 2, 2014. This entailed 91 total recommendations in twenty audits, including seventeen internal audits and one external State Auditor's Office (SAO) audit, dating from fiscal year 2012 to fiscal year 2014. Management provided status updates on outstanding recommendations.

Internal Audit addressed to TJJD management staff the importance of timely implementation as well as the cooperation that is needed between auditors and division managers to properly report on the status of corrective actions. Executive management has expressed their support by allocating resources to enforce and assist with the ongoing follow-up process.

This audit follow-up review was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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RESULTS

Management continues to address and improve upon the implementation of corrective actions.

Follow-up on audit recommendations is an ongoing process requiring assessment of management responses and actions.

Audit performed *follow-up* on 54 (59%) recommendations that were previously reported by management as planned or underway. The division manager for each recommendation provided the current status of the corrective action along with an explanation and date of projected implementation.

Audit performed *verification* on 37 (41%) recommendations that were previously reported by management as implemented as of February 2, 2014. Managers provided documentation to support implementation and auditors completed testing to determine if the corrective action addressed the reported finding. Based on the auditors review, a final status of each recommendation was determined, independent of the division manager.

The status of corrective action was determined by Auditors and division managers based on the following:

- **Implementation Verified** – Corrective action has been implemented and verified by Auditors. No further action is required.
- **Management Reports as Implemented** – Management reports that corrective action has been implemented however implementation date was after February 2, 2014. Verification will be completed by Auditors in the next follow-up review.
- **Underway** – Management has not implemented corrective action; therefore, the implementation date has been revised to a subsequent date. Follow-up will continue.
- **Delayed** – Factors outside of management control have caused unexpected delays to the implementation of corrective action; however, corrective action is still planned for the future.
- **Withdrawn/Closed** – Corrective action is no longer applicable due to changes within the agency, or recommendation was readdressed in a subsequent audit report.

Status	Total Recommendations	Percentage
Implementation Verified	32	35%
Management Reports as Implemented	22	24%
Underway	36	40%
Delayed *	1	1%
Withdrawn/Closed**	0	0%
Total	91	100%

***Delayed Recommendations:** The projected implementation dates for these recommendations have been extended beyond twelve months from the reported implementation date.

****Withdrawn Recommendations:** The recommendation is no longer valid based on agency resources, or processes.

Comprehensive Overview

The twenty audits that were addressed during this follow-up report ranged from April 2012 to March 2014. The table below shows all of the audits that had outstanding recommendations prior to this report. Of the twenty audits that required follow-up/verification work, Auditors determined that all twenty (100%) still have recommendations that require corrective action and statuses will be reviewed during the next follow-up report.

Report Title	Total # of Recommendations	Verified	Management Reports as Implemented	Underway	Delayed	Withdrawn/Closed
12-5 Software Licenses (August 2012)	2	0	0	2	0	0
12-8 IT General Controls (October 2012)	7	5	0	2	0	0
12-9 Financial Controls (October 2012)	1	0	0	1	0	0
13-2 Phoenix Program (December 2012)	2	1	1	0	0	0
13-1A Cottrell House (January 2013)	1	0	0	1	0	0
13-1B Evins (March 2013)	7	6	1	0	0	0
13-1C York House (May 2013)	6	5	1	0	0	0
13-7 Alleged Mistreatment (May 2013)	13	7	0	6	0	0
13-14 Student Use PCs and Flash Drives (May 2013)	5	4	0	1	0	0
13-4 Due Process Hearings (August 2013)	5	1	0	4	0	0
13-5 Procurement Cards (September 2013)	1	0	1	0	0	0
13-8 Ethics (September 2013)	6	1	2	3	0	0
13-12 Parole Audit (September 2013)	3	2	1	0	0	0
SAO - Education Reading Program Audit (September 2013)	20	12	3	5	0	0
13-10 TAC 202 Compliance (October 2013)	3	0	0	2	1	0
13-1D Giddings (October 2013)	4	2	0	2	0	0
14-3 Endowment Trust Funds (January 2014)	4	0	1	3	0	0
14-1A McLennan County Juvenile Correctional Facility-Long Term (March 2014)	6	0	5	1	0	0
14-5 Medical Services (March 2014)	6	0	4	2	0	0
14-6 Student Transportation (March 2014)	3	0	2	1	0	0
Total: 20 Audits	105	46	22	36	1	0

Detailed Results from Verification

The following table provides results for recommendations that were previously reported by management as implemented and are in the verification stage. If testing showed that corrective action has been implemented and the reported finding no longer exists, the recommendation is “Implementation Verified” and no future follow-up is needed. If after testing the implementation could not be verified or if the corrective action did not address the initial finding, the recommendation has been labeled as “Underway” and managers provided new corrective action plans and new projected implementation dates.

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
13-2 Phoenix Program (December 2012)	To assure compliance with the Phoenix Program, the Facility Superintendent should ensure oversight outlined in CMS 03.75 be completed to identify concerns and that proper actions are taken to address them.	Management reports as implemented and further verification work will be completed during the next reporting period.	Management Reports as Implemented
SAO – Education Reading Program (August 2013) #1	To strengthen its reading program in the school at the Evins Regional Juvenile Center (ERJC), the Department should revise the reading class structure to provide reading instruction based on student reading levels.	Auditors reviewed the reading assessment tool developed by TJJD Reading Specialist.	Verified as Implemented
SAO – Education Reading Program (August 2013)#2	To strengthen its reading program in the school at the Evins Regional Juvenile Center (ERJC), the Department should Conduct intensive monitoring on a quarterly basis until the reading program at that facility meets all requirements.	Auditors reviewed the monitoring tool which ensures the reading program meets all requirements. Documentation also included a schedule of training events and dates, action plans and email communication.	Verified as Implemented
SAO – Education Reading Program (August 2013) #3	To strengthen its reading program in the schools at all of its facilities, the Department should develop and implement a process to help ensure that all students who meet the criteria for participation in its reading program are enrolled in the appropriate reading class based on their reading level or are appropriately exempted from the reading program.	Auditors reviewed tracking of reading program activity for each of the five secure facilities. Training logs were also reviewed.	Verified as Implemented

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
SAO – Education Reading Program (August 2013) #4	To strengthen its reading program in the schools at all of its facilities, the Department should require each of the schools at its facilities to consistently document the reasons students exit from the reading program.	Auditors reviewed the excel tool that consistently captures when a student exits the Reading Program and the reason for exit.	Verified as Implemented
SAO – Education Reading Program (August 2013) #5	To strengthen its reading program in the schools at all of its facilities, the Department should require the schools at its facilities to consistently administer its series of reading assessments to students.	Auditors reviewed the Excel Reading Program tool which documents activity related to the Reading Program process in February 2014; this tool replaces a paper checklist used previously. The reading teachers are required to complete a pre-assessment, a baseline assessment/facility recommendation data and reading assessments during weeks 3, 7, 11, and 15 of the 15 week program.	Verified as Implemented
SAO – Education Reading Program (August 2013) #6	To strengthen its reading program in the schools at all of its facilities, the Department should consistently conduct classroom observations in the schools at its facilities to help ensure instructional quality.	Auditors reviewed examples of monitoring tools 7/3/14 that included ratings of teacher instruction in all courses.	Verified as Implemented
SAO – Education Reading Program (August 2013) #7	To strengthen its reading program in the schools at all of its facilities, the Department should Strengthen its monitoring of reading program enrollment and assessments to help ensure that the schools at its facilities comply with requirements and have implemented the reading program.	Auditors verified that a Reading Specialist was hired and processes for monitoring were reviewed for other recommendations that were verified.	Verified as Implemented
SAO – Education Reading Program (August 2013) #8	To strengthen its reading program in the schools at all of its facilities, the Department should implement controls to help ensure the accuracy of data in CCS related to assessment information and student participation in its reading program.	Management reports as implemented and further verification work will be completed during the next reporting period.	Management Reports as Implemented

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
SAO – Education Reading Program (August 2013) #9	To strengthen its reading program in the schools at all of its facilities, the Department should assess the effectiveness of its reading program through a student self-reporting instrument.	Auditors reviewed a sample of student surveys which are completed when a student exits the reading program. Results of the surveys were reported to the May Board.	Verified as Implemented
SAO – Education Reading Program (August 2013) #10	To strengthen its reading program in the schools at all of its facilities, the Department should revise its procedures to help ensure that the schools at its facilities administer its series of reading assessments between 15 and 30 days prior to a student’s release	Auditors reviewed reading assessment for all facilities and verified they are being administered 15-30 days prior to youth’s release.	Verified as Implemented
SAO – Education Reading Program (August 2013) #12	The Department should provide additional training to teachers and attendance clerks on attendance coding to improve the accuracy of attendance records.	Management reports as implemented and further verification work will be completed during the next reporting period.	Management Reports as Implemented
SAO – Education Reading Program (August 2013) #14	The Department should consistently evaluate teacher-reported attendance for reasonableness through its attendance reconciliation process	Auditors reviewed the attendance reconciliation process as outlined in policy. Reconciliations were observed for all secure facilities.	Verified as Implemented
SAO – Education Reading Program (August 2013) #15	The Department should ensure that daily attendance reconciliations consistently include a review of all supporting documentation, including all student movement logs, to improve the accuracy of attendance records.	Auditors reviewed training documents to support implementation of this recommendation.	Verified as Implemented
SAO – Education Reading Program (August 2013) #16	The Department should report attendance information for students in a security unit or a redirect program unit that accurately reflects whether those students received educational services.	Auditors reviewed attendance posting codes that account for education in security.	Verified as Implemented
12-8 IT General Controls	The Chief Information Officer will document and implement procedures to ensure weekly backups for non-DCS servers are maintained in a location separate from the TJJJ Central Office.	Auditors verified that all servers are being backed up daily and weekly in DCS.	Verified as Implemented

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
12-8 IT General Controls (October 2012)	The Chief Information Officer will work with agency management to identify personnel utilizing generic logon credentials and coordinate their removal and assignment of unique user IDs.	Auditors reviewed list of agency accounts to verify there are no generic accounts being utilized.	Verified as Implemented
12-8 IT General Controls (October 2012)	To ensure inactive accounts are removed from the Active Directory, the Chief Information Officer will research the capability to run a script to identify accounts that have been inactive for a specified time frame and take appropriate actions.	Auditors test sample of inactive employees and determined their account have been deactivated.	Verified as Implemented
13-12 Parole Audit (September 2013)	The Director of Business Operations & Contracts should work with the Manager of Claims & Services, Treatment and Parole to standardize the supporting documentation requirements for payment of Specialized Aftercare invoices.	Auditors reviewed documentation to support directives were provided to accounting staff regarding expectations for payments and invoices. Also, contract amendments were reviewed which require providers to utilize supporting documents for service payments.	Verified as Implemented
13-12 Parole Audit (September 2013)	The Director of Business Operations & Contracts should work with the Manager of Claims and Services to implement a process to ensure that payments for Specialized Aftercare Services are coded correctly according to the approved Purchase Requisition (BSD-100) in the General Accounting System.	Auditors reviewed directives that were provided to facility business coordinators which included expectations for how to correctly code services. Also, expectations were provided to Central Office staff regarding periodic reviews of coding.	Verified as Implemented
13-14 Student Use PC's (May 2013)	To ensure consistency and promote enhanced controls over agency hardware, the Chief of Staff should work with the Chief Technology Officer to standardize the purchase and use of flash drives.	Auditors verified the GAP policy related to acquisition and Use of USB's.	Verified as Implemented

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
13-14 Student Use PC's (May 2013)	To ensure protection of agency resources, the Chief Technology Officer should work with the Senior Director of Education to assess the need for use of student flash drives statewide including collection of all flash drives that are not in use.	Auditors verified that there is a process in place to track USB issuance for staff in Education and other agency departments.	Verified as Implemented
13-14 Student Use PC's (May 2013)	To further enhance the agency's abilities to protect against unauthorized use, the Chief Technology Officer should assess deployment of SOPHOS or like program to all agency systems.	Auditors verified the deployment of SOPHOS on agency systems.	Verified as Implemented
13-14 Student Use PC's (May 2013)	To bring the facility schools into compliance with established guidelines, the Senior Director of Education should communicate and ensure application through increased training on computer resources and "Drop Folder" utilization, periodic reviews of required forms, inventories, and classroom management.	Auditors verified training on the utilization of Drop Folder and ensured the training was added to new employee orientation. Samples of EDU-060 forms were also reviewed for compliance.	Verified as Implemented
13-1B Evins (March 2013)	The facility Superintendent should ensure the conference request process is being administered in accordance with established guidelines.	Auditors reviewed a sample of conference request logs to determine they are being completed in accordance with policy.	Verified as Implemented
13-1B Evins (March 2013)	The Director of Security should ensure compliance of Level III requirements by implementing a consistent review process.	Documentation was provided to support consistent reviews are in place to ensure proper documentation of Level III hearings.	Verified as Implemented
13-1B Evins (March 2013)	The Facility Business Coordinator should ensure escheatment reports are completed within timeframe required by agency policy.	Auditors reviewed the escheatment process and monitoring in place and there are no outstanding youth balances.	Verified as implemented

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
13-1B Evins (March 2013)	The Director of Specialized Treatment should work with facility and Central Office administration to ensure the quality assurance reviews of suicide alert program requirements are completed to meet the established requirements.	Auditors reviewed monitoring that is in place at facilities and Central Office to ensure compliance of suicide alerts.	Verified as Implemented
13-1C York House (May 2013)	To ensure that contraband is being documented and secured in accordance with established guidelines, the Superintendent should review and establish a process that adheres to policy.	Auditors reviewed Ombudsman reports, and Monitoring and Inspections reports to identify that there have been no subsequent findings related to contraband.	Verified as Implemented.
13-1D Giddings (October 2013)	The Senior Director of Administration and Training should ensure the agency accounts for the remaining fixed assets identified as missing to determine their current status.	Auditors verified that the fixed assets could not be located and their current status was updated in the Fixes Assets System.	Verified as Implemented
13-1D Giddings (October 2013)	The Senior Director of State Programs and Facilities should define and communicate Program Supervisor responsibilities to ensure resources are available to complete the Coaching and Mentoring Tool in order to provide needed coaching to case management staff.	The documentation received indicates that Program Supervisor responsibilities to complete the Coaching and Mentoring Tool in order to provide needed coaching to case management staff were communicated to facility staff through training and a revision in the Job Descriptions.	Verified as Implemented
13-4 Due Process (August 2013)	The Chief Technology Officer should ensure data dictionaries used for due process hearings data are accurately defined.	Auditors reviewed the data dictionary and verified accurate definitions were reflected.	Verified as Implemented
13-4 Due Process (August 2013)	The Senior Director of State Programs and Facilities should ensure due process hearing documentation is properly filed in the youths' folders.	Auditors reviewed files at Giddings facility and files were not in date order and there was a two month backlog.	Underway

Audit Control #/Title/Date	Recommendation	Verification Work Completed by Auditor	Status Determined by Auditor
13-7 Alleged Mistreatment (May 2013)	To ensure proper identification and tracking of all referred incidents including both parts of a dual assignment, the Chief Inspector General should discuss the ability of the IRC Complaint Manager to allow dual referrals for one reported incident.	OIG is in discussion with IT to determine dual referral capabilities for the IRC Complaint Manager system. In the meantime the department continues to use the manual tracking tool implemented during the audit and has created additional tools to assist with the process.	Verified as Implemented
13-7 Alleged Mistreatment	To improve reporting of AID case handling, the Director of AID should report the full timeframe for completion of investigations as part of the dashboard reports to the Board.	Auditors reviewed dashboard reports and while they are being reported to the board, the data does not include the full timeframe for completion of cases.	Underway
13-7 Alleged Mistreatment (May 2013)	The Chief Inspector General should submit a proposal to upgrade OIG system resources to implement the full use of the Investigative Reports Manager System.	Auditors verified that computers were upgraded.	Verified as Implemented
13-8 Ethics (September 2013)	To ensure accurate reporting of the Training Tracking System, the Senior Director of Administration and Training should work with IS&T to ensure reliable tracking of training records.	Based on review of supporting documentation, the annual block training records are recorded separately, facilitating accurate reporting in the Juvenile Justice Training Academy System.	Verified as Implemented

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Texas Juvenile Justice Department
Safety & Security Committee Meeting

Thursday, May 29, 2014
11209 Metric Boulevard, Building H - Lone Star Conference Room
Austin, Texas 78758

BOARD MEMBERS PRESENT:

Joe Brown, Committee Chairman
The Honorable Laura Parker
The Honorable Carol Bush

BOARD MEMBERS ABSENT:

Becky Gregory

EXECUTIVE STAFF PRESENT:

David Reilly, Acting Executive Director
Chelsea Buchholtz, General Counsel
Karen Kennedy, Deputy General Counsel
Dr. Rajendra Parikh, Senior Director of Medical Services

Roland Luna, Chief Inspector General
Teresa Stroud, Senior Director of State Programs and Facilities
James Williams, Senior Director of Probation and Community Services

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Terri Dollar, TJJD
Karol Davidson, TJJD
Susan Humphrey, TJJD
Steve Roman, TJJD
Christina Ybarra, TJJD

Tina Farrell, TJJD
Lesly Jacobs, TJJD
Alex Stewart, TJJD
Jeannette Lepe, TJJD
Melanie Cleveland, TJJD

Call to Order

Chairman Joe Brown called the meeting to order at 2:15 p.m. and stated there was a quorum.

July 25, 2013 meeting minutes

Chairman Brown moved to approve these minutes. The motion was seconded.

The motion passed.

October 17, 2013 meeting minutes

Chairman Brown moved to approve these minutes. Judge Parker seconded. The motion passed.

Office of the Inspector General Update

Chief Roland Luna, Inspector General, presented a detailed report of the summary indicators for fiscal year 2014. He reported a 7 percent decrease in criminal investigations from last year, however, the overall summary indicators show an increase of overall reports submitted to the Incident Reporting Center (IRC).

Chief Luna reported the streamline incident reporting work group is comprised of the OIG, Administrative Investigative Division, State Programs, PREA Coordinator, OIO, and IT. The OIG has worked with Ms. Stroud in State Programs and the senior management team at Giddings and Mr. Tom Adamski for the implementation of a pilot program. It has since been expanded to include all shifts at Giddings. This incident reporting work group focused on creating a case management system from beginning to end that is a shared application with all divisions that have an investigative function. The OIG is currently working with the IT division to identify and enhance existing systems. The OIG received a grant for the purchase of public safety equipment, body armor, outer carriers and jackets and unmarked police units. All of the grant objectives have been completed and everyone has been trained on the care and maintenance. All commissioned personnel within TJJJ which includes those commissioned within AID will be using the body armor. It was reported by Chief Luna that the body armor is standard public safety equipment in other state agencies.

The OIG has assisted the Internal Audit division with identifying trends prior to an audit and continues to work on the PREA policy, trying to implement it in a way where the agency could continue to improve safety and security. The final report serves as an official notification to senior management in the State Programs division informing them that a formal investigation into a PREA allegation has been completed and it also serves as notification to begin the sexual assault review board. Since the time of the implementation of the PREA policy we have complied 100% with the sexual assault review boards.

The OIG has received certification and training with the Association of Inspectors General. The division has received new equipment and is working with the IT division to enhance access and security to existing applications. Personnel development and more than 30 process improvements have been made within the OIG division.

Administrative Investigations Update

Kevin DuBose, Director of Administrative Investigations Division, provided a detailed statistical summary of the Administrative investigations for both the state and county investigation units. FY 2013 was compared through the month of April to FY 2014. The data showed that there were 122 confirmed findings that originated from Phoenix over the course of this fiscal year. This error has been corrected. There were actually 28 confirmed findings. A discussion followed regarding correcting this document. The correction will be made to this report immediately. The data error problem will be remedied through working with IT and we will then be able to capture those components correctly in the future. The non-confirmed list under Phoenix is actually 14 not zero. Mr. DuBose stated that this is caused by a coding issue.

State Programs and Facilities Update

Teresa Stroud, Senior Director of State Programs and Facilities, presented her report.. Her report included discussion regarding total population, residential programming, incident rates and workers 'compensation.

Ms. Stroud reported there was a management change in administration at Giddings. The staff were re-trained on how to handle check-ins, huddle ups and groups and the population was reduced by 30 kids which is one dormitory. Ms. Stroud reported that the changes resulted in positive outcomes for the overall incident rates at Giddings A new reporting system that will tie into the existing CCS software is being proposed. At Evins, there are several vacancies in the management team due to promotions and other members of the mid-management team leaving the agency to pursue other options. Essentially, the facility was left with a superintendent and dorm supervisor for what should have been a team of about 8 people. Additionally, the agency is working on gang initiatives and a new system call New Freedom which is evidence-based programming at Evins. There was a spike in activity at Ron Jackson in October due to the boys being moved there for orientation and assessment. There was an adjustment period for the boys that were moved to that campus.

Worker's compensation increased significantly in March and April because of some of the issues at Evins. Most of the injuries were to staff due to youth aggression.

Ms. Stroud reported other division highlights including National Crime Victims Awareness Week, leadership training presented by the Flippen program, and the Al Jazeera America channel doing a story on the agency

reforms featuring the Gainesville facility. Gainesville State School participates in the TAPPS (Texas Private and Parochial Schools) program. In the basketball season there were 4 kids who received all district honors. Out of 10 in the whole district 4 of them were ours. They received letter jackets and were honored with a sports banquet.

Discussion, consideration, and possible approval to publish the proposed rule review and proposed revisions for 37 TAC Chapter 343, relating to Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities, in the *Texas Register* for a 30-day public comment period.

James Williams, Senior Director for Probation and Community Services, submitted Chapter 343 to be considered for posting in the Texas Register. The TJJD staff, Legal and Monitoring along with the Advisory Council subcommittee have reviewed this chapter.

Judge Parker moved to recommend the Board approve to publish the proposed revisions. Chairman Brown seconded. The motion passed.

Discussion, consideration, and possible final adoption of proposed revisions to 37 TAC Section 380.9333, relating to Investigation of Alleged Abuse, Neglect, and Exploitation

Karol Davidson, Staff Attorney, stated that these revisions were approved by the TJJD Board at the January 2014 meeting, the TJJD Board approved these for posting in the Texas Register for a 30-day comment period for both revisions to 37 TAC, Section 380.9333. This is administrative rule for investigations of alleged abuse, neglect and exploitation. The comment period has ended and TJJD did not receive any comments on the proposed rule. There were no additional substantive changes recommended to that rule, however, we are recommending additional changes to correct some grammatical errors that are listed in subsection A and D.

Judge Parker moved to recommend final adoption by the full Board. Judge Bush seconded. The motion passed.

Discussion, consideration, and possible final adoption of proposed revisions and rule review for 37 TAC, Chapter 345, relating to Juvenile Justice Professional Code of Ethics for Certified Officers.

Ms. Davidson stated that as part of the TJJD rule review process the Office of the General Counsel proposed revisions to Chapter 345 at the January 2014 Board meeting. The Board approved those revisions for notice,

rule review and publication to the Texas Register for a 30-day public comment period. The comment period has also ended for this rule. No comments were received. There are no recommended substantive changes. The staff will be requesting that the Board adopt the final rules.

Judge Parker moved to recommend final adoption by the full Board. Judge Bush seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – agreed order

- a. Frederick Gistarb, 14-27868-140020,27868

Chelsea Buchholtz, General Counsel, presented one agreed order for Frederick Gistarb of Harris County. Notice was provided to Mr. Gistarb and the chief in Harris County was provided an opportunity provide input. Staff recommended the approval of the discipline outlined in the Board materials.

Chairman Brown moved to recommend the full Board approve the order. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – default judgment orders

Pedro Castro, 14-12956-130170,12956
Jerrod Roland, 14-27328-130247, 130236, 27328
Howard Watson, 13-17322-130197, 17322

Ms. Buchholtz, presented three default judgment orders for consideration. These include all notices that were provided according to the legal requirements and officers did not respond in each case. Chiefs in each county were provided an opportunity for input. For each of the cases the staff recommends approval of the discipline outlined in the Board materials. It is requested that recommendation be made to the full board for approval of these three default orders.

Chairman Brown moved to recommend the approval of these default orders by the full Board. Judge Parker seconded. The motion passed.

Adjourn

The meeting was adjourned at 3:10 p.m.

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Interim Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Report from the State Programs and Facilities Division

Date: August 11, 2014

Population: (as of 7/31/14)

Programs	Budgeted	Actual	Female Pop	Over Under	Percent
Evins	136	138	*	2	1.5%
Gainesville	252	249	*	-3	(1.2%)
Giddings	208	212	*	4	1.9%
Mart -LT	192	212	*	20	10.4%
Mart- RTC	64	52	*	-12	(18.8%)
Mart - Phoenix	16	12	*	-4	(25.0%)
Ron Jackson LT	96	91	91	-5	(5.2%)
Ron Jackson O & A	112	64	9	-48	(42.9%)
Total Institutions	1076	1030	100	-46	(4.3%)

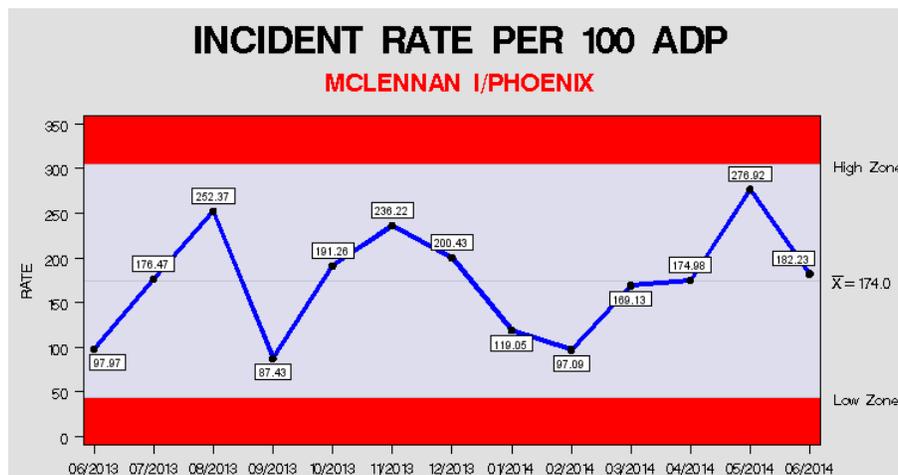
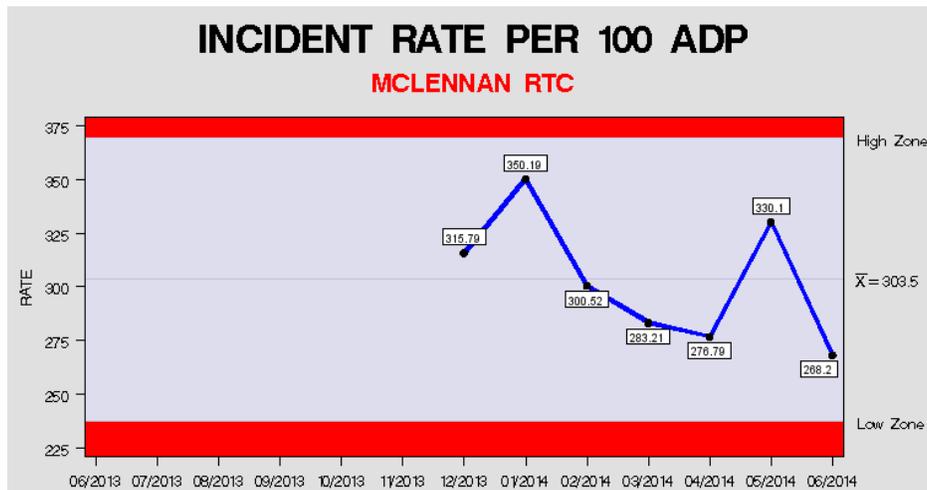
Halfway Houses	Budgeted	Actual	Female Pop	Over Under	Percent
Ayres House	20	15	*	-5	(25.0%)
Brownwood House	8	7	7	-1	(12.5%)
Cottrell House	20	12	*	-8	(40.0%)
McFadden	48	40	*	-8	(16.7%)
Schaeffer House	20	10	*	-10	(50.0%)
Tamayo House	20	16	*	-4	(20.0%)
Willoughby House	20	11	*	-9	(45.0%)
York House	20	5	*	-15	(75.0%)
Total HWH's	176	116	7	-60	(34.1%)

Contract Programs	Budgeted	Actual	Female Pop	Secure
Associated Marines RGMI	20	14	*	NO
Byrds Group Home	10	5	*	NO
Garza County	40	34	*	YES
Gulf Coast Trades Ctr	10	9	*	NO
Pegasus	1	1	*	NO
The Oaks	20	24	*	YES
Mentor	5	2	*	NO
SAFY	5	4	*	NO
Austin State Hospital	0	0		
Terrell State Hospital	0	0	*	YES
Vernon State Hospital	0	0	*	YES
Total Contract	123	94	1	

Residential Programming

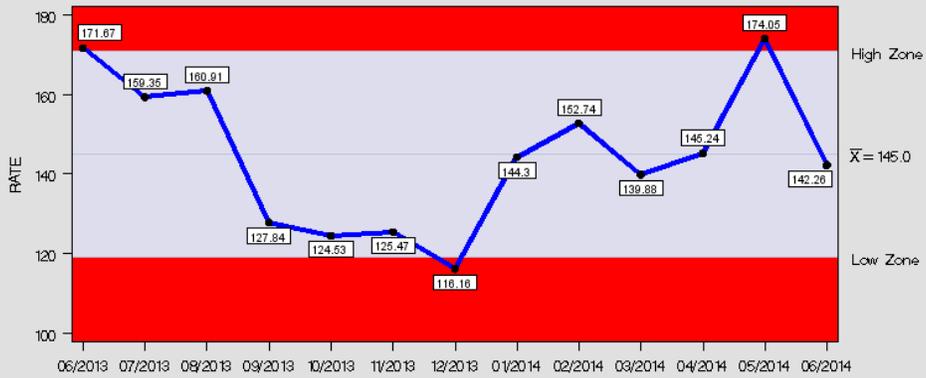
The overall incident rates for facilities in June revealed a decline in incidents at secure facilities. All three programs at our McLennan County Facility saw improvements. We continue to ask Superintendents to examine these reports, drill down in the data and identify specific trends with specific youth, campus areas and staff to develop appropriate corrective response.

Recommended responses at individual campus' have included developing individual case plan adjustments for specific youth which may include adjustments to their treatment need requirements; improving coaching and mentoring on dorms for the provision and supervision of group sessions and how to address youth problem areas; additional training for case management staff on motivational interviewing to improve communication and the ability to gather information from youth helpful in rehabilitation and success planning; and dormitory restriction and incentive planning as well as improved training on incident report writing.



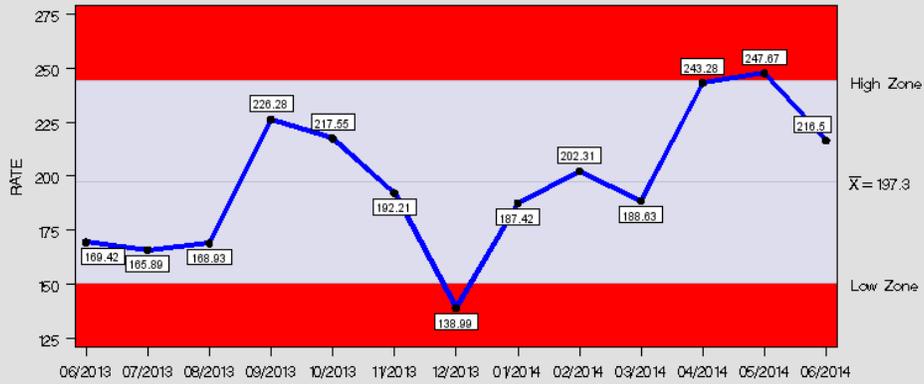
INCIDENT RATE PER 100 ADP

MCLENNAN II



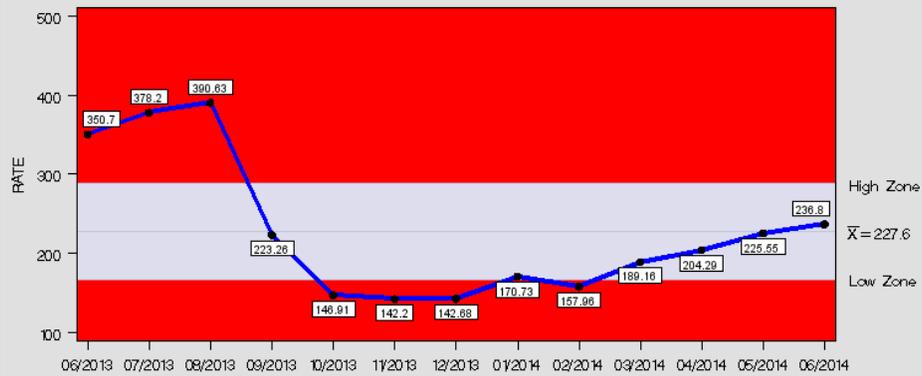
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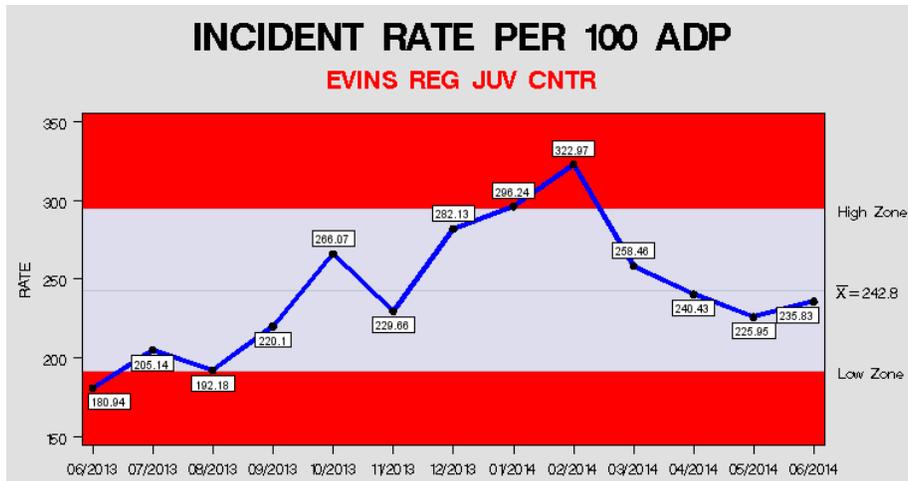
GAINESVILLE



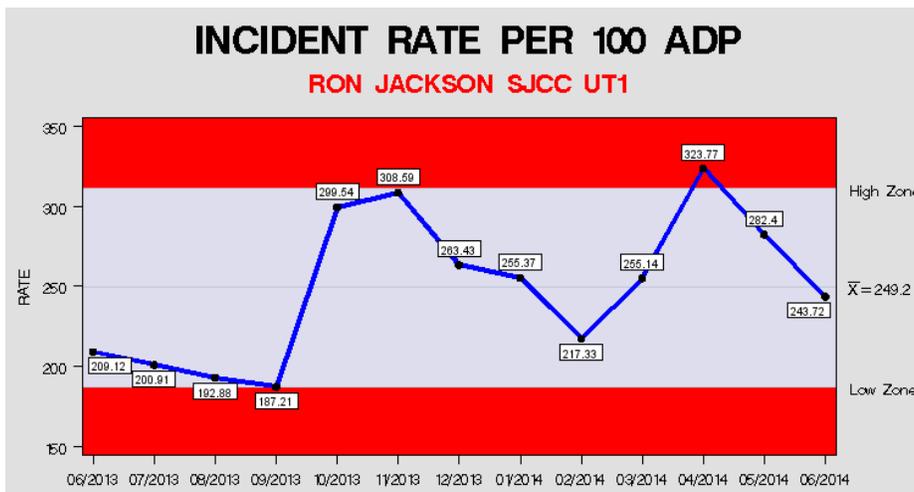
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GIDDINGS

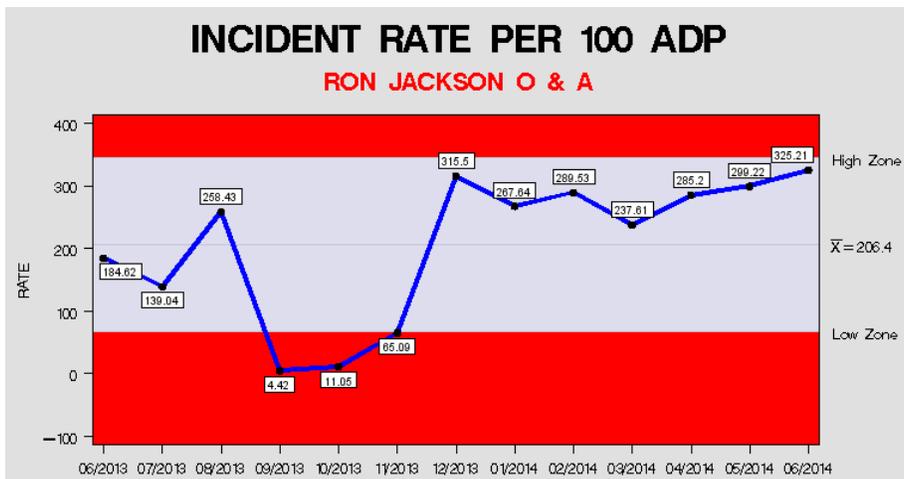




RJ Long term Female Unit



RJ Orientation and Assessment Unit



The Giddings facility is seeing a slight uptick in incidents and is reviewing trends to identify issues related to gang activity. Their averages are still well below their incident rates of nine to twelve months ago. They have also recently begun the rollout of the New Freedom Gang Curriculum which we expect to have positive benefits for our campuses with a higher rate of gang activity; those campuses include Evins, Giddings and Gainesville.

The Ron Jackson facility is seeing a drop in the incident rate for the long-term girls program with a slight continued increase in the orientation and assessment unit, which is primarily male. Ron Jackson is participating in the initial roll out of Positive Behavioral Supports and Interventions (PBIS) on one of its female dorms and results to date are very promising with an overall decrease in all incidents on that dorm and a positive reception from both staff and students. The agency is continuing to identify issues with the O & A programming that will help us to reduce and stabilize the incident rates there. This includes reducing the amount of time a youth recommitted to the agency will spend at O & A.

Workers' Compensation

In June, there were 35 workers' compensation claims filed, a significant decrease from the 44 filed in May. Of the 35 claims in June, 30 were due to aggression and 5 due to industrial injuries. So far in FY 2014, the agency has averaged approximately 41 claims per month, somewhat higher than the FY 2013 average of 36.6 per month. In FY 2014 there has been an average of 29 claims per month due to aggression compared to FY 2013 that averaged 25 per month.

The agency's FY2014 projected annual Injury Frequency Rate (IFR) is 19.05 compared to the FY2013 IFR of 15.92.

Included in this report is additional analysis of injury claims due to aggression. In June, there were a total of 30 aggression claims and 5 (16.7%) of those occurred during an assault. The remaining 25 (83.3%) occurred during a restraint.

The workers' compensation expenditures for FY14 June year-to-date totals \$2,794,017.21; approximately 14% decrease compared to the same period last year (\$3,263,307.89). The average number of employees has decreased by 6.4% for the same period (FY14 - 2569, FY13 - 2746). The average cost per FTE is \$1,087.59 which projects to \$1,305.10 for the year. Previous year claims account for 68% of the cost.

***Of significant note, the FY12 average of claims per month was 49.7 and we have consistently remained below that mark in FY13 and FY14.**

New and Good

The Evins facility hosted Texas House Representatives Terry Canales and James White on July 24, 2014 for a tour of campus and a discussion about programming and issues facing the agency. Representative Canales posted photos of the visit with positive comments on both his Facebook page and Twitter accounts. The following is a quote from Representative Canales posts:

“This afternoon, I toured the Evins Juvenile Detention Center in Edinburg with Representative James White R-Woodville, Texas. The Evins facility holds around 136 juvenile inmates that have been charged with felony crimes ranging from murder to habitual burglary. We have plenty of data that shows that juveniles who commit crimes can reform and become productive members of society. As your Representative, I will fight to make sure that we do not give up on our troubled youth. Reforming our youth saves your taxpayer money and it is the right thing to do.”

On July 26, 2014 the Evins Juvenile Regional Center hosted their Fifth Annual Connecting Youth, Family and the Community Event. Approximately 520 visitors, primarily family members, attended the event to support youth assigned there.

In June, Giddings welcomed several former students led by TYC alumni Charleston White, founder of HYPE (Helping Young People Excel). The former students were primarily determinate sentenced offenders and some had been transferred to TDCJ to serve the remainder of their sentences. The men spoke to a large group of youth currently housed at Giddings for capital and high severity offenses. Their message was a positive one filled with advice about how to avoid further time incarcerated, being grateful for the support of family, volunteers and staff and encouraging youth to make good choices so they could return home on time. The event was attended by youth advocates and the Director of Texans Care for Children wrote an article about the event on their blog at

<http://texanscareforchildren.org/>

<http://txchildren.org/state-of-the-children/formerly-incarcerated-youth-visit-old-lock-up--and-inspire-me>

Gainesville State School recently held their annual Celebrity Wait Event on June 19th raising money for the active Student Support Council. We are grateful for the participation and attendance of Chairman Fisher at this special event.

During a recent OIO visit to Lubbock, Deputy Ombudsman Wallace visited a youth on parole at his work site and offered the following: *During a recent site visit to the Lubbock District Office – the OIO was able to meet and interview the above referenced youth at his employment site. This young man is currently working full time as a car salesman at a Lubbock car dealership. Before obtaining his current employment approximately three months ago, he had held various other jobs with minimal work hours. When asked how he obtained the salesman position – he stated he was going by the dealership one day and decided to ask if they were taking applications. He stated he filled out the application and “started talking.” He concluded by saying “by the grace of the good Lord – I got the job.” He stated he worked on commission and had been doing quite well in his sales. The young man presented himself very well, well spoken, very polite and respectful. According to him and his parole officer (Kevin Hearn) he has done well on parole and especially in his current job. He will turn 19 in July and be successfully discharged from TJJD.*

Workers' Compensation Claims - Aggression

January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	3	1	0	0	0	4	Corsicana	-	-	-	-	-	-
Evins RJC	5	4	5	3	5	2	Evins RJC	15	7	3	17	11	8
Gainesville	6	6	0	3	1	2	Gainesville	10	6	3	7	8	9
Giddings	6	3	4	4	6	5	Giddings	5	0	2	5	4	1
McLennan	9	7	10	4	8	7	McLennan	6	6	8	17	7	2
Phoenix Program	0	0	0	0	0	0	Phoenix Program	0	0	1	1	1	0
Ron Jackson	1	0	0	0	3	0	MRTC	-	-	-	-	-	5
							Ron Jackson Unit O&A	-	-	-	-	-	0
							Ron Jackson Long-Term	3	5	4	6	4	4
TOTAL	30	21	19	14	23	20	TOTAL	39	24	21	53	35	29

Use of Chemical Agent

January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	1	3	13	12	8	7	Corsicana	-	-	-	-	-	-
Evins RJC	3	17	3	3	22	7	Evins RJC	28	48	32	13	25	29
Gainesville	13	5	6	14	24	6	Gainesville	18	24	8	37	20	10
Giddings	10	22	12	26	34	23	Giddings	13	10	14	9	5	3
McLennan	9	13	11	10	11	11	McLennan	1	4	2	6	4	10
Phoenix Program	13	0	7	8	0	5	Phoenix Program	0	0	1	5	5	3
Ron Jackson	0	0	0	0	0	1	MRTC	6	3	4	1	2	4
							Ron Jackson Unit O&A	2	2	1	1	2	3
							Ron Jackson Long-Term	0	4	2	0	0	1
TOTAL	49	60	52	73	99	60	TOTAL	68	95	64	72	63	63

Use of Force

January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	83	63	62	65	75	63	Corsicana	-	-	-	-	-	-
Evins RJC	92	90	67	59	99	46	Evins RJC	233	177	168	169	155	156
Gainesville	175	141	117	160	124	74	Gainesville	132	119	80	180	151	96
Giddings	81	91	95	140	140	116	Giddings	101	81	93	98	77	75
McLennan	109	78	93	85	103	92	McLennan	72	83	76	114	92	67
Phoenix Program	23	5	19	15	18	24	Phoenix Program	1	5	13	20	20	13
Ron Jackson	31	31	38	33	42	32	MRTC	59	50	51	60	60	102
							Ron Jackson Unit O&A	22	49	26	33	39	32
							Ron Jackson Long-Term	31	60	56	62	73	51
TOTAL	594	499	491	557	601	447	TOTAL	651	624	563	736	667	592

Average Daily Population													
January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	84.81	82.79	90.13	91.87	89.23	88.83	Corsicana	-	-	-	-	-	-
Evins RJC	140.74	137.75	139.94	135.30	137.61	139.27	Evins RJC	148.19	143.00	130.58	127.27	129.55	132.30
Gainesville	261.65	262.79	275.42	274.27	272.26	258.53	Gainesville	249.71	260.00	257.71	257.73	264.10	254.97
Giddings	251.06	251.61	244.06	242.17	240.06	243.23	Giddings	212.03	212.71	212.52	212.93	215.06	211.87
McLennan	276.32	286.36	288.06	308.40	331.03	317.60	McLennan	209.55	200.04	206.77	207.93	203.97	207.37
Phoenix Program	13.74	13.29	14.16	11.97	11.77	13.27	Phoenix Program	2.52	6.18	14.19	15.43	13.00	13.13
Ron Jackson	95.68	94.39	93.65	97.20	101.77	104.53	MRTC	63.68	62.89	58.26	56.00	55.74	60.03
							Ron Jackson Unit O&A	95.65	80.82	73.65	83.10	89.97	82.10
							Ron Jackson Long-Term	103.77	99.36	99.16	97.60	94.90	92.73
TOTAL	1124.00	1128.96	1145.42	1161.17	1183.74	1165.27	TOTAL	1085.10	1065.00	1052.84	1058.00	1066.29	1054.50

Use of Chemical Agent per 100 Youth													
January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	1.2	3.6	14.4	13.1	9.0	7.9	Corsicana	-	-	-	-	-	-
Evins RJC	2.1	12.3	2.1	2.2	16.0	5.0	Evins RJC	18.9	33.6	24.5	10.2	19.3	21.9
Gainesville	5.0	1.9	2.2	5.1	8.8	2.3	Gainesville	7.2	9.2	3.1	14.4	7.6	3.9
Giddings	4.0	8.7	4.9	10.7	14.2	9.5	Giddings	6.1	4.7	6.6	4.2	2.3	1.4
McLennan	3.3	4.5	3.8	3.2	3.3	3.5	McLennan	0.5	2.0	1.0	2.9	2.0	4.8
Phoenix Program	94.6	0.0	49.4	66.9	0.0	37.7	Phoenix Program	0.0	0.0	7.0	32.4	38.5	22.8
Ron Jackson	0.0	0.0	0.0	0.0	0.0	1.0	MRTC	9.4	4.8	6.9	1.8	3.6	6.7
							Ron Jackson Unit O&A	2.1	2.5	1.4	1.2	2.2	3.7
							Ron Jackson Long-Term	0.0	4.0	2.0	0.0	0.0	1.1
TOTAL	4.36	5.31	4.54	6.29	8.36	5.15	TOTAL	6.27	8.92	6.08	6.81	5.91	5.97

Use of Force per 100 Youth

January 2013 - June 2013							January 2014 - June 2014						
2013	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	2014	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Institutions							Institutions						
Corsicana	97.9	76.1	68.8	70.8	84.1	70.9	Corsicana	-	-	-	-	-	-
Evins RJC	65.4	65.3	47.9	43.6	71.9	33.0	Evins RJC	157.2	123.8	128.7	132.8	119.6	117.9
Gainesville	66.9	53.7	42.5	58.3	45.5	28.6	Gainesville	52.9	45.8	31.0	69.8	57.2	37.7
Giddings	32.3	36.2	38.9	57.8	58.3	47.7	Giddings	47.6	38.1	43.8	46.0	35.8	35.4
McLennan	39.4	27.2	32.3	27.6	31.1	29.0	McLennan	34.4	41.5	36.8	54.8	45.1	32.3
Phoenix Program	167.4	37.6	134.2	125.3	152.9	180.9	Phoenix Program	39.7	80.9	91.6	129.6	153.8	99.0
Ron Jackson	32.4	32.8	40.6	34.0	41.3	30.6	MRTC	92.7	79.5	87.5	107.1	107.6	169.9
							Ron Jackson Unit O&A	23.0	60.6	35.3	39.7	43.3	39.0
							Ron Jackson Long-Term	29.9	60.4	56.5	63.5	76.9	55.0
TOTAL	52.85	44.20	42.87	47.97	50.77	38.36	TOTAL	59.99	58.59	53.47	69.57	62.55	56.14

Use of Force is defined as an incident with one of the following:

MSRCNTRL (use of mechanical restraints for control)

FORCE (use of physical force)

AGENT (use of chemical agent)

For 2013, numbers for Ron Jackson and McLennan include their respective O&A Units

Prior to June 2014, workers's compensation claims for MRTC and McLennan were combined, as were claims for Ron Jackson and Ron Jackson O&A

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**Texas Juvenile Justice Department
Programs Committee Meeting**

11209 Metric Blvd., Building H, Austin, Texas 78758
Thursday, June 26, 2014– 2:30 p.m.

BOARD MEMBERS PRESENT:

Scott Matthew
The Honorable Jimmy Smith
Melissa Weiss

BOARD MEMBERS ABSENT:

Dr. Rene Olvera, Committee Chairman
MaryLou Mendoza

EXECUTIVE STAFF PRESENT:

David Reilly, Interim Executive Director
Teresa Stroud, Senior Director of State Programs & Facilities
Dr. Rajendra Parikh, M.D., M.B.A., CPE, CCHP, Medical Director
Amy Lopez, Senior Director of Education Services

OTHER GUESTS PRESENT:

Phyllis Giambrone, TJJD
Susan Humphrey, Bell County
Miki Jost, TJJD
Katrena Plummer, TJJD
Steve Roman, TJJD
James Williams, TJJD

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Call to Order

Scott Matthew called the meeting to order at 3:14 p.m. Dr. Rene Olvera and MaryLou Mendoza were absent.

Approval of March 27, 2014 meeting minutes

The Honorable Jimmy Smith moved to approve the minutes of the March 27, 2014 meeting. Melissa Weiss seconded. The motion passed unanimously.

Approval of May 29, 2014 meeting minutes

The Honorable Smith moved to approve the minutes of the May 29, 2014 meeting. Ms. Weiss seconded. The motion passed unanimously.

Overview of Pharmacy Utilization and its Impact on the Cost of Health Care Delivery

Dr. Rajendra Parikh, Medical Director, presented the committee with an overview of pharmacy utilization. He shared data including the percentage of youth on psychotropic medications over time, how many medications youth are on, and what types of medications they take. Psychotropic drugs can be very useful but also have risks and other health-related side effects associated with them. Americans use psychotropic drugs at a higher rate than other countries. He also shared cost data by class and by medication. Antipsychotic drugs are the most costly category; of these, Abilify is currently the most expensive. Beginning in fiscal year 2010, TJJ created a framework for and implemented a formulary for medications in order to rein in costs. Currently 97% of TJJ prescriptions are prescribed within the formulary. Those medications average \$6.87 per prescription compared to twice that much outside the formulary. With all prescriptions, TJJ benefits from education, communication, and coordination. Another way TJJ has reduced expenses is through more careful monitoring of reclaiming and waste.

State Facilities Performance Tracking

Teresa Stroud, Senior Director of State Programs and Facilities, presented the April 2014 data on the institutions. Future presentations will include both the latest month's available data plus the month prior for comparison purposes. Of note this month was the reduction in use of force and use of OC spray compared with the increase in number of incidents. She has asked the superintendents to drill down into the data and look at the incidents to see if the increase can be explained. Possible explanations include increased populations, staffing shortages, and/or a particularly troublesome youth or group of youths. The data may show that the increase happens on a particular shift, or on a particular dorm, or

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on particular days. Once the data is analyzed, the superintendents need to develop a plan. This particular exercise shows the value in keeping and measuring accurate data.

Ms. Stroud spoke to some of the positive trends in numbers at the Giddings facility. She attributes some of the positive growth to the hard work of the leadership team. They had some very specific resources and training in areas ranging from basic leadership and communication to how to de-escalate situations.

Discussion, Consideration, and Possible Approval to Publish Proposed Revisions and Rule Review for 37 TAC 380.8701 – 380.8707 and 380.8751 – 380.8795, relating to Treatment, in the *Texas Register* for a 30-day public comment period.

Ms. Stroud reported that as part of the ongoing rule review, there were 18 rules assigned to State Facilities. Of those, it was determined that 16 of the rules needed to be kept and 2 could be deleted. Five had substantive revisions, and the balance had minor changes to include grammatical revisions, updated terminology, clarification, and simplification. Substantive changes include:

380.8703 removed Stage 5 from the rehabilitation program and incorporated those requirements into the “yes” stage and clarified that a youth will be demoted to Stage 1 in the rehabilitation program if a new offense of committed while in the community. New offenses committed while in a TJJD facility may or may not begin again at Stage 1.

380.8707 removes the exception that allows a youth in the Sexual Behavior Treatment Program to be furloughed to the home where the victim resides before the home has been approved as a parole placement.

380.8751 clarifies the “moderate need” category, and clarifies that non-compliance with medical treatment may cause the assessed level of medical need to be increased. Terminology is also updated to reflect the latest Diagnostic and Statistical Manual of Mental Disorders.

380.8781 removed two elements from the criteria TJJD will use to determine whether to pursue a mental health commitment.

380.8791 removed the requirement for the youth to participate in presenting his/her safety and reintegration plan to the family as a prerequisite for returning home.

Mr. Matthew moved to recommend to the board that the rules be published as presented, and posted to the *Texas Register* for a 30-day period. Ms. Weiss seconded. The motion passed unanimously.

Alcohol and Other Drug Programs

Phyllis Giambrone, Manager of Chemical Dependency, presented a brief overview of the specialized treatment programming relating to alcohol and other drugs. Of the 577 youth admitted into TJJD during

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the first three quarters of FY 2014, over 92% were identified as needing some form of alcohol or drug treatment/education. Youth can be referred to one of three levels of treatment need:

High Need Services, a six-month residential treatment program, deals with both the addition and the criminal conduct components. The curriculum for youth is not the same as it is for an adult population. The core curriculum is *Pathways to Self-Discovery and Change*. There is a waiting list of 107 to be admitted into this program.

Moderate Need Services, a pull-out group offered at all the secure facilities and several halfway houses, serves 33% of the identified youth. The curriculum is *Living in Balance*. Average length of stay in this program is three to four months of roughly six hours per week. Moderate needs youth can be housed anywhere on campus and come together for outpatient services.

Low Need Services are appropriate for 11% of the youth. These services include education regarding the disease of addiction, and exploring risk factors. They are offered as a pull-out group, and need twenty sessions.

All three programs use evidence-based strategies.

Positive Behavior Interventions and Support (PBIS) and Capturing Kids' Hearts

Amy Lopez, Senior Director of Education Services, introduced two of her specialists – Michelle Binkley and Miki Jost.

Michele Binkley, Intervention Specialist for Education Programs, outlined the three tiered approach to PBIS (Positive Behavior Interventions and Support) and RTI (Response to Intervention). Both are conceptual frameworks that take a proactive and positive approach to helping all students succeed. The goal is to increase desired behaviors and improve academic outcomes. RTI was first developed to help students succeed academically; it was the first system of its kind. PBIS took that same three tiered model and applied it to behavior modification. In developing the first tier, the school has to create a set of three to five overarching school rules and explicitly teach the rules to all students. About 80-85% of students will be successful. 10-15% will not respond to Tier 1 interventions and need extra supports. Those supports can include a behavior contract or a weekly check in with a trusted staff member or small group interventions. A small percentage, approximately 3-5% will not respond to either Tier 1 or Tier 2 and will need more intensive interventions. This consists of a daily check-in and a functional behavior analysis to examine what is maintaining the negative behaviors. In order to be approved for release, a student must show he is participating in the PBIS program. That is documented on the EDU-042pbis form. The MDT committee looks at both objective and subjective criteria. At intake, students are given a form "PBIS: what does it mean for me?" which is a contract which acknowledges he understands that to be eligible for release, he needs to participate in this program. A letter is also sent to the parents, informing them of the same requirement. The "Our Top 5" poster has replaced the old connections signage, but the same rules still apply. Students are expected to be in the right place at the

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right time, follow directions, participate in activities, respect others and accept consequences. Character traits have been added and teachers are encouraged to use them in their everyday language. Each campus has created a teaching matrix which outlines the procedures to use in common areas that are associated with the five goals. PBIS assumes that behavior can be taught just like reading or math. There are 3 methods we use to teach appropriate behaviors: direct instruction, observational learning and shaping. Each campus has also designed a set of lesson plans and power points for the teachers to use as they are teaching school-wide expectations.

Miki Jost, Education Professional Development Coordinator, spoke about the Capturing Kids' Hearts program. This program builds into the PBIS system and focuses on building relationships. All staff – teachers, aids, diagnosticians, etc. – have either been through the program or will go through the program. At the last training there were twenty participants, and all twenty gave positive feedback. The program builds consistency through use of a social contract in all areas. Students have ownership in the behavior and the contracts; the same holds true for teachers and staff including staff at Central Office. It has worked well in the majority of the classrooms. The Excel teaching program is also used. The first E is for Engage and teachers engage the students, and set the stage for a positive, good quality learning experience.

Ms. Lopez added that social contracts have a system whereby students and teachers keep each other accountable, often with hand signals. A "foul" requires two "free throws" (affirmations.) All class periods begin with somebody mentioning a good thing. All together this helps classes, meetings, and huddles begin positively. Part of our behavior is group responsibility.

A report on PBIS concluded that yes, PBIS does work. Average daily attendance has increased; the number of incidents both minor and major have decreased; and the percentage of disciplinary referrals has decreased since implementation of PBIS in 2009.

The agency is considering expanding PBIS from the schools and continuing it in the dorms. The uniform expectations should only improve behaviors.

Adjourn

The meeting was adjourned at 5:02 p.m.

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MAY	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	130	264	215	204	69	185
Releases on Stage Yes	40.0%	50.0%	0.0%	80.0%	-	0.0%
Other Releases	60.0%	50.0%	100.0%	20.0%	-	100.0%
Incident rate per 100 ADP	478.59	568.35	424.52	570.68	763.73	601.50
Major Incident per 100 ADP	136.63	135.18	71.14	79.91	154.20	73.02
Minor Incidents per 100 ADP	341.96	433.17	353.38	490.76	609.53	528.48
Use of Force per 100 ADP	119.65	57.18	35.80	45.11	116.38	60.58
Use of OC Spray per 100 ADP	19.30	7.57	2.32	1.96	10.18	1.08
Youth Grievances Completed Timely	91.2%	79.5%	96.0%	91.2%	74.0%	93.4%
Staff						
Voluntary Turnover*	4.55%	2.81%	1.01%	1.97%	-	1.64%
Injury Frequency Rate (IFR)**	53.42	23.91	20.74	20.51	-	13.84
IFR Aggression**	42.23	17.93	9.18	16.04	-	11.92
IFR Industrial**	11.19	5.98	11.56	4.47	-	1.92
Employee Grievances Completed Timely	100.00%	25.00%	100.00%	92.30%	0.00%	100.00%
Health Services						
Youth Injury Rate per 10 ADP	4.31	2.88	5.16	7.75	18.12	5.68
Self Injury Rate per 10 ADP	0.62	0.34	0.70	0.59	5.07	1.03
Medication Refusals	515	438	530	776	385	525
ER Visits	2	2	0	1	0	2
Hospitalizations	0	0	0	0	0	0
Off Campus Medical Trips	28	21	14	14	8	12
Education						
Reading Gains (Estimated 1.0 Per Month)	38.89%	50.00%	67.86%	40.54%	83.33%	36.36%
Math Gains (Estimated 1.0 Per Month)	27.78%	68.97%	60.47%	47.50%	60.00%	60.00%
Finance						
Amended Budget***	\$ 13,998,426	\$ 17,856,871	\$ 20,354,699	\$ 28,695,957	-	\$ 17,699,946
Expenses/Disbursed (YTD)***	\$ 10,705,710	\$ 13,443,540	\$ 14,971,428	\$ 21,822,829	-	\$ 13,469,592
% Expended (YTD)***	76.48%	75.28%	73.55%	76.05%	-	76.10%
Volunteer Services						
Volunteer Service Hours****	1115.75	1412	269.5	476	-	623
In Kind Donations Value****	\$ 28,348	\$ 35,591	\$ 6,267	\$ 14,739	-	\$ 14,543.00
Cash Donations Value****	\$ -	\$ 100	\$ -	\$ 81	-	\$ 345.00
Volunteer Led Skills Support Group Hours	0	0	0	0	-	0
Youth Matched to Mentor	7.60%	10.80%	9.30%	2.50%	0	16.50%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	99.60%	100.00%	100.00%	100.00%	100.00%
Family Support						
Visitation with 60 Days of Placement	33.59%	32.43%	42.33%	42.93%	38.36%	21.59%

*For Voluntary Turnover the Corisciana population was combined with the Mart population as of 12/19/13

**For IFR measures the Corisciana population was combined with the Mart population as of 12/19/13. January - April IFR measures for Mart II and MRTC were combined. IFR measures exclude Phoenix.

***As of 12/19/2013, the budget for Coriscana reflects the physical Corsicana plant and thus is not included on the MRTC tab. MRTC is budgeted as part of the Mart facility from 12/19/2013 onward.

****As of 12/19/2013, MRTC volunteer services are no longer tracked independently. They are included as part of the Mart complex.

† Phoenix Program included in Mart population for December. From January onward, Phoenix is part of MRTC.

Incidents defined as category 1 or 2 rule violations.

Major defined as highest priority incident code category 1.

Minor defined as highest priority incident code category 2.

Use of Force defined as chemical agent, mechanical restraint for control, manual restraint.

Releases are defined as movement actually occurring in the stated month, regardless of when the release decision was made. It does not include youth who may have had an RRP decision for release/discharge and were/have not been released/discharged.

JUNE	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	132	255	212	207	73	175
Releases on Stage Yes	57.1%	35.7%	33.3%	50.0%	0.0%	0.0%
Other Releases	42.9%	64.7%	66.7%	50.0%	100.0%	100.0%
Incident rate per 100 ADP	493.58	479.66	399.77	487.53	687.30	506.78
Major Incident per 100 ADP	135.30	104.33	71.27	90.18	193.65	55.48
Minor Incidents per 100 ADP	358.28	375.34	328.50	397.36	493.66	451.30
Use of Force per 100 ADP	114.89	36.87	32.57	31.83	128.19	42.90
Use of OC Spray per 100 ADP	21.92	3.92	1.42	4.82	9.55	2.29
Youth Grievances Completed Timely	98.8%	79.8%	100.0%	90.1%	85.4%	86.9%
Staff						
Voluntary Turnover*	2.68%	3.92%	1.75%	1.65%	-	1.60%
Injury Frequency Rate (IFR)**	51.74	24.55	19.02	19.68	4.01	14.19
IFR Aggression**	41.67	19.17	8.59	15.3	3.34	12.11
IFR Industrial**	10.07	5.38	10.43	4.37	0.67	2.08
Employee Grievances Completed Timely	100.00%	75.00%	100.00%	41.67%	-	100.00%
Health Services						
Youth Injury Rate per 10 ADP	5.44	1.26	3.92	6.85	17.46	4.86
Self Injury Rate per 10 ADP	0.68	0.20	0.14	1.98	5.05	0.74
Medication Refusals	571	328	514	627	500	407
ER Visits	1	5	7	2	0	0
Hospitalizations	0	1	0	0	0	0
Off Campus Medical Trips	17	21	21	12	6	9
Education						
Reading Gains (Estimated 1.0 Per Month)	-	81.25%	64.29%	52.17%	68.75%	66.70%
Math Gains (Estimated 1.0 Per Month)	-	64.00%	57.14%	60.87%	75.00%	80.00%
Finance						
Amended Budget***	\$ 13,882,952	\$ 17,821,776	\$ 20,291,894	\$ 28,865,157	-	\$ 17,973,426
Expenses/Disbursed (YTD)***	\$ 11,956,763	\$ 14,974,302	\$ 16,630,090	\$ 24,581,159	-	\$ 15,123,650
% Expended (YTD)***	86.10%	84.00%	82.00%	85.20%	-	84.10%
Volunteer Services						
Volunteer Service Hours****	391.5	1645.5	480.5	273.5	-	800.5
In Kind Donations Value****	\$ 14,047.00	\$ 37,631	\$ 10,938	\$ 6,055	\$ -	\$ 19,483.00
Cash Donations Value****	\$ -	\$ 2,319	\$ -	\$ -	\$ -	\$ 1,653.00
Volunteer Led Skills Support Group Hours	0	0	0	0	-	0
Youth Matched to Mentor	6.80%	11.60%	9.70%	2.40%	6.90%	23.90%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	99.60%	99.60%	100.00%	100.00%	100.00%
Family Support						
Visitation with 60 Days of Placement	31.85%	31.71%	41.18%	40.89%	38.24%	19.54%

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Use of Force defined as chemical agent, mechanical restraint for control, manual restraint.

may have had an RRP decision for release/discharge and were/have not been released/discharged.



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Division of Education



P Project **B** Based **L** Learning



I LEARN BY:

DOING ●
READING ○

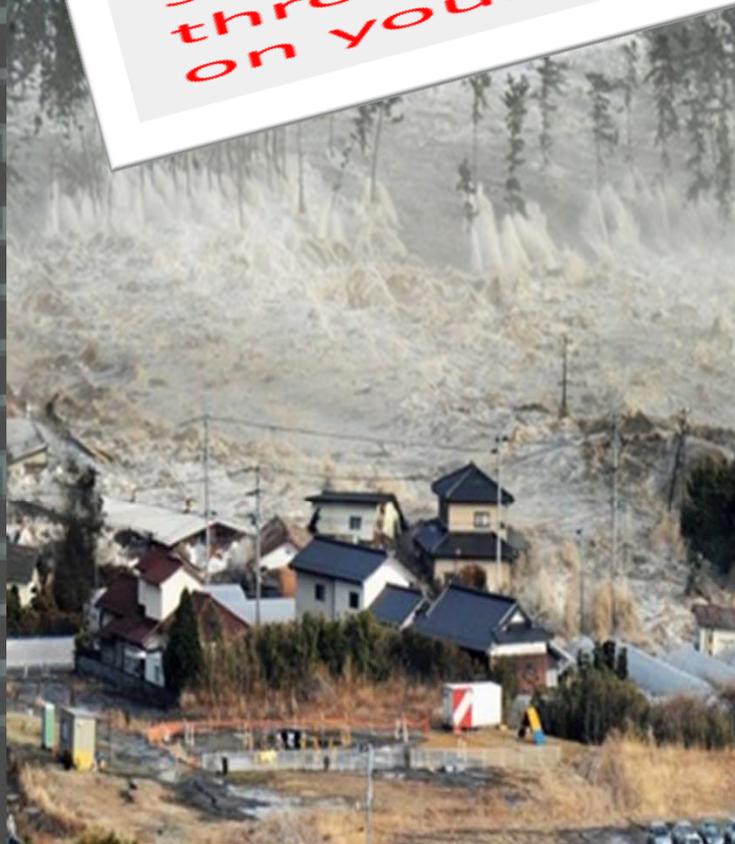


When we think of Project Based Learning, we expect to see a wide variety of student created handcrafted products.



Destruction

Force of the waves breaking building and trees like a human better run for u get hit like a building as someone would throw something on you.



Breaking News

Huge Tsunami Hits Asia and Takes Over

Most Shocking

When a Tsunami comes it is silent and you will barely know it is there. But when you turn around 'boom' it strikes.



Sales



- Asia 64.41%
- Europe 12.99%
- Oceania 1.07%
- Africa 10.92%

SHELTER

Clean Clothing
Food, Clean Water,
A Tent, Sleeping Bag
1st AID KIT!!!!!!!!!!!!



8 ESSENTIAL ELEMENTS

- Significant Content
- A Need to Know
- Driving Question
- Student Voice and Choice
- 21st Century Competencies
- In Depth Inquiry
- Critique and Revision
- Public Audience

HERE ARE MORE EXAMPLES

Ms. Wise
Social Studies
Room # 1120



Child Labor Reform + The US Labor Movement

M. Kasabator
K. Lewis
B. Maddox
4th P.



Timeline

- 1836 **EARLY TRADE UNIONS PURPOSE STATE MINIMUM AGE LAWS**
1850 New England unions condemn child labor
- 1842 States begin limiting children's work days.
1850 First state child labor law
- 1851 **NEWLY FORMED AFL SUPPORTS STATE MINIMUM AGE LAWS**
1870 Labor movement urges minimum age laws
- 1882 **NEW YORK UNIONS CALL FOR REGULATIONS**
1885 **NEW YORK UNIONS CALL FOR REGULATIONS**
- 1901 **NUMEROUS ADHOC UNIONS**
- 1916 **NEW FEDERAL LAW SETS STATE VIOLATORS**
1917 **NUMEROUS UNIONS CALL FOR REGULATIONS**
- 1936 **FEDERAL PACKAGING LAW**
First attempt to get federal regulation of child labor
- 1937 **NEW FEDERAL LAW SETS VIOLATORS**
Second attempt to get federal regulation of child labor
- 1938 **FEDERAL REGULATION OF CHILD LABOR**
In this case a successful federal regulation of child labor







SOUTH
PACIFIC
OCEAN

GIDDINGS
WELDING





TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Professional Development

What's it look like?

- Convocations
- Job-alikes
- Leadership and Organizational Blueprints
- Technology training/conferences
- Curriculum conferences
- Capturing Kids' Hearts
- On-site, in-house trainings tailored to campus and teacher needs (Personal Learning Plan)





TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Division of Education
2014-2015 SY

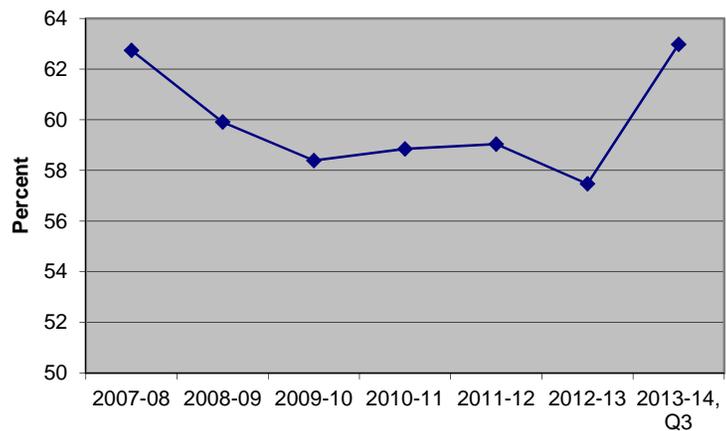
Starting it off right!

- Theme:

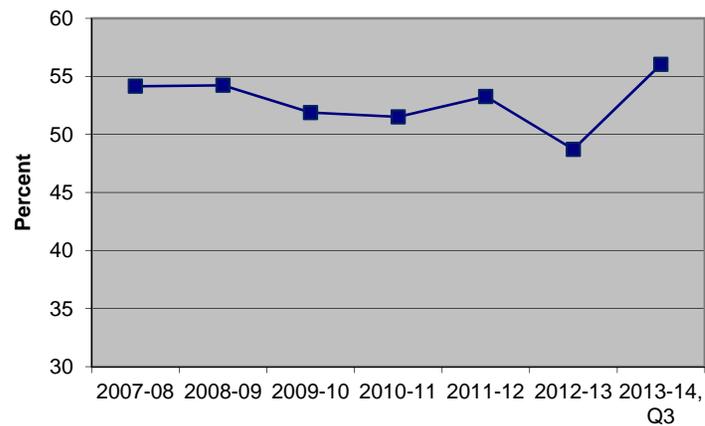
IMAGINE  **BELIEVE**  **ACHIEVE** 

- EXCEerator Plan
- Annual School Calendar
- Campus Master Schedule
- Data from Quarters 1-3

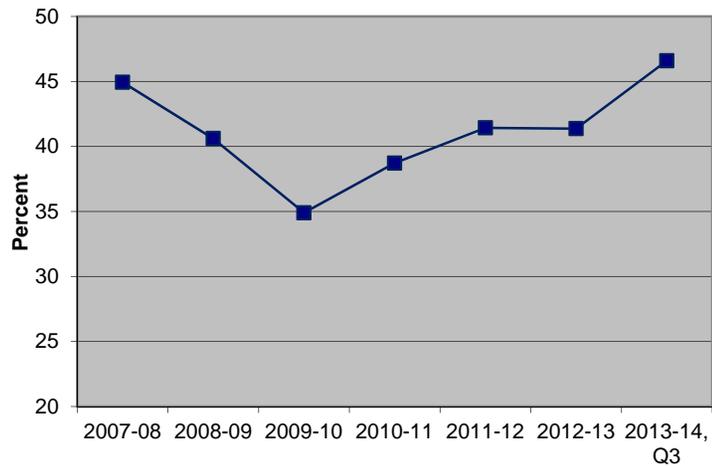
Percent of Students Making One Month Reading Gain per Month of Instruction



Percent of Students Making One Month Math Gain per Month of Instruction



Percent of Students Earning a Diploma or GED within 90 Days of Release





TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Division of Education

Mission	Vision	Vision Targets	Big Hairy Audacious Goal (BHAG)
The TJJD Division of Education exists to empower incarcerated youth with a 21 st century education and life skills necessary for a successful and productive future.	Our vision is to lead the nation in academic success and career development through schools that focus on student and teacher engagement for incarcerated youth.	Hire and retain quality staff Measure all student outcomes Improve school climate and culture Increase vocational opportunities for and enrollment of students Increase teacher and student engagement	All students will leave prepared for continued education/career development with one or more of the following: diploma, GED, college credit, industry certification, individualized graduation plan (specifically for students below 9 th grade).

Core Principles with Operational Definitions
<p>Implement Strategies for a Safe Environment –Continued use of social contracts; Adhere to principles of CKH; Continued implementation of PBIS; Enforce consistent and structured routines; Strengthen relational capacity and increase collaboration throughout the agency.</p> <p>Promote Meaningful Learning Experiences–Provide actively engaging instruction; Utilize common lesson plan & lesson cycle; Pursue & participate in continued professional development; Acquire/apply knowledge of child/adolescent development; Support varied learning initiatives.</p> <p>Conduct Ourselves Professionally – Implement district initiatives with fidelity; Collaborate and communicate with intra & inter agency entities; Advocate for education priorities; Comply with agency policies & division procedures; Pursue professional development in current educational trends for incarcerated youth.</p> <p>Maintain Accountability – Participate in professional collaboration by analyzing data to support instruction/interventions; Utilize appropriate methods of evaluation, quality assurance, and needs assessment; Create effective systems for recruiting, hiring, and retaining quality staff.</p>

Annual Priorities (Team leader)	Key Annual Benchmarks	Annual Key Performance Indicators (KPI)
<p>1. Sustained Recruitment efforts for quality staff (Becky)</p> <p>2. Increase vocational opportunities for students (Connie)</p> <p>3. Consistent positive behavior strategies (Michele)</p> <p>4. Quality professional development (Miki)</p> <p>5. Open communication lines between divisions and on campuses to share mission, vision, and shared goals (Luke)</p>	<p>1. <u>Create sustained recruitment efforts to increase quality of staff</u>: Partner w/ESCs; Advertise openness to alt/emergency, and out of state cert; Build cross-reference bibliography of job fair resumes; Explore staff referral incentives; Seek out positive media coverage.</p> <p>2. <u>Implement at least 2 new Technology CTE programs that meet the interest of students</u>: Analyze tech program information gathered by IT Specialist; Work with CO IT to ensure new, proposed tech programs are compatible w/current infrastructure; Develop & distribute student surveys re tech programs; <u>Connect youth w/industry and higher CTE education to provide current industry info & increase career exploration</u>: ID & coordinate industry reps; ERLs arrange speakers/guests; Access for CTE instructors to tech for connecting w/ industry reps; <u>Evaluate & redesign Career Academies (CA) w/focus on curriculum quality & operational improvements</u>: Create comparative checklist b/w industry skill requirements & current skills; Research & acquire resources for industry related academic expectations for skill areas; Evaluate w/principals & instructors to ID operational improvement needs; <u>Increase CA where able</u>: Review new sites & new career pathways.</p> <p>3. <u>Tiers 2 & 3</u>: ID students; implement intervention plans; <u>Create & monitor school wide interventions based on behavior data</u>; PBIS Coaches; hire and train behavior coaches.</p> <p>4. <u>PBL professional development</u>: Train/Re-train all educators; hands-on implementation; training for students. <u>Quality PD to meet education requirements</u>: Continue O&O; ESL/Reading/PBIS/SPED training; CKH for all Education staff. <u>Quality differentiated PD for all education staff</u>: Locate appropriate provider for PD; Establish working relationship w/local ESCs; Hands on training for education staff; 21st century technology used.</p> <p>5. <u>Open communication b/w campus divisions</u>: Huddles w/Principal & Fac. Sup; Asst Sup of Ed meet w/ Dir. Of Facility Ops re huddles; <u>Improve intra-campus communication</u>: Develop online electronic bulletin board; <u>Improved teacher communication w/other campus divisions</u>: Notices to dorm staff re student conduct; notices to CM re student conduct; use of chrono notes in SAS; Utilize EXCEL model in written communication by all education staff.</p>	<p>1. Increase # of applicants by 10%</p> <p>2. Student surveys; # of new programs; list of community reps; # of speakers for CA/CTE; # of virtual interactions b/w students & reps; checklist; identified resources; # of new CA programs.</p> <p>3. Rtl documentation; Campus Report Cards; behavior data; sign in sheets & lesson plans</p> <p>4. Sign-in sheets; Grades/EAF's; Finished student projects; QVTs; Calendar of PD.</p> <p>5. Huddle reports; meeting minutes w/ Asst. Sup & Dir. of Fac. Ops;</p>

1 st Semester Priorities	Key Semester Benchmarks	Semester Key Performance Indicators (KPI)
<p>1. Capitalize on job fair recruitment; target recruitment resources</p> <p>2. Research Technology CTE programs; Research additional CA possibilities;</p> <p>3. Collaborate w/ Fac. Ops for more effective RC & positive behavioral mgmt. in school; Effectively serve our Tier II & III students; Hire PBIS Coaches</p> <p>4. PBL training & refinement; CKH training; Differentiated PD for each campus.</p> <p>5. Open & improve communication b/w campus divisions, principals & fac sup's, and intra-campus/agency teams.</p>	<p>1. Build cross-reference data base; Research target recruitment locations; Explore policy on staff referral incentives; Create & implement media plan; Initiate/renew contracts with ESCs; Ask new hires how they found out about TJJD position.</p> <p>2. IT Specialist gather info; Develop student surveys re tech programs; Recommend new CA sites & career paths;</p> <p>3. Create RC Operational Guidelines; Assigned JCO & Ed staff; train RC, Ed, & JCO staff on consistent implementation of the positive behavior flow chart; implement Tier II & Tier III interventions; Creative incentive day activities; Hire and train PBIS Coaches.</p> <p>4. Retrain teachers & students on PBL; all new staff trained in CKH; Review PLP's & interview principals for campus PD needs assessment; Preliminary planning for 2015 district convocation.</p> <p>5. Initiate Principal & Fac Sup huddles; Initiate ED & Fac Ops Dir huddles; Research creating electronic bulletin board; Train ed staff on use of SAS chrono notes;</p>	<p>1. Data base completion; increase recruitment locations by 10%; Identified policy; Media plan completion & implementation tracking data begun; contracts in place; results of O&O responses documented & tracked.</p> <p>2. Info written & submitted for analysis; Written plan for implementing created surveys;</p> <p>3. Guide completed; 2 permanent RC staff @ each campus; Sign in sheets & training lesson plans; Tier II & III intervention procedures written & implemented; Incentive Day reports; 100% fill rate; Sign in sheets & lesson plans.</p> <p>4. PD lesson plans; sign in sheets; QVT use to measure fidelity of implementation (80% proficiency); 100% of teacher PLP's on M:Drive; needs assessment documented & utilized to plan campus PD & targeted areas for 2015 Convocation; document student PBL Showcases; Collect PBL grading rubrics & compare to student grades; Calendar of PD for each campus.</p> <p>5. Documented huddle reports & meeting minutes; Completed plan for electronic bulletin board; lesson plan & sign in sheets.</p>

Texas Juvenile Justice Department Division of Education 2014-2015 Academic Calendar

August 2014						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	<6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

September 2014						
Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25>	26	27
28	<29	30				

October 2014						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

November 2014						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
0	10	11	12	13>	14	15
16	<17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2014						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9>	10
11	12	<13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5>	6	7
8	<9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2015						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28>	29	<30		

May 2015						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

June 2015						
Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12>	13
14	15	16	<17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2015						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

	No School/State Holidays/Skeletal Days		Principal Meeting
	No School/ Teacher Prep Days		State Assessments
	No School/Annual leave days for education staff	<	Start of grading period
	No School/Annual block training for education staff	>	End of grading period
	No School/PBIS Incentive Day & TEA grade reporting		Project Based Learning (PBL)
	No School/Professional Development for education staff		TELPAS Testing Window March 16-April 8

October 20-23 TAKS exit ELA (20), Math (21), Science (22), SS (23)
 December 2 STAAR English I, Dec 3, II, Dec 5 Makeup, Dec 1-5 STAAR Alg I, Biology, USH
 March 2-5 TAKS Exit, ELA (2), Math (3), Science (4), SS (5)
 March 30 STAAR Grade 7 Writing, Grade 8 Math, English I
 March 31 STAAR Grade 7 Writing, Grade 8 Reading, English II
 April 3 Makeup
 April 21 STAAR Grade 6 & 7 Math, Grade 8 SS
 April 22 STAAR Grade 6 & 7 Reading, Grade 8 Science
 April 24 STAAR Makeup assessments
 May 4-8 STAAR Algebra I, Biology, USH
 May 12 STAAR Grade 8 Math retest
 May 13 STAAR Grade 8 Reading retest
 May 15 STAAR Makeup
 June 23 STAAR Grade 8 Math retest

1 day each semester is chosen by each campus for graduation

June 24 STAAR Grade 8 Reading retest
 June 26 STAAR Makeup
 July 6 TAKS Exit Level ELA
 July 7 STAAR English I, TAKS Exit Level Math
 July 8 STAAR English II, TAKS Exit Level Science
 July 9, TAKS Exit Level SS
 July 6-10, STAAR Algebra I, Biology, USH

(Revised 04/08/2014)

2014-2015 Master Schedule 7 periods

		Period 1		Period 2		Period 3		Period 4		Lunch /Conference		Period 5		Period 6		Period 7	
		Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End
		7:30 AM	8:30 AM	8:35 AM	9:35 AM	9:40 AM	10:40 AM	10:45 AM	11:45 AM	11:45 AM	1:15:00PM	1:15 PM	2:15 PM	2:20 PM	3:20 PM	3:25 PM	4:00 PM
		1:00 Minutes		1:00 Minutes		1:00 Minutes		1:00 Minutes				1:00 Minutes		1:00 Minutes		0:35 Minutes	
Teacher	Room No.	5 mins passing Subject		5 mins passing Subject		5 mins passing Subject		5 mins passing Subject				5 mins passing Subject		5 mins passing Subject			
Math																	
										Lunch /Conference							
										Lunch /Conference							
Social Studies																	
										Lunch /Conference							
										Lunch /Conference							
English																	
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
Science																	
										Lunch /Conference							
										Lunch /Conference							
Reading																	
										Lunch /Conference							
										Lunch /Conference							
CTE/Electives																	
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
Security																	
										Lunch /Conference							
Teacher Aides																	
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							
										Lunch /Conference							

2014-2015 Master Schedule -- Short Days

		Period 1/4		Period 2/5		Period 3/6		Lunch /Conference/PLC/MDT	
		Start	End	Start	End	Start	End	Start	End
		7:30 AM	8:50 AM	8:55 AM	10:15 AM	10:20 AM	11:40 AM	11:45 AM	4:00PM
		1:20 Minutes		1:20 Minutes		1:20 Minutes			
Teacher	Room No.	5 mins passing Subject	5 mins passing Subject						
Math									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
Social Studies									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
English									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
Science									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
Reading									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
CTE/Electives									
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	
								Lunch /Conference/PLC/MDT	

Overview of Injuries Trends and Cost Analysis at TJJD

Monitoring of Injuries

On-Site Monitoring

- ❖ On-Site Health Care Encounters and Utilization data
- ❖ Injury Tracking and Analysis – Total assessments, Severity, Causality

Off Site monitoring

- ❖ Off-Site ER Visits/X-rays performed
- ❖ Off site Health Care
- ❖ Off-Site Medical Transports
- ❖ Serious Medical Incidents Requiring Hospitalization

Financial monitoring

- ❖ Costs of the services – Free world care

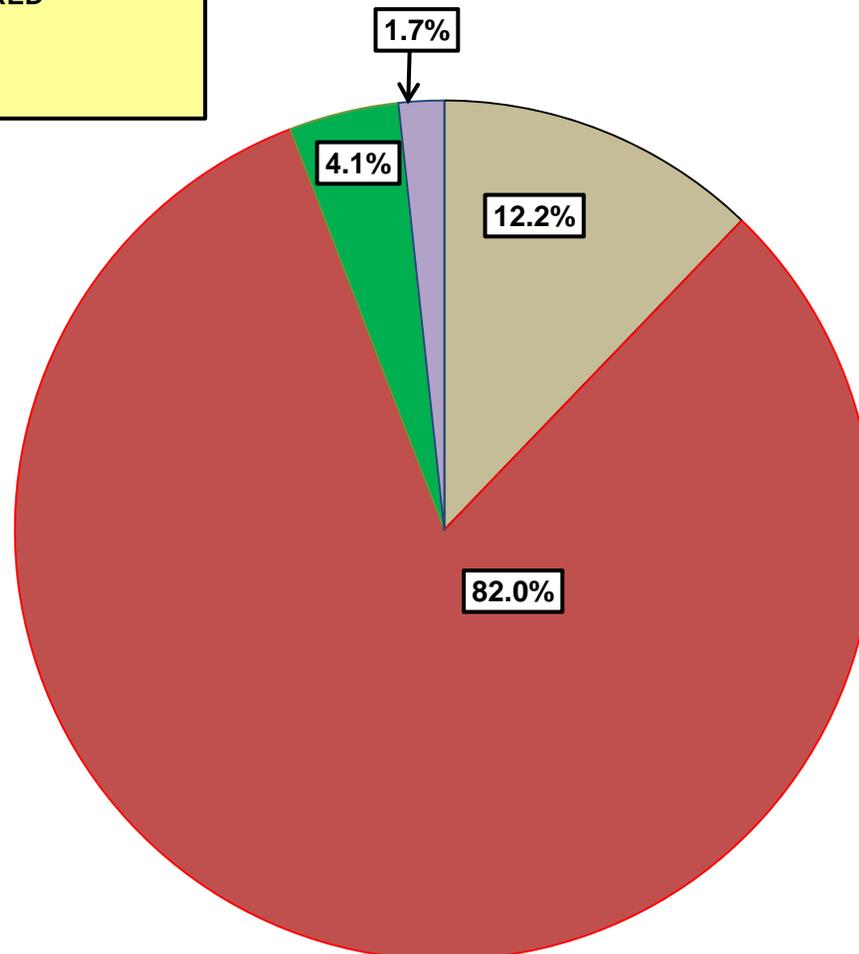
Injury assessments by cause and seriousness of injury: FY 2014 through quarter 3

ALL TJJD INSTITUTIONS	NO TREATMENT REQUIRED	MINOR INJURY	MODERAT E INJURY	SERIOUS INJURY	TOTAL
YOUTH ALTERCATIONS	199	932	49	19	1,199
SELF HARM	51	949	86	33	1,119
RESTRAINTS	356	1,200	32	14	1,602
ACCIDENTS, OTHER	30	1,195	49	23	1,297
TOTAL	636	4,276	216	89	5,217

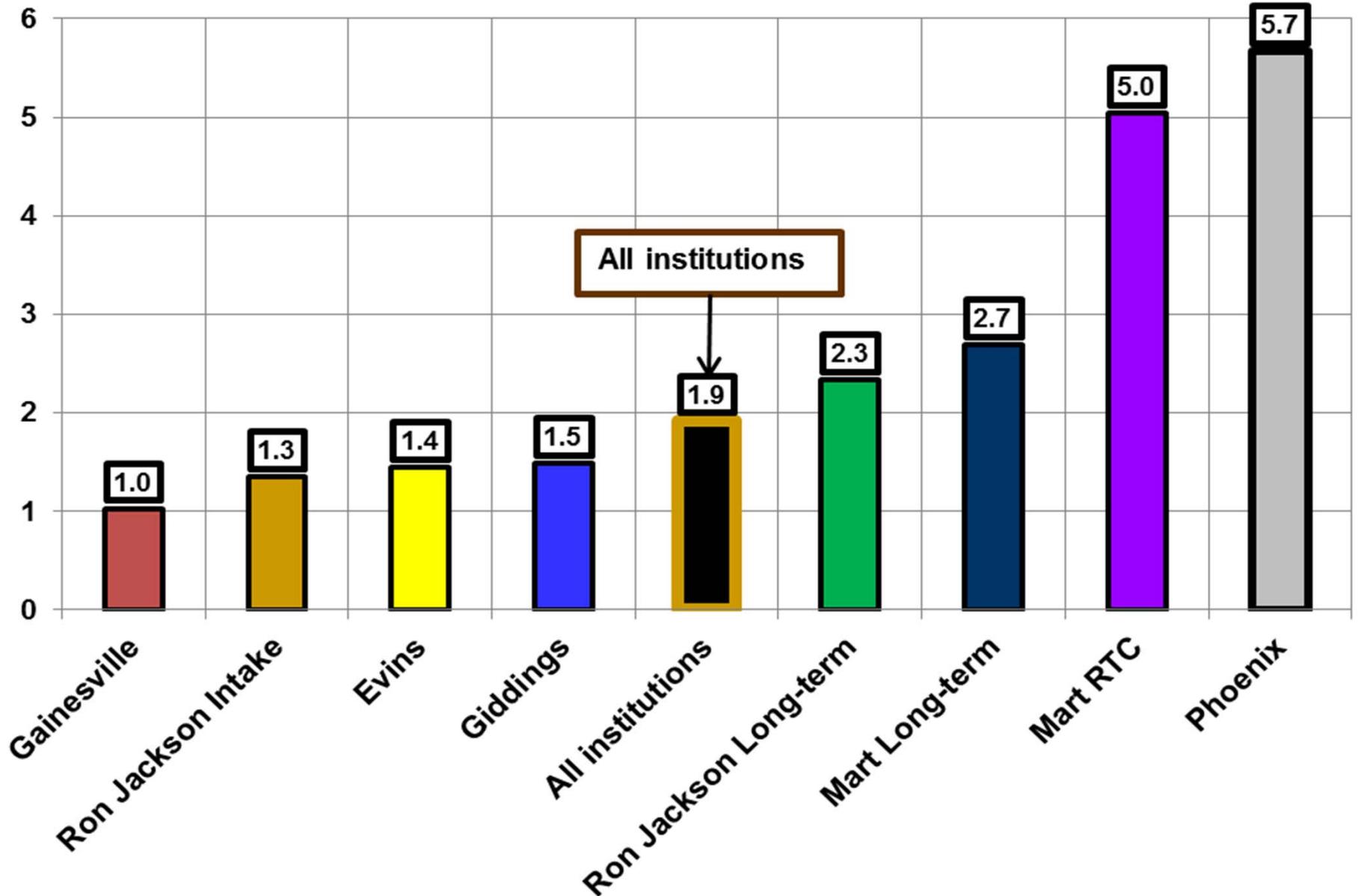
A Snap Shot of 3rd Q 2014

Percentages of youth injuries at each level of severity, all institutions, FY 2014 through quarter 3

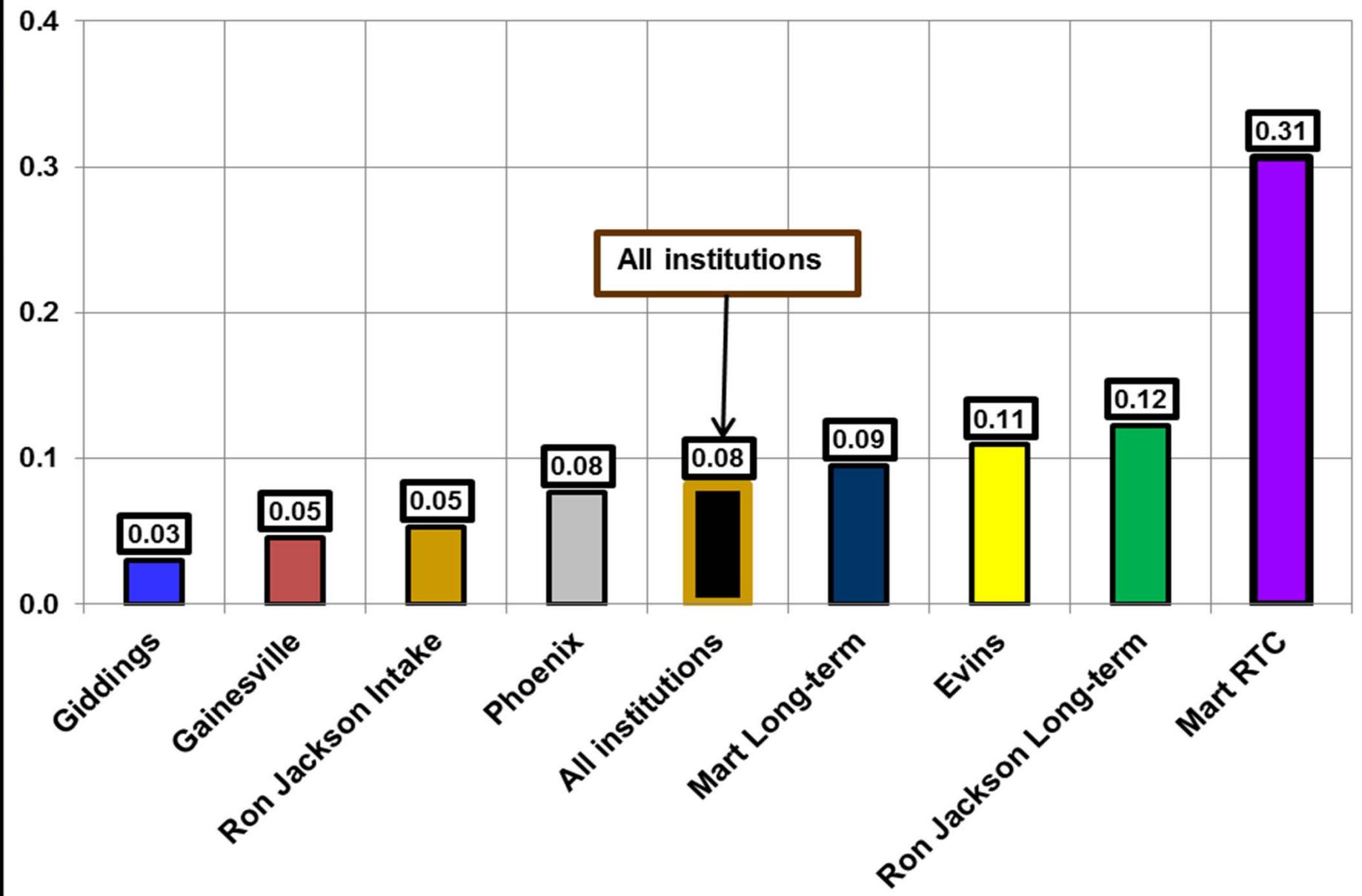
- NO TREATMENT REQUIRED
- MINOR INJURY
- MODERATE INJURY
- SERIOUS INJURY



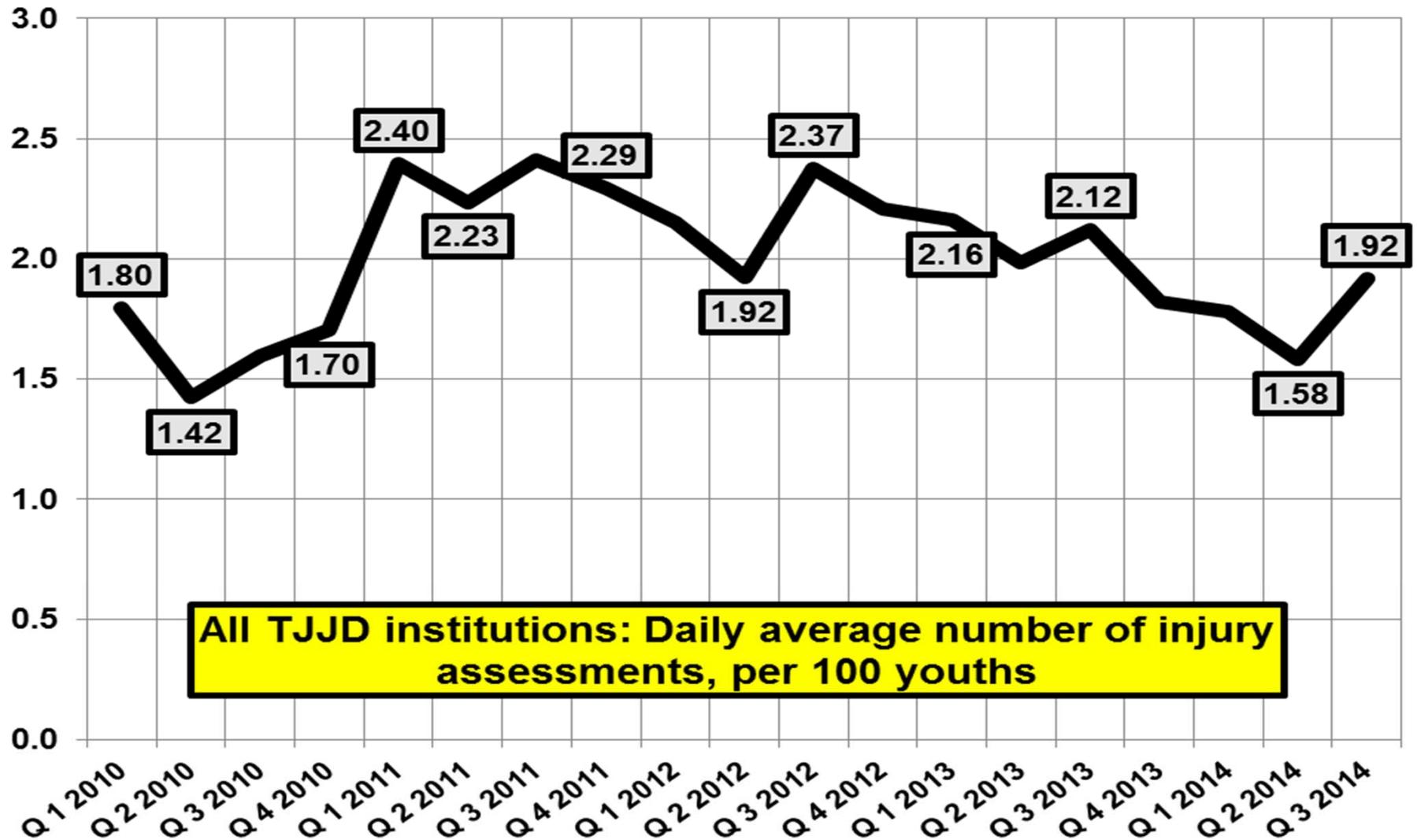
Daily average number of *injury assessments* per 100 youths,
Q 3 FY 2014

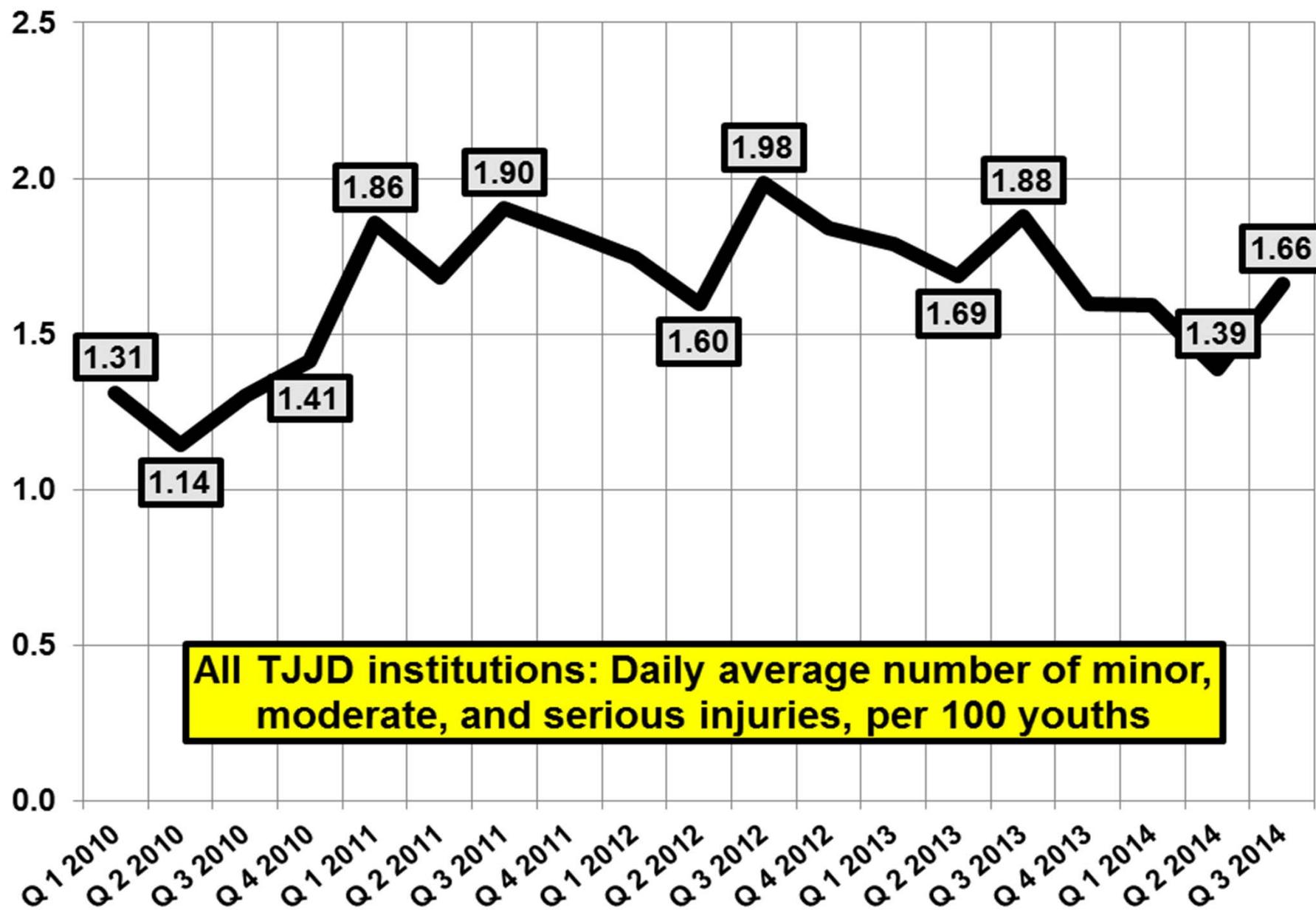


Daily average number of moderate and serious injuries treated per 100 youths, Q 3 FY 2014

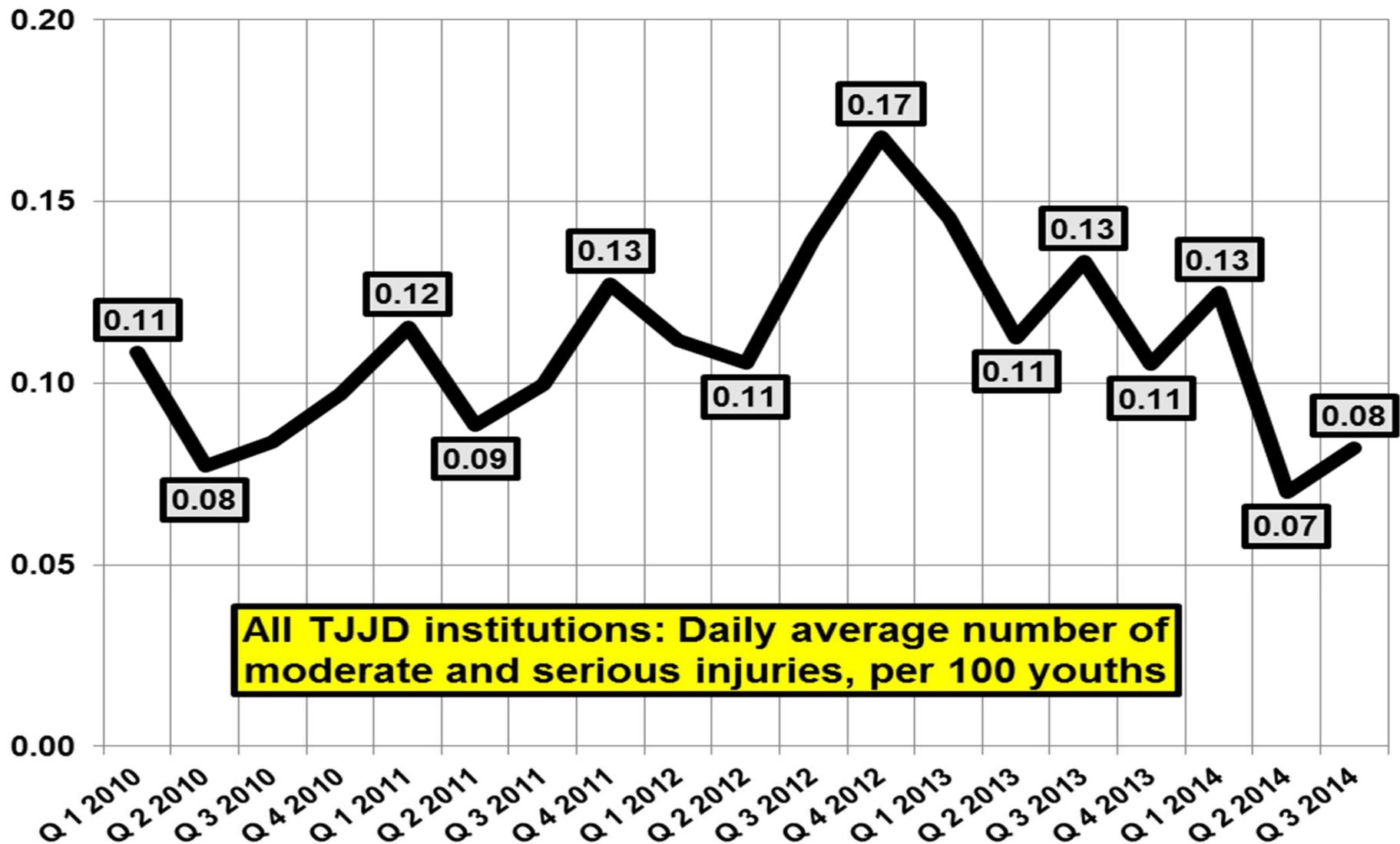


What about the longitudinal trend?

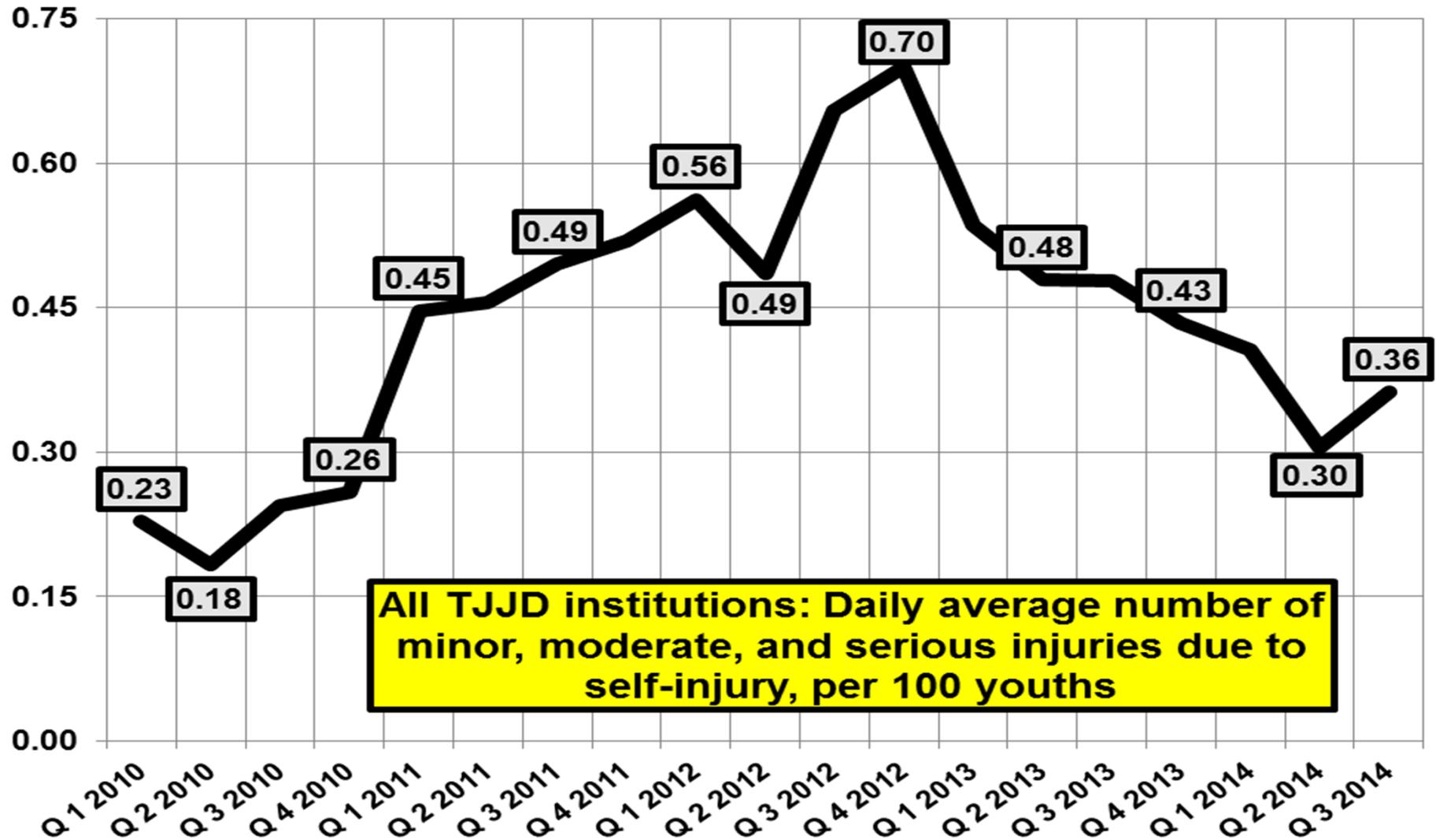




A key driver of costs



Self Injuries have come down

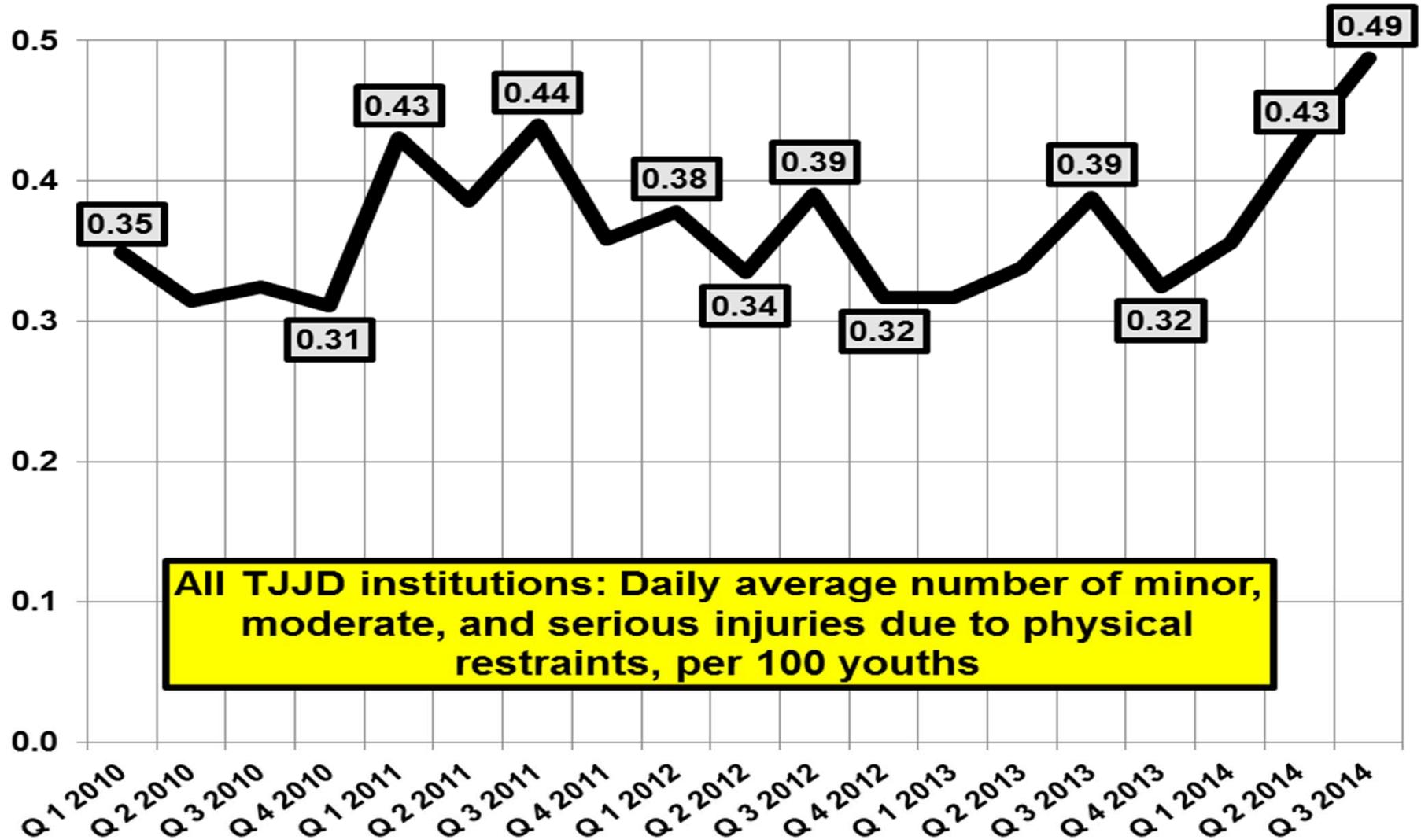


All TJJD institutions: Daily average number of minor, moderate, and serious injuries due to self-injury, per 100 youths

Self Injuries

	Q1	Q2	Q3	Q4	Q1	Q2	Q3												
CRTC/ MRTC	20 10	10 10	20 10	20 10	20 11	20 11	20 11	20 11	20 12	20 12	20 12	20 12	20 13	20 13	20 13	20 13	20 14	20 14	20 14
RTC facilities Per 100 youth /day	0.931	0.379	0.755	0.966	2.31	2.455	3.413	3.233	3.761	3.23	4.271	4.294	2.703	2.66	2.646	2.603	2.128	1.957	1.88
RTC facilities Absolute numbers	121	47	94	110	246	246	325	387	399	381	445	445	269	209	220	197	136	112	98

A trend to be monitored

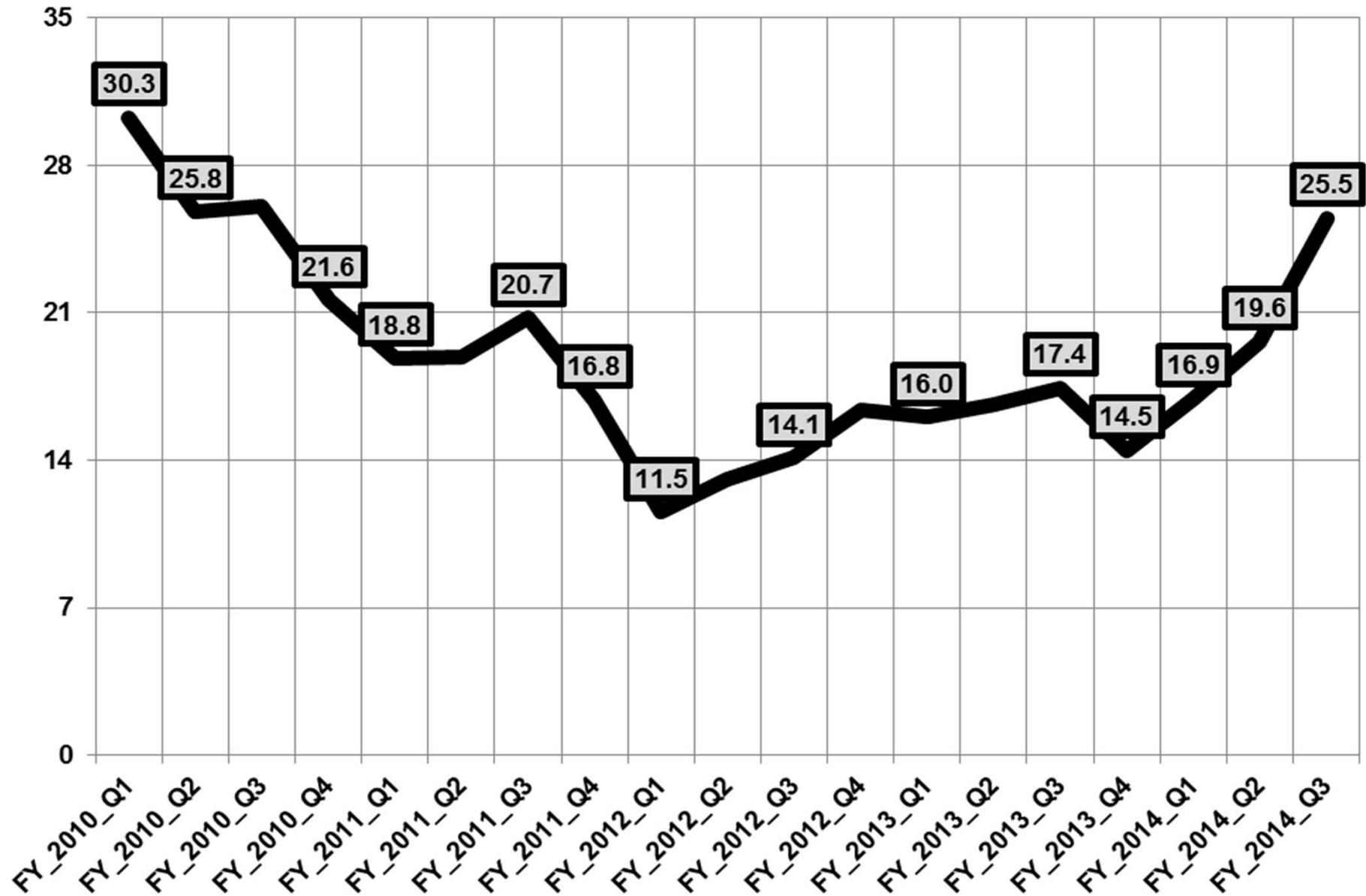


Indirect measures

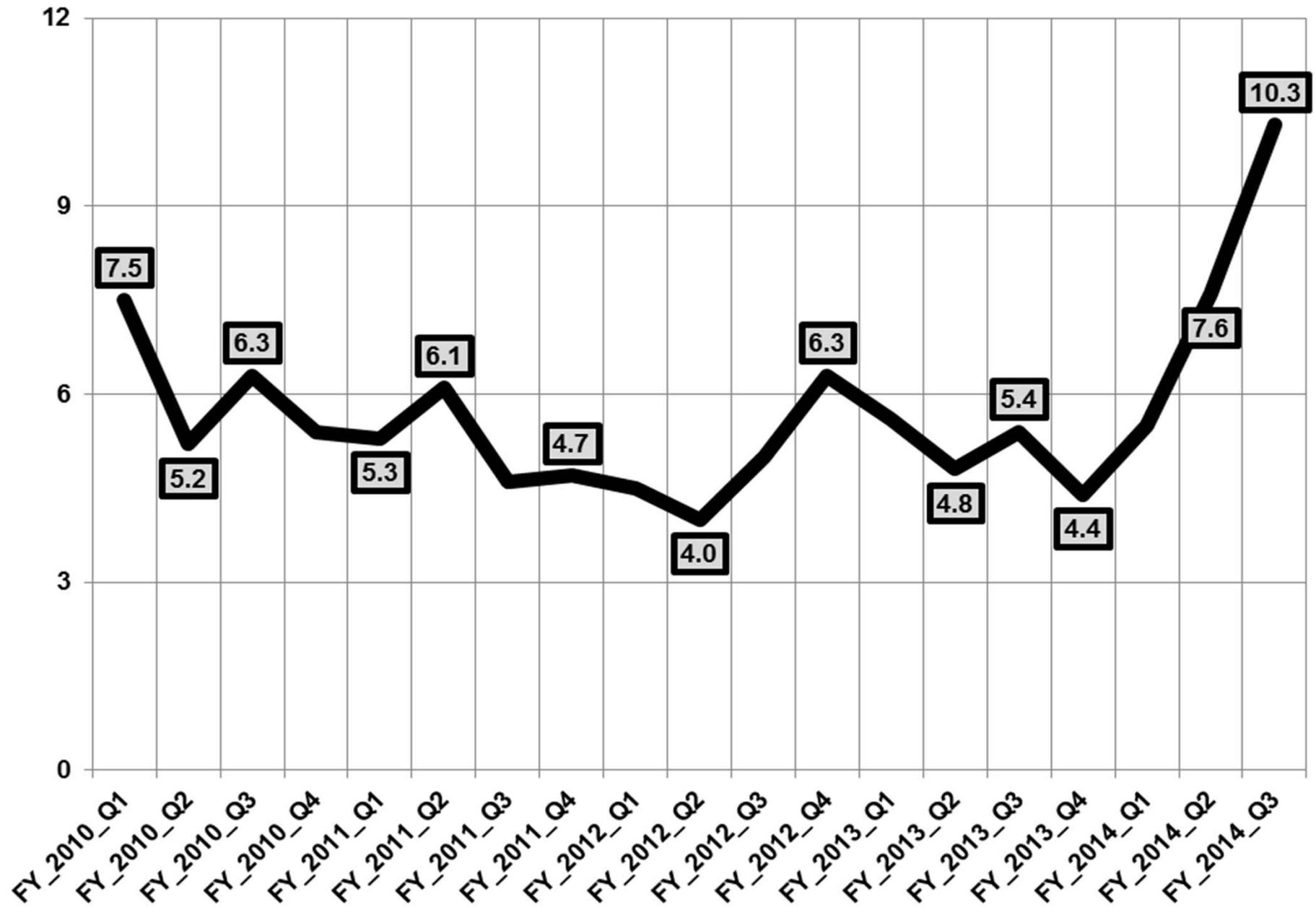
Number of Medical Transports per month and quarter, FY 2014

Facility	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	1st Qtr.	2nd Qtr.	3rd Qtr.
Corsicana RTC	10	4	1	NA									15		
Evins	18	21	16	19	15	14	21	28	28				55	48	77
Gainesville	10	6	7	10	7	18	18	10	21				23	35	49
Giddings	13	16	13	11	12	23	22	15	14				42	46	51
Mart Long-term	3	3	7	11	11	8	8	11	14				13	30	33
Mart Intake	1	2	8										11		
Mart Phoenix	0	0	2	1	0	1	3	1	1				2	2	5
Mart RTC				NA	6	15	4	10	7					21	21
Ron Jackson Long-term	7	10	3	3	5	11	12	4	5				20	19	21
Ron Jackson Intake	0	3	2	3	2	6	2	4	7				5	11	13
TOTAL	62	65	59	58	58	96	90	83	97	0	0	0	186	212	270

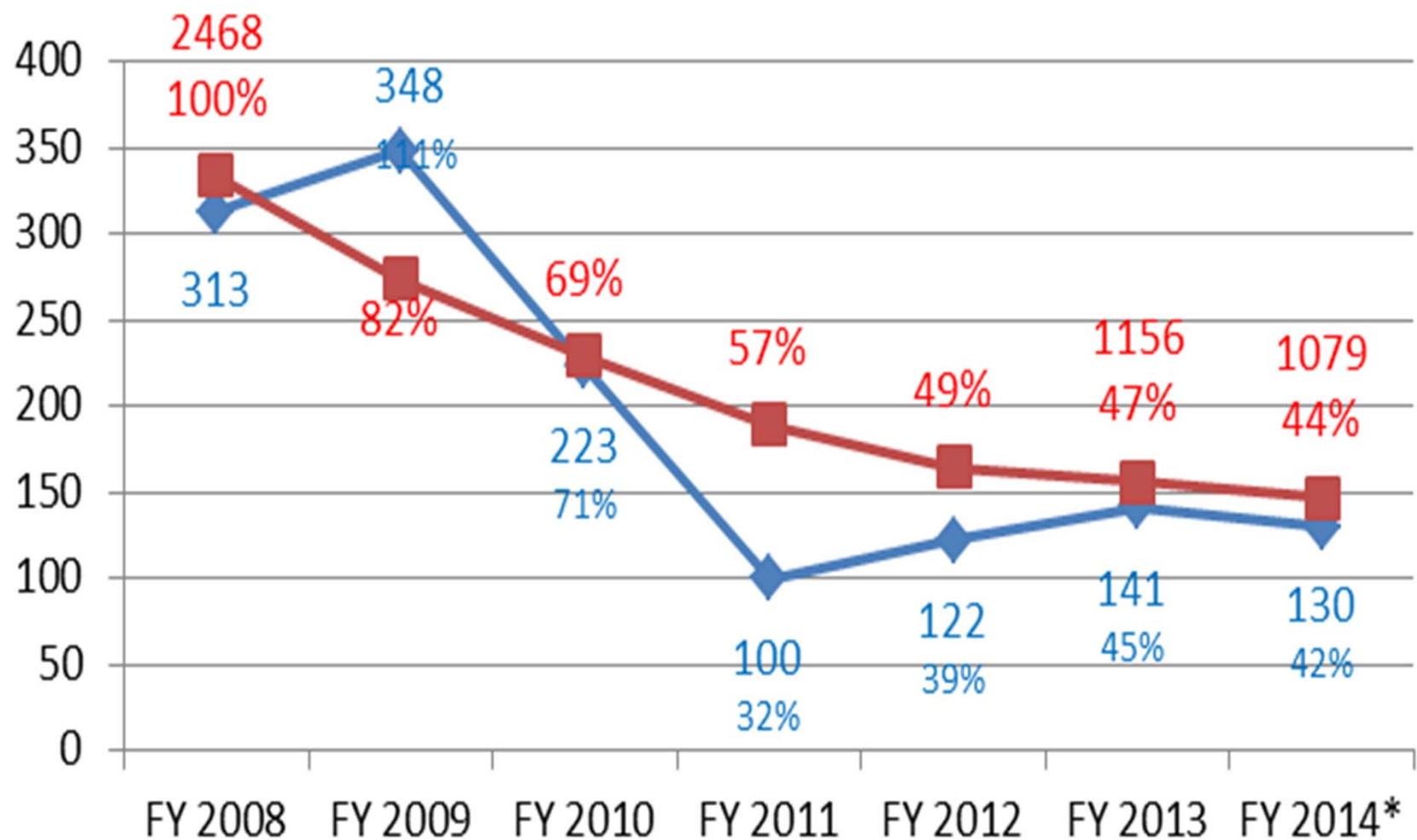
All TJJD institutions: Medical off-campus transports per 100 ADP



All TJJD institutions: X-rays per 100 ADP



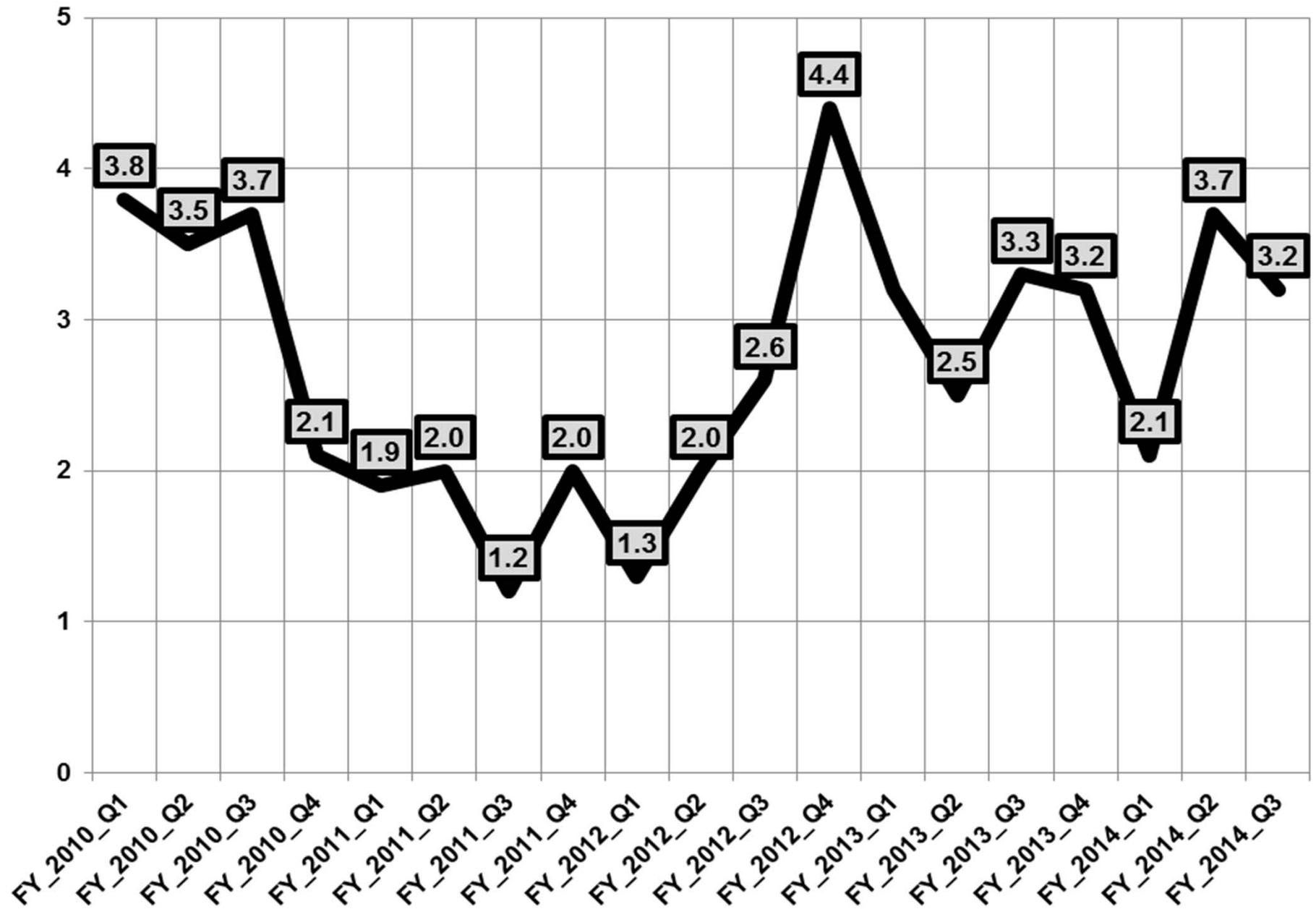
Total ER Visits



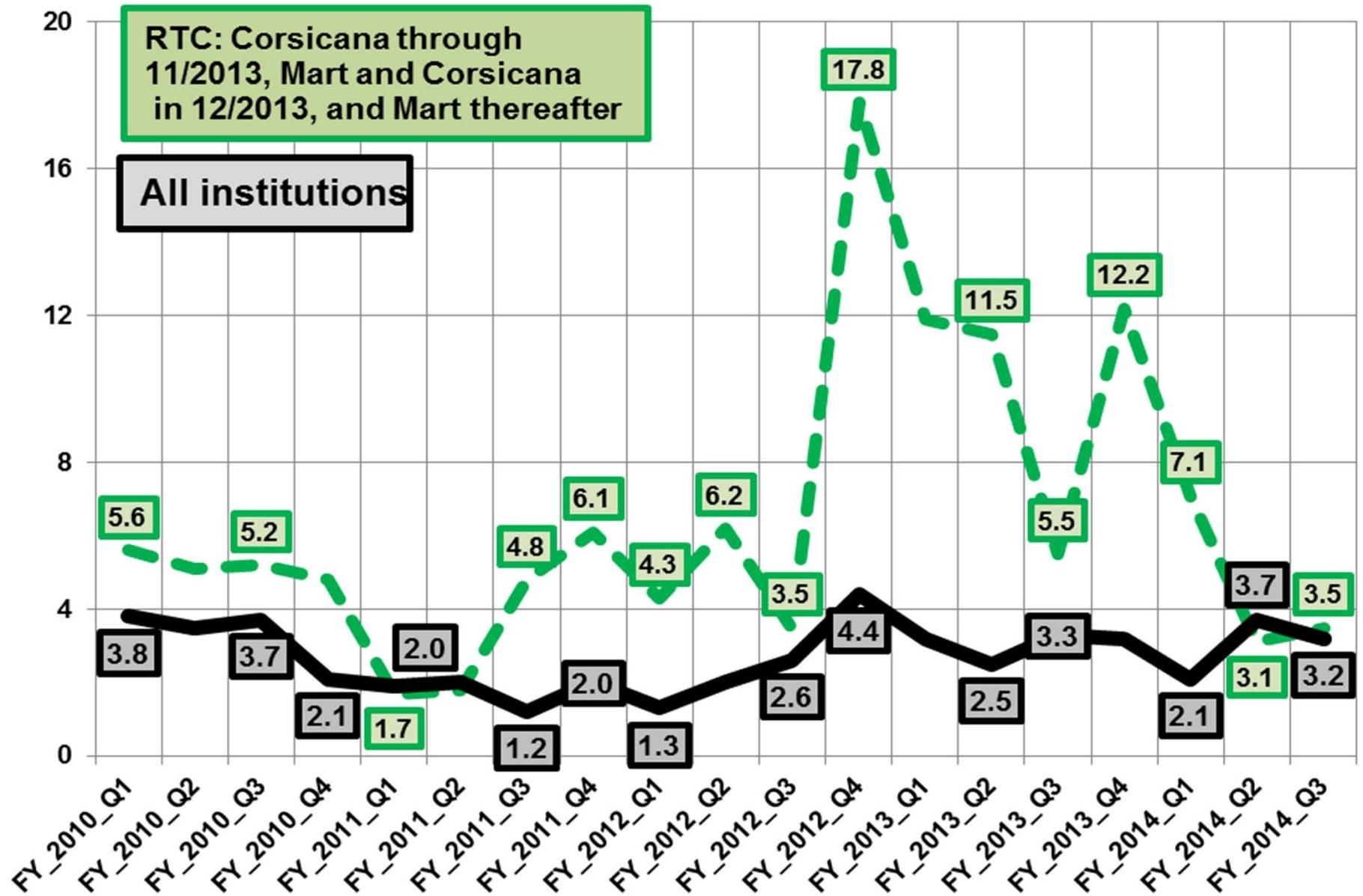
◆ TOTAL ER Visits ■ ADP

* data annualized based on nine months data

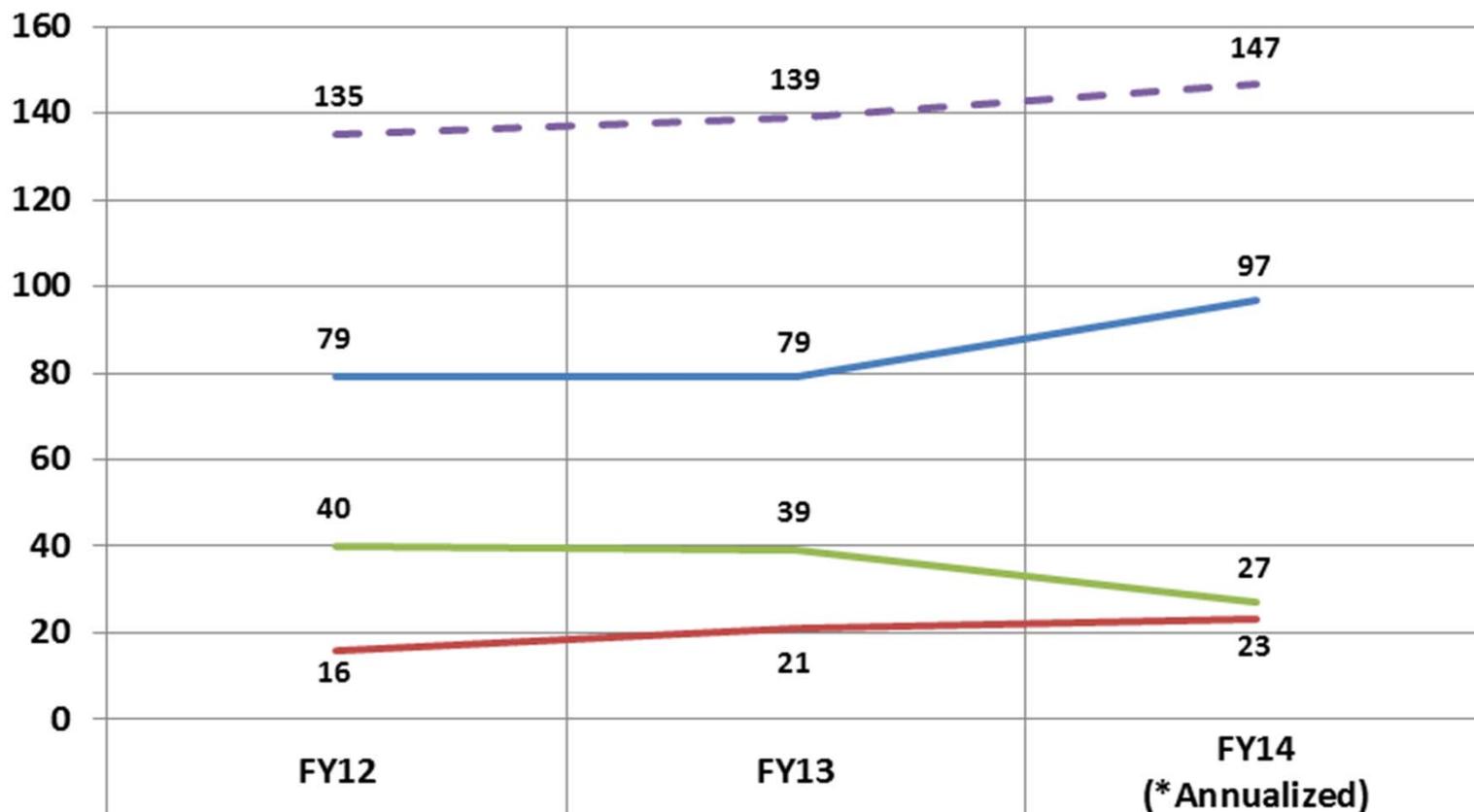
All TJJD institutions: ER visits per 100 ADP



Residential Treatment facilities (Corsicana and Mart): ER visits per 100 ADP

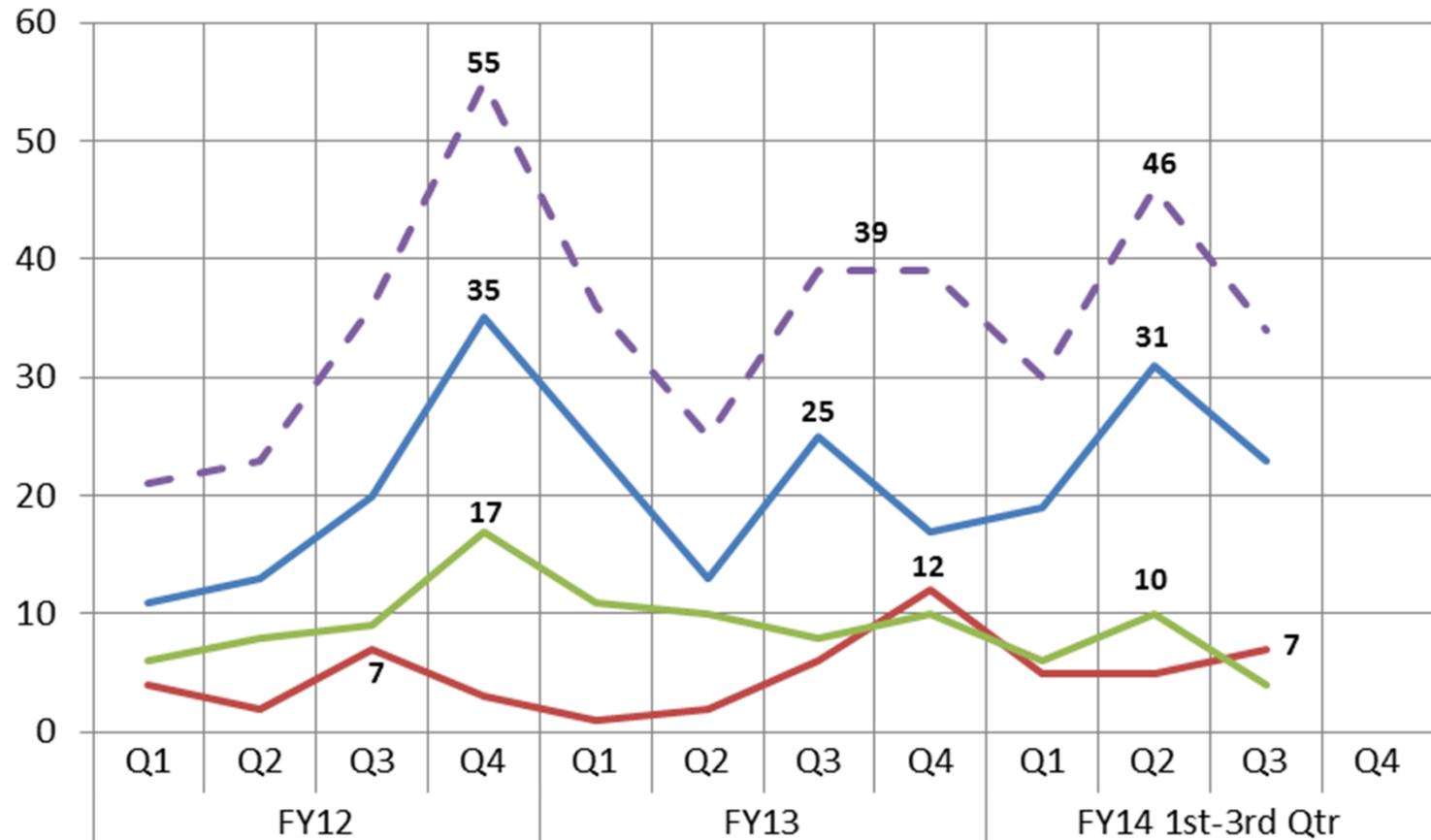


ER Visits FY12 - FY14 (Institutions & Halfway Houses) by Type of Incident



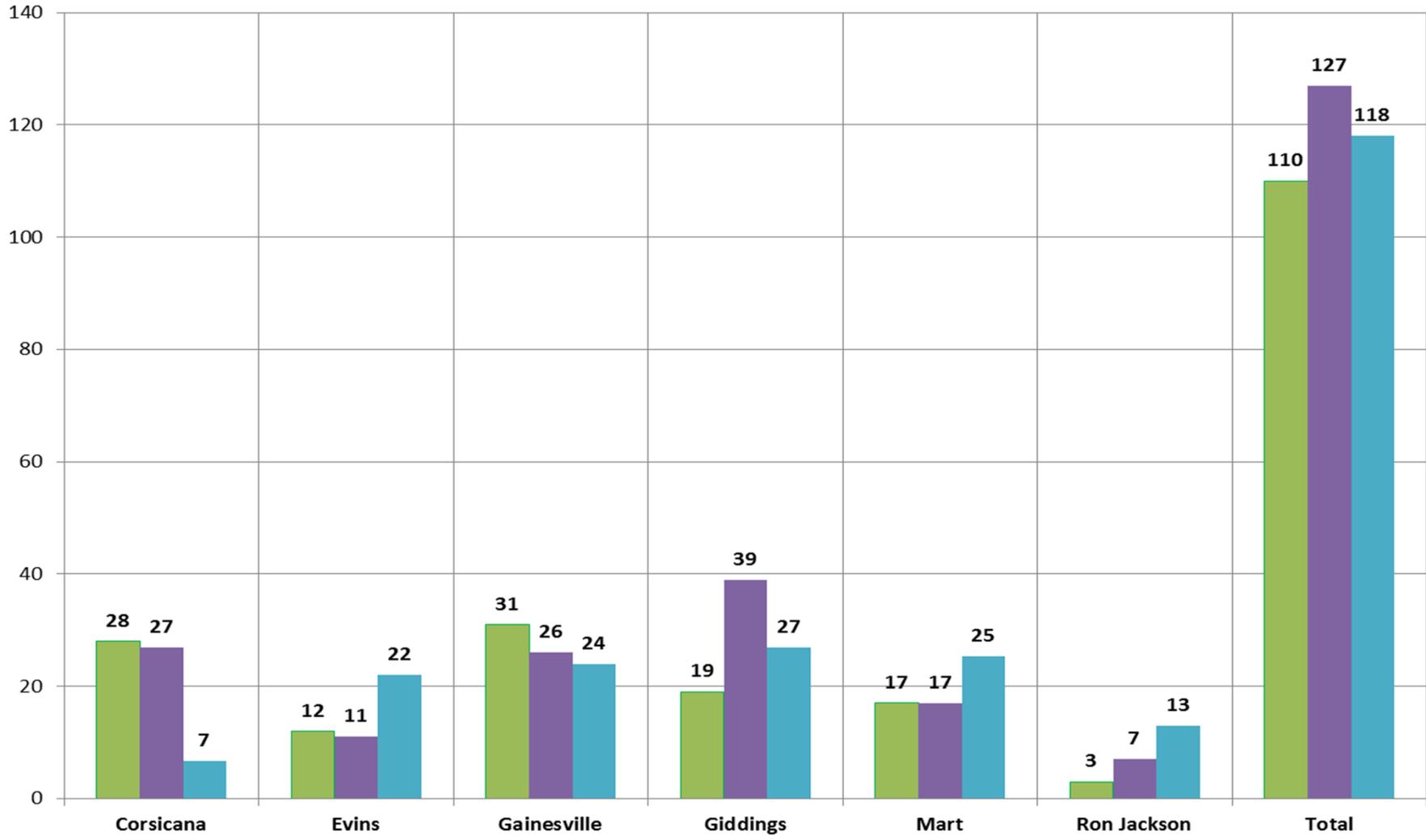
— Injury	79	79	97
— Illness	16	21	23
— Mental Health	40	39	27
- - - Total	135	139	147

ER Visits FY12- FY14 Quarterly by Type of Incident (Institutions & Halfway Houses)



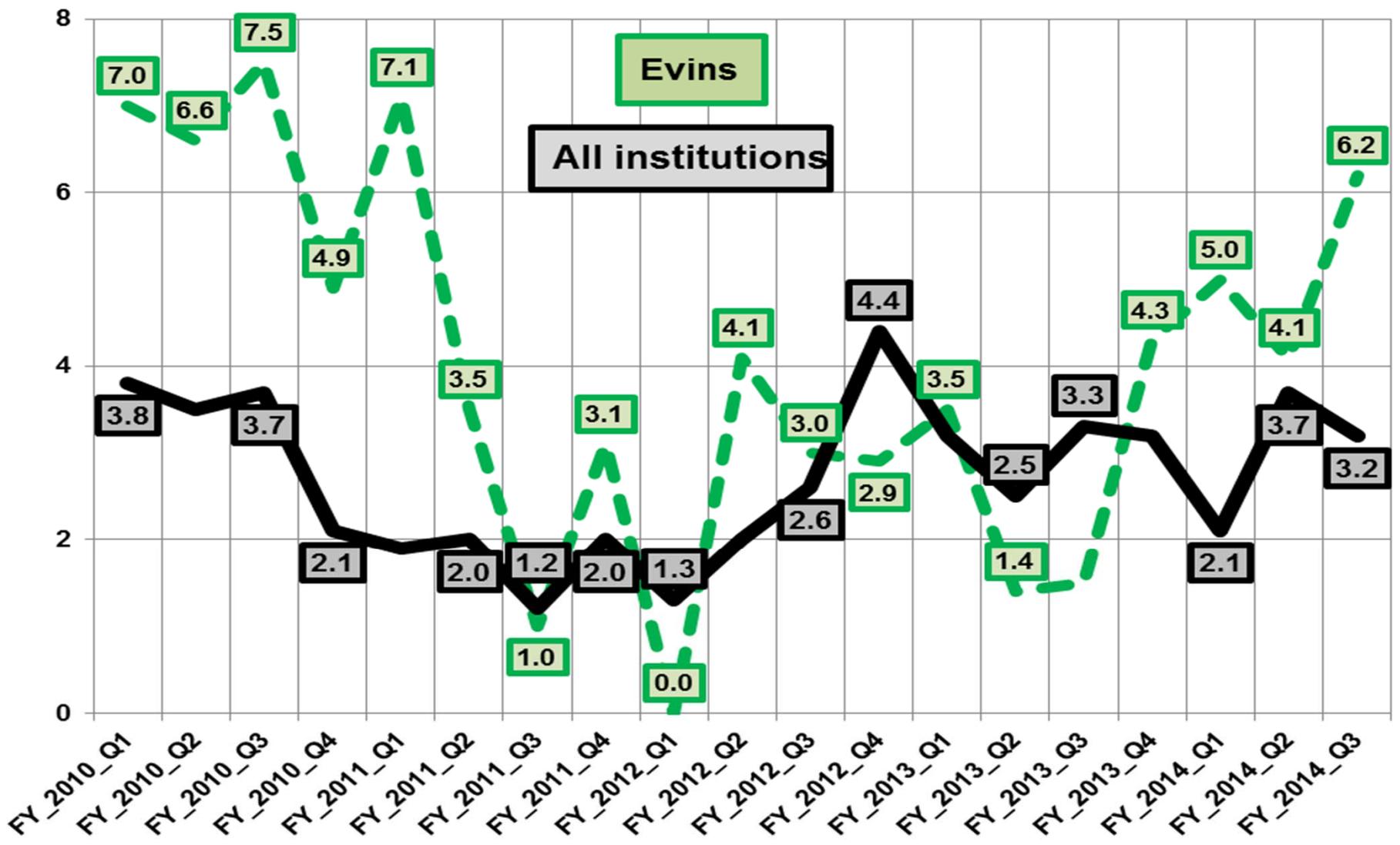
— Injury	11	13	20	35	24	13	25	17	19	31	23	
— Illness	4	2	7	3	1	2	6	12	5	5	7	
— Mental Health	6	8	9	17	11	10	8	10	6	10	4	
- - - Total	21	23	36	55	36	25	39	39	30	46	34	

ER Visits FY12 - FY14 by Facility

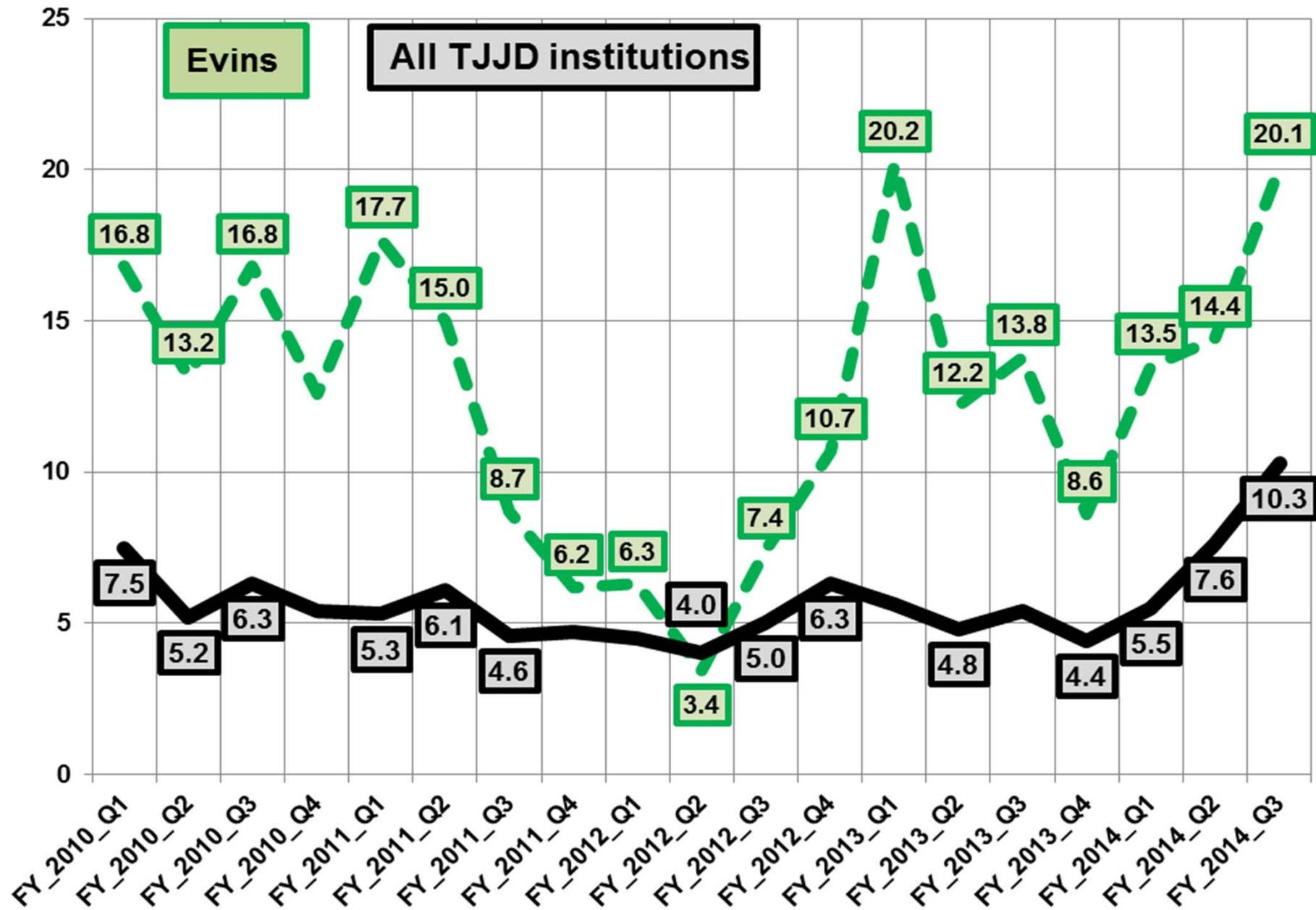


A review of outliers

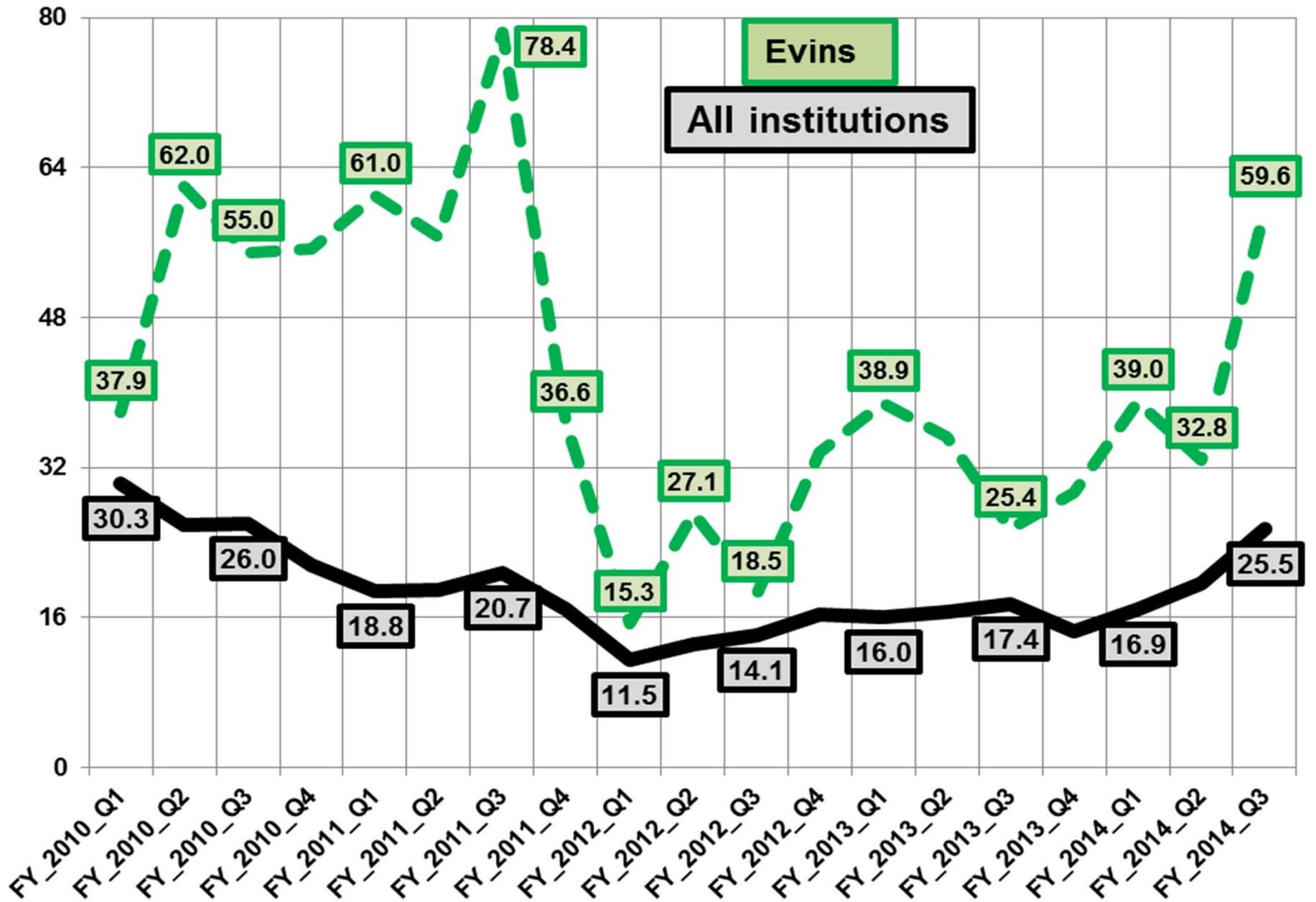
Evins: ER visits per 100 ADP



Evins: X-rays per 100 ADP



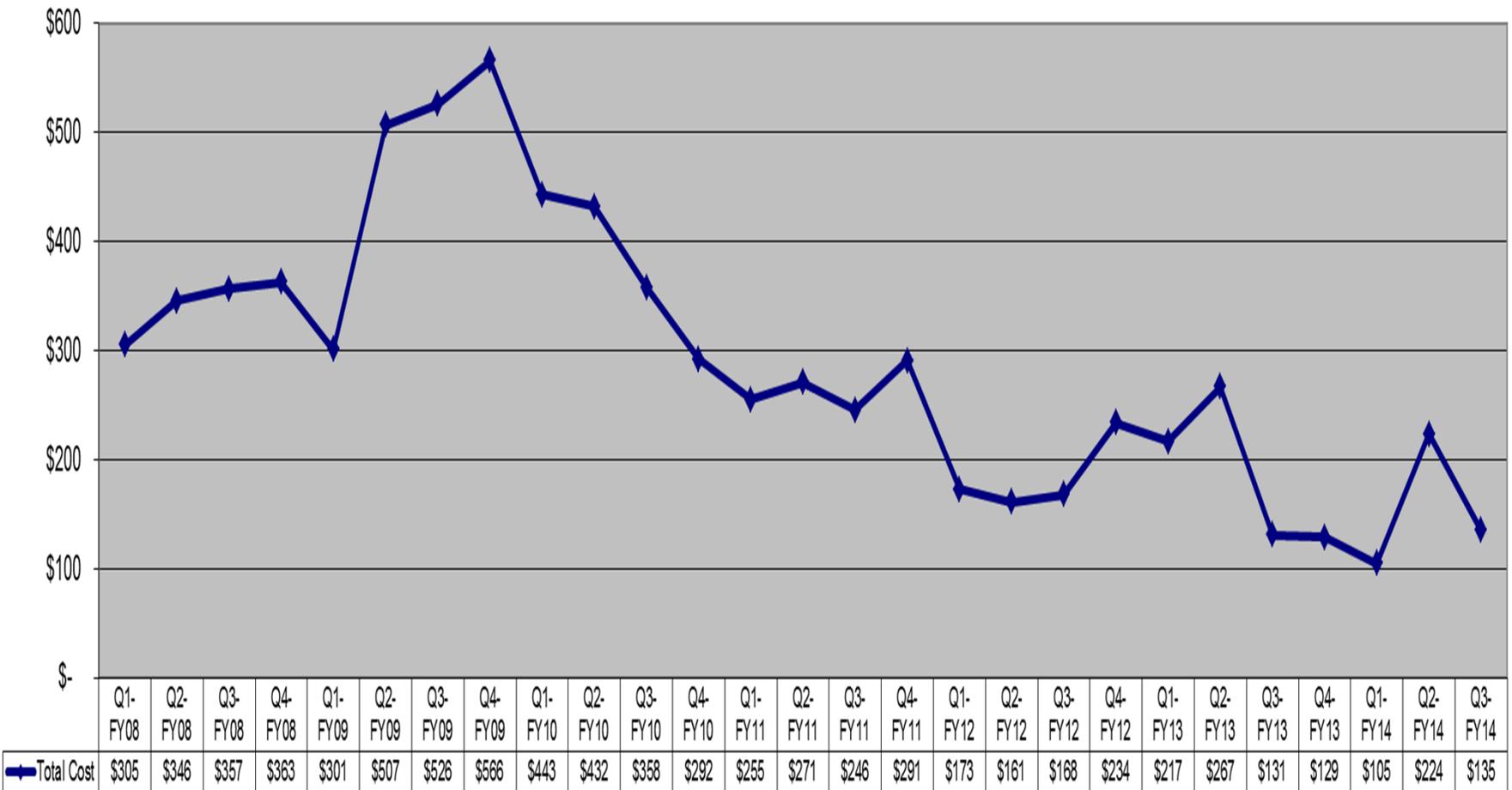
Evins: Medical off-campus transports per 100 ADP



Financial Implications

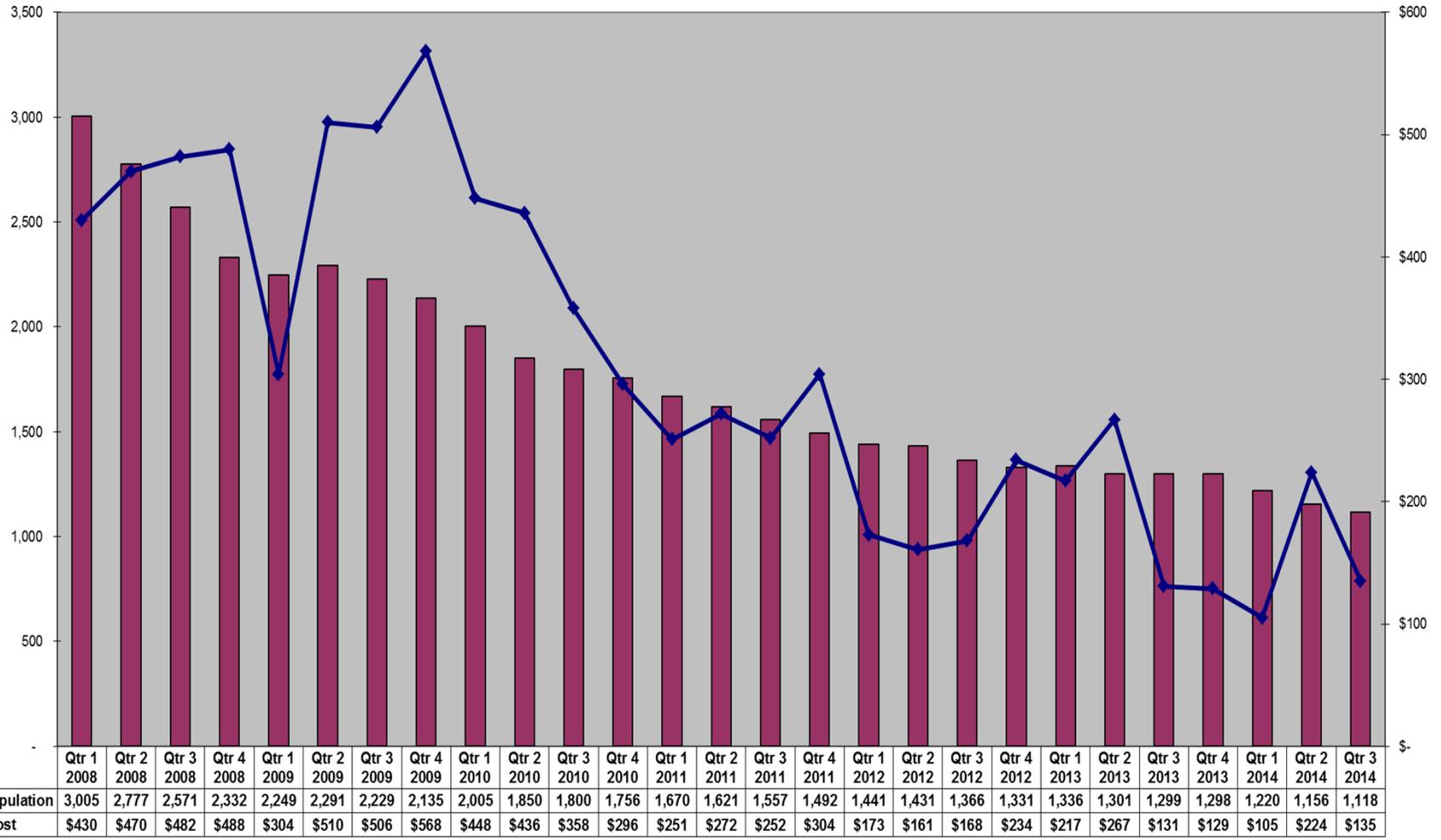
A Declining Slope of Free world cost

Total Freeworld Care Costs
 FY 2008 thru YTD FY 2014
(in one hundred thousands)



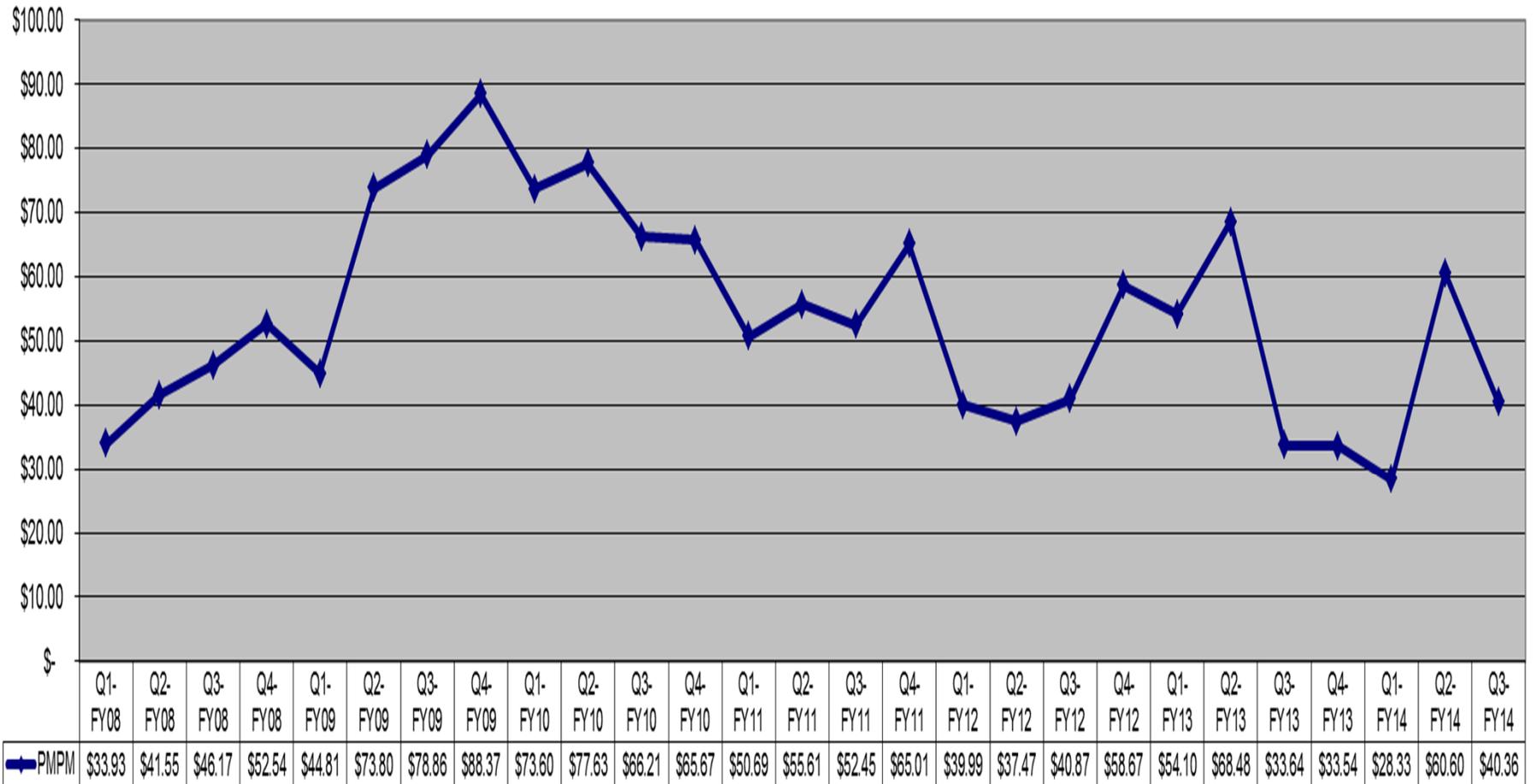
Vigilance pays!

Quarterly Free World Costs and Average Daily Population
 FY 2008 thru YTD FY 2014
 (In one hundred thousands)



What about PMPM costs?

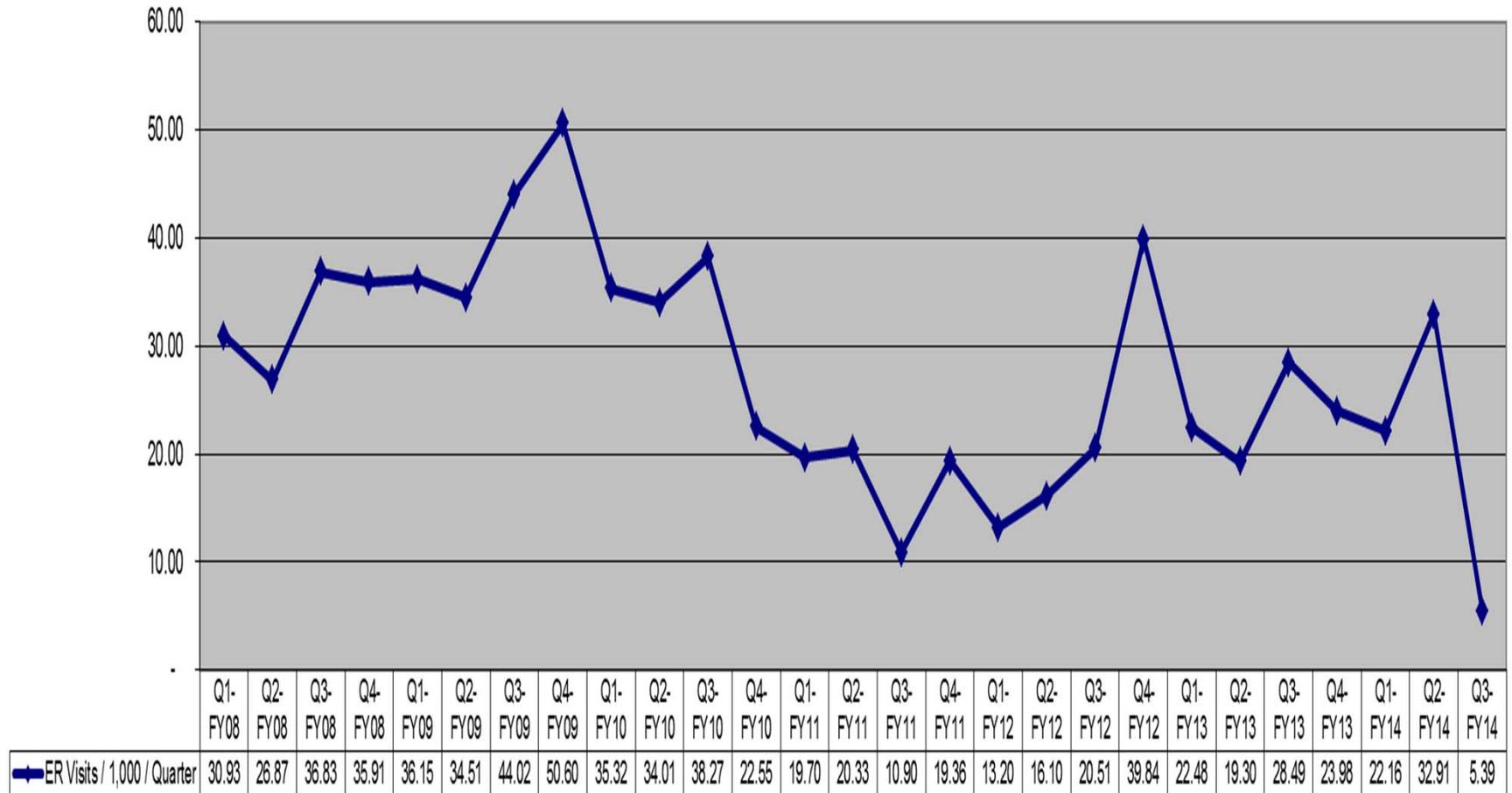
Freeworld Care
Per Member Per Month
FY 2008 thru YTD FY 2014



ER visit costs

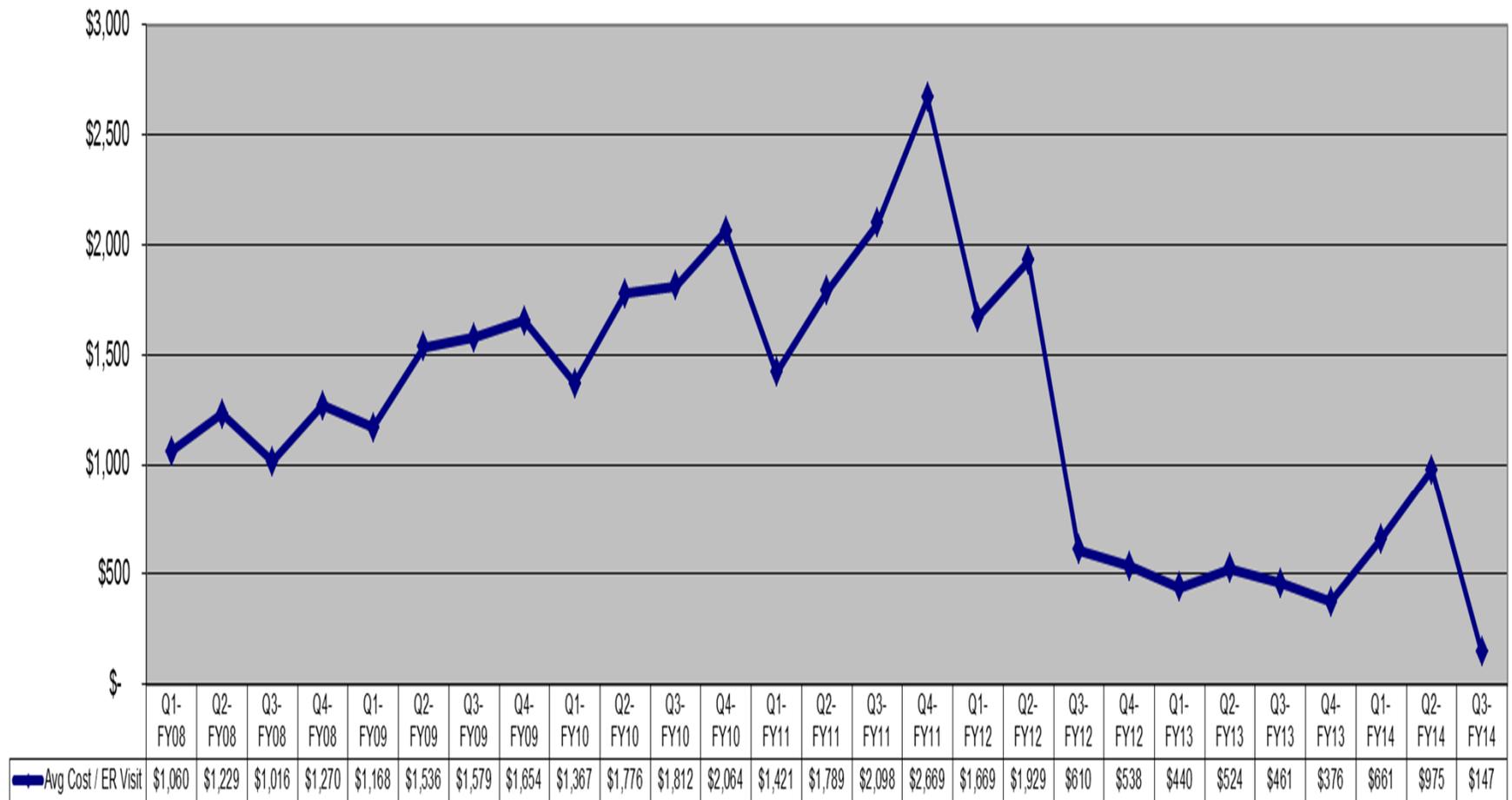
Tracked by Finance with a lag factor

ER Visits per 1,000 / Quarter
FY 2008 thru YTD FY 2014

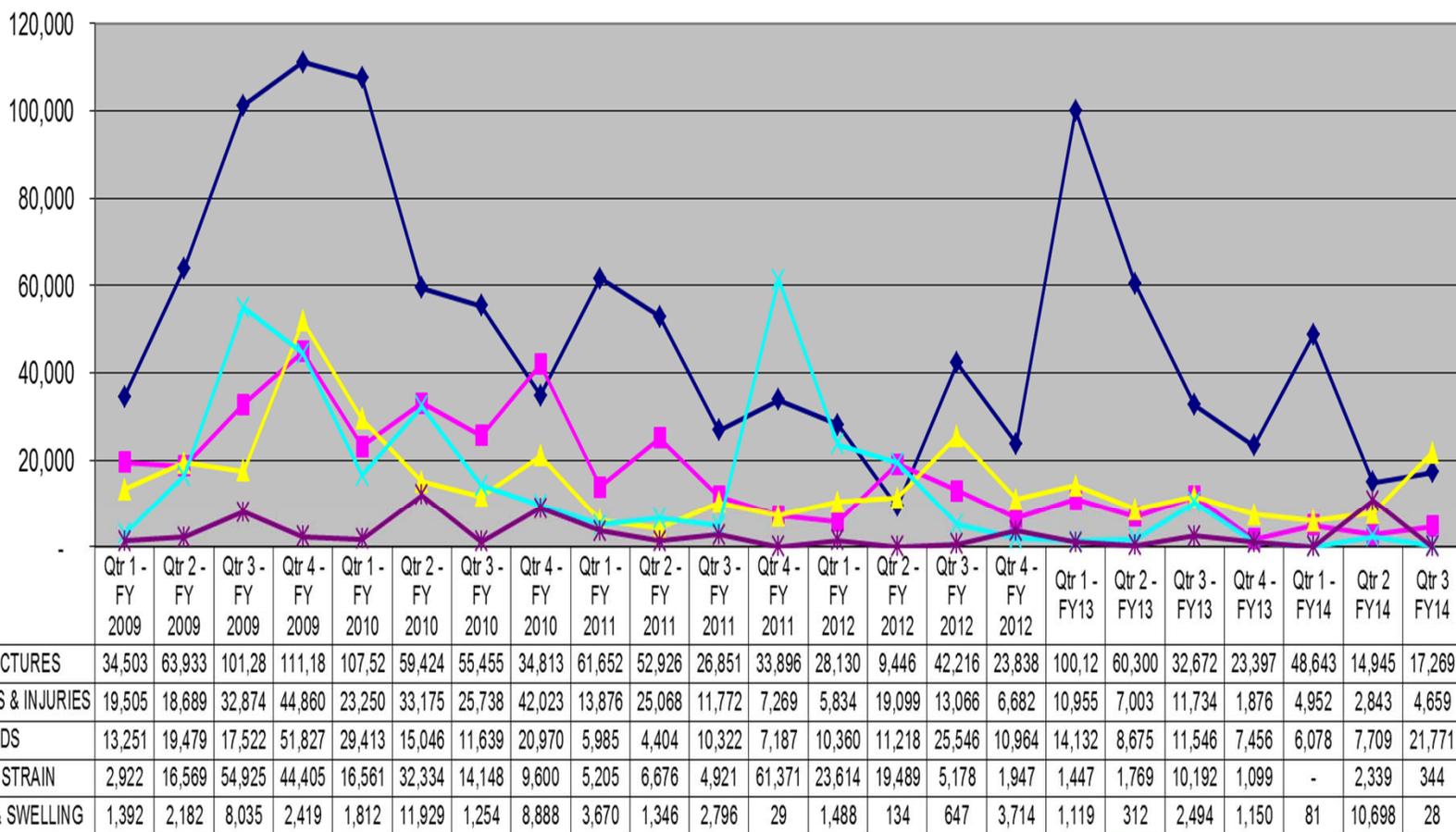


Review of Contracts pays!

Average Cost per ER Visit
FY 2008 thru YTD FY 2014



**Trauma & Injury Costs
FY 2009 thru YTD FY 2014**



**Total - Trauma & Injury
FY 2009: \$661,758**

**Total - Trauma & Injury
FY 2011: \$347,223**

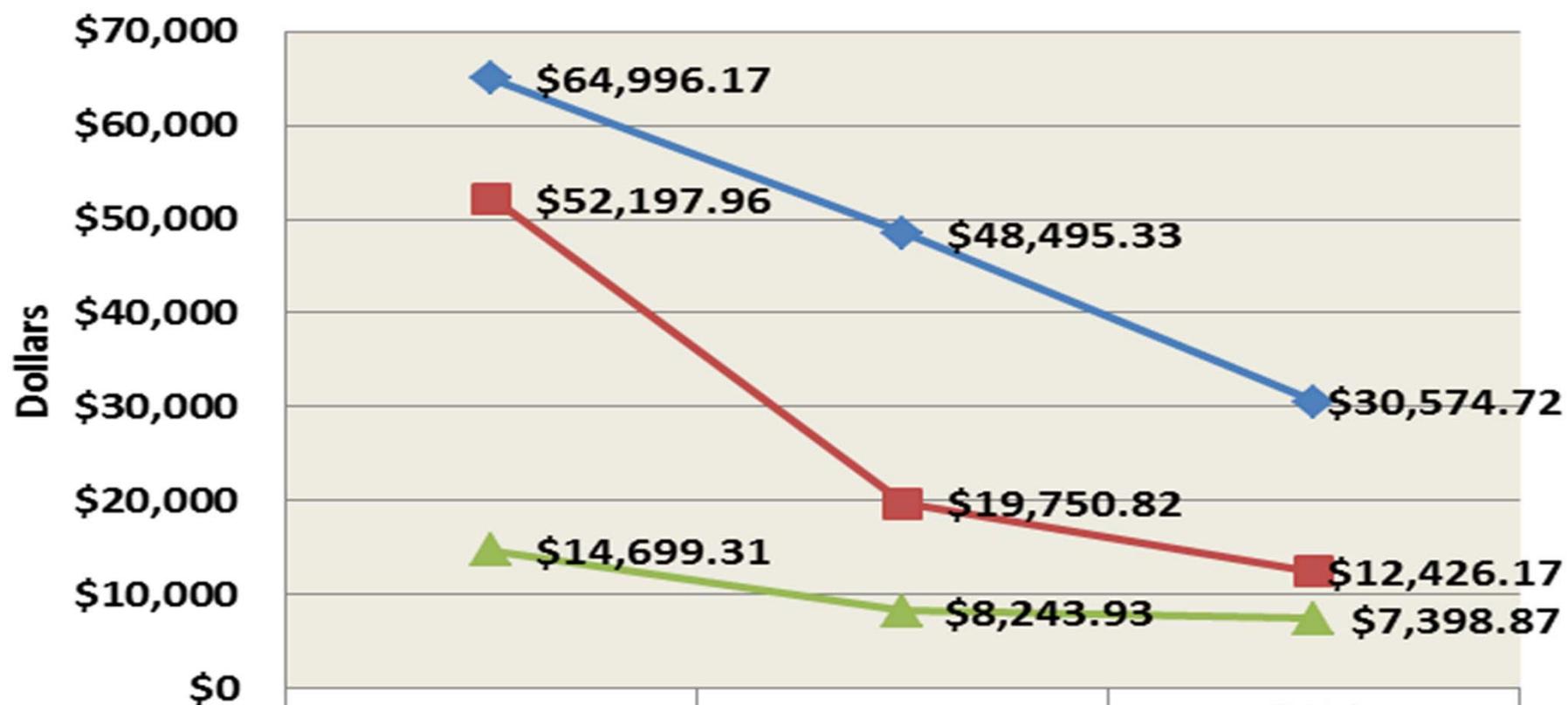
**Total - Trauma & Injury
FY 2013: \$309,449**

**Total - Trauma & Injury
FY 2010: \$554,997**

**Total - Trauma & Injury
FY 2012: \$262,608**

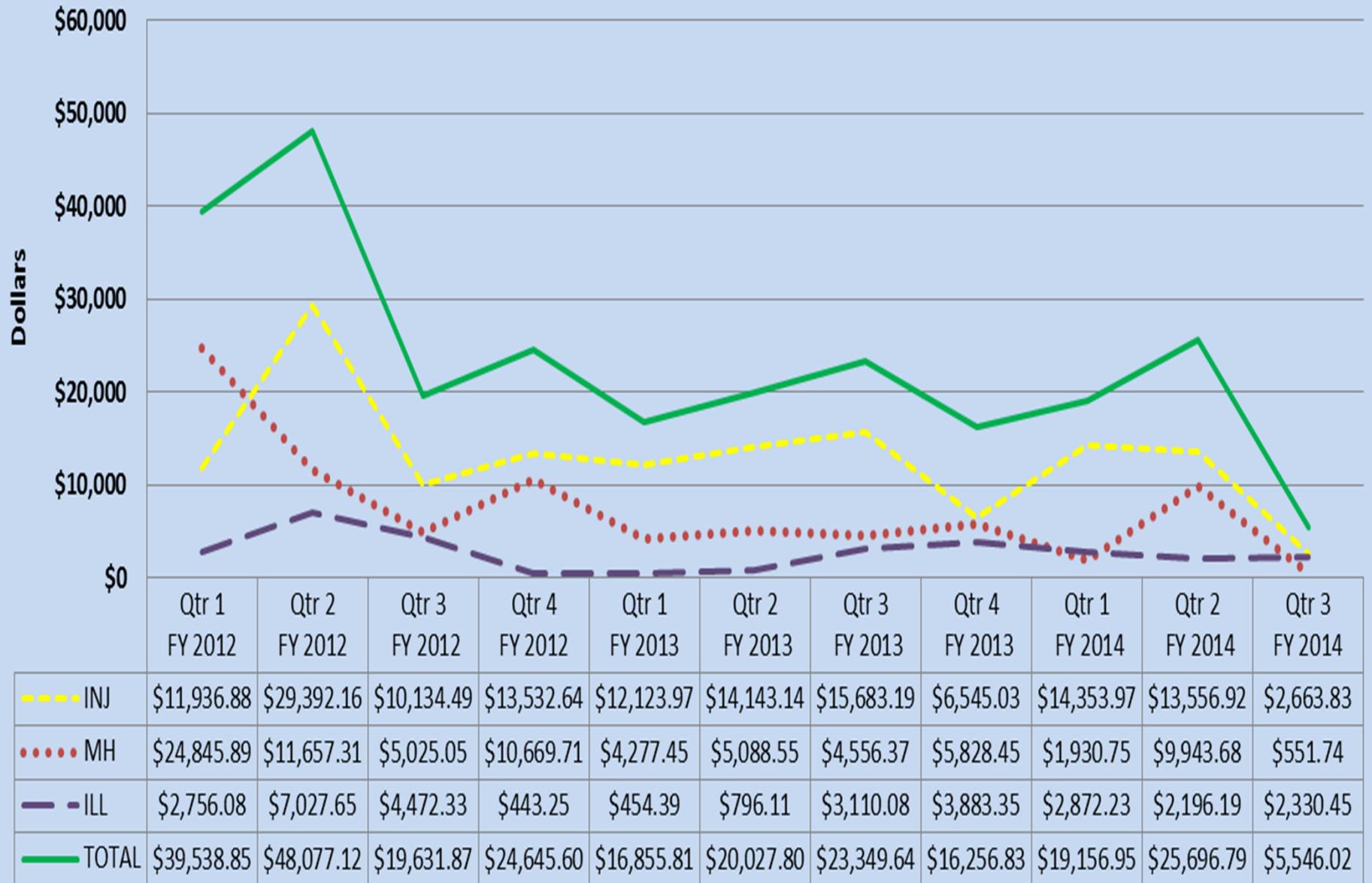
**Total - Trauma & Injury YTD
FY 2014: \$142,358**

ER Visits FY12 - FY14 Institutions & Halfway Houses by Type of Incident

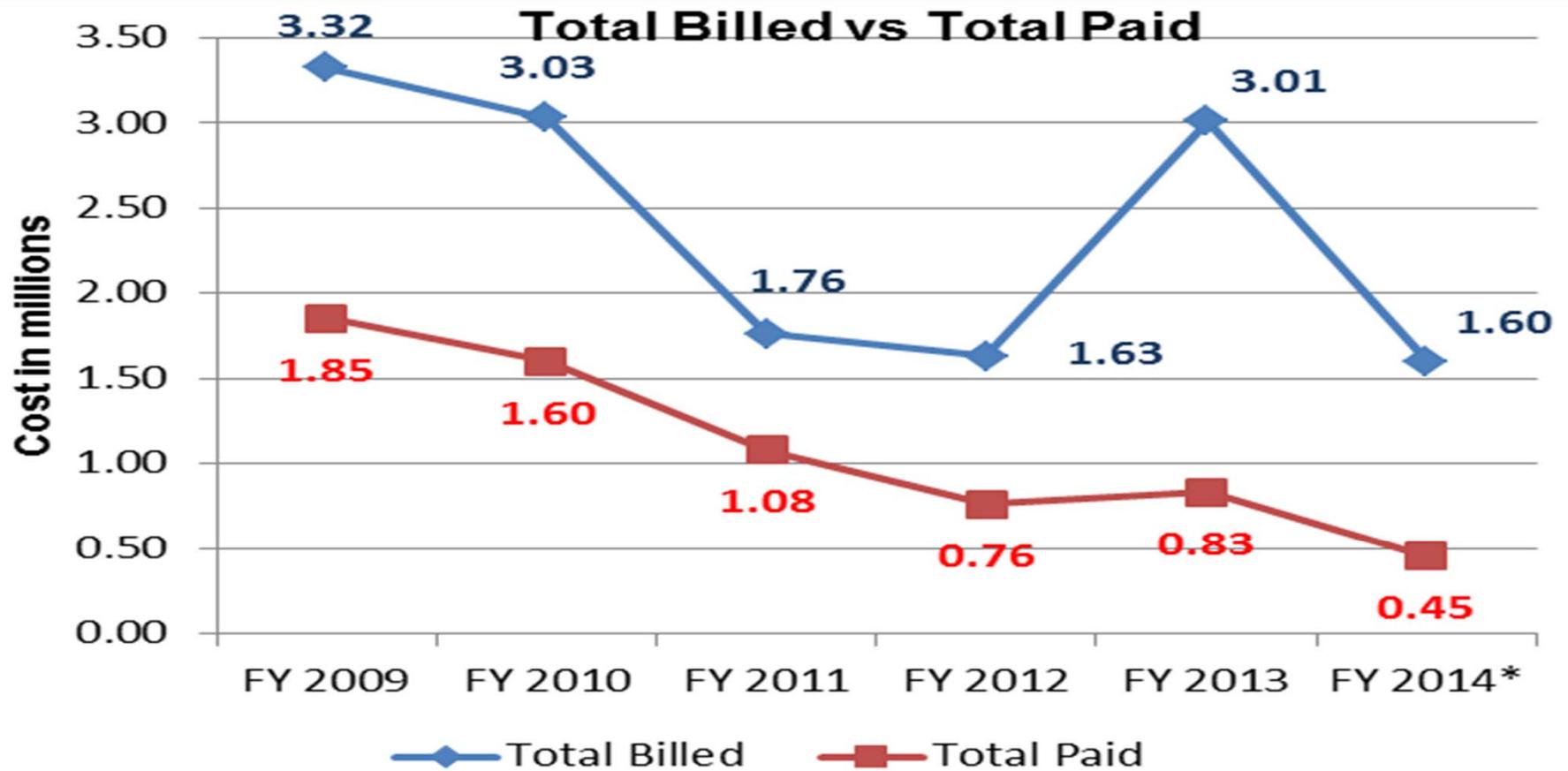


	FY12	FY13	FY14 (1st-3rd Qtr)
INJ	\$64,996.17	\$48,495.33	\$30,574.72
MH	\$52,197.96	\$19,750.82	\$12,426.17
ILL	\$14,699.31	\$8,243.93	\$7,398.87

ER Visits FY12 - FY14 Quarterly Institutions & Halfway Houses by Type of Incident



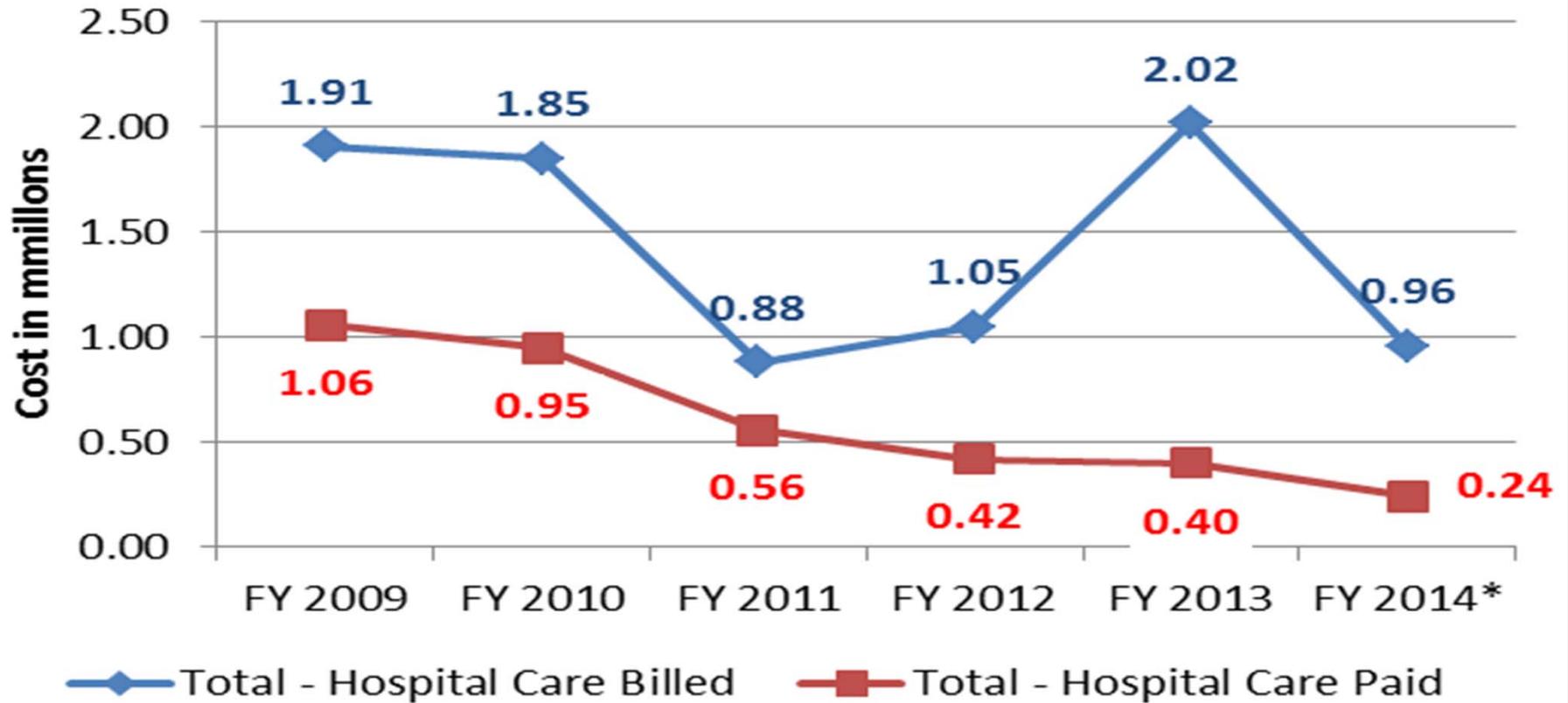
Free World Health Care Cost



	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014*
Total Billed	3.32	3.03	1.76	1.63	3.01	1.60
Total Paid	1.85	1.60	1.08	0.76	0.83	0.45
Percentage Paid	55.8%	52.6%	61.3%	46.6%	27.5%	27.9%

Hospital Care Cost

Total Billed vs Total Paid - Hospital Only



	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014*
Total - Hospital Care Billed	1.91	1.85	0.88	1.05	2.02	0.96
Total - Hospital Care Paid	1.06	0.95	0.56	0.42	0.40	0.24
Percentage Paid	55.7%	51.3%	62.9%	40.2%	19.7%	21.2%