

Texas Youth Commission
Response to the Independent Ombudsman
First Quarter Report, FY 2011

December 22, 2011

The Texas Human Resources Code, Section 64.060, provides that the Office of Independent Ombudsman (OIO) shall accept comments from the Texas Youth Commission (TYC) for the OIO's quarterly reports. The Code also provides that TYC may not submit comments after the 30th day after the date of the report.

TYC received the OIO First Quarter Report on December 13, 2010. TYC's response is directed toward two sections of the OIO report relating to *III. Trends Observed* and *IV. Recommendations*. Portions of the OIO report are reproduced in highlighted italics for convenience in reviewing TYC responses.

III. Trends Observed

- ***Education:*** *Due to teacher vacancies and absenteeism, several facilities are holding classes without certified teachers. These classes are being conducted by teacher aides who are not equipped to control the students and do not have lesson plans to continue regular instruction. To address teacher shortages, students have occasionally been combined in one classroom with one teacher.*

TYC RESPONSE: In previous years, the agency had a major challenge attracting and recruiting qualified teachers. TYC is increasingly succeeding in filling these positions, and current shortages relate mainly to absenteeism. TYC is currently staffed at levels that allow coverage by certified staff at the schools for all subject areas with a few temporary exceptions relating to vacancies; there are now no systemic teacher shortages for the agency's current youth population.

In the current school year, only 7 positions of the total 229 teacher positions budgeted agency-wide have been covered on an extended basis by an aide, and only one of these for over 60 days. This is a significant agency improvement from past experience. Also, temporary fluctuations of population require moving teacher positions to different facilities; however, these moves have occurred quickly and with only minor disruption of coverage. A potential misperception of teacher "shortages" among facility staff may be based on positions that are purposely not being filled due to reduced population, and the agency will redouble its communication efforts for clarification.

TYC's need for teacher substitutes on a temporary basis for illness or short term absences remains a continuing challenge, and the agency has explored a number of options. TYC schools, like any public school in Texas, need substitute teachers due to teacher illness or other absence. However, unlike other public school systems, TYC's correctional environment imposes more constraints on establishing a normal substitute teacher call list, including that substitutes would be required to have 300 hours of training for direct care staff. On any given day, aides may cover for teachers who are out for five days or less due to illness or other reasons. When teachers are out for extended periods or when a critical vacancy occurs, the coverage of classrooms is a serious concern in our school improvement process. For the 2010-11 school year, there have been few cases where non-certified teachers cover classes. We continue to monitor vacancies to support non-certified staff with teacher oversight and monitoring when aides must cover

classrooms. The need for substitute teacher coverage continues to be an agency challenge with no easy solution.

- **Education:** *Additionally, youth with GEDs are not being accommodated with other services. They are either required to attend classes they no longer need if they are not preparing for college, or they are required to entertain themselves for long periods of time. This is particularly true of youth in halfway houses.*

TYC RESPONSE: Within secure facilities, youth with GEDs who are older and younger than 17.5 years have different requirements and options for services to improve their educational attainment. A youth with a GED and high school credits equal to or higher than the sophomore level or High School Diploma may take college classes that TYC offers with State community colleges. Those GED students younger than 17.5 years old with less than a sophomore level of credits are required to continue in education programming till they score a 12.9 on the Math and Reading TABE test. These youth must continue traditional education programming to be successful in the workplace.

GED students older than 17.5 years and with few high school credits must meet the following requirements: they still must still be enrolled in a Math and an English/Language Arts/Reading class until they TABE test at grade 12.9; they may take vocational courses to begin to accrue workforce certifications; and/or they may be employed. Each option requires appropriate stage progression, eligibility, and staff support. Additionally, eligibility for attending college courses has been implemented for youth in facilities who have attained their GED, but do not have 12 credits required to meet dual credit eligibility rule under a special program with Navarro College.

At halfway houses, TYC maintains memorandums of understanding with local school districts for TYC youth enrollment and services that may be provided at the house or at the local school campus. TYC does not operate these education programs but collaborates with the local public school to offer guidance and support to keep youth in school. Youth with GEDs receive transition plans during their stay in a secure institution that may support the youth's reentering the public school. To help the youth with GEDs at halfway houses, the TYC workforce development program has implemented workforce certification programs. At McFadden Ranch, youth may earn ServSafe food handling certification and will soon have OSHA certification available. ServSafe certification services are also available at Willoughby House and York House.

- **Re-entry:** *Halfway houses are the intended means for assisting youth in their transition home. Youth face many obstacles once released from TYC. The halfway house can and should be an opportunity for youth to overcome many of these obstacles. Programs and support are minimal, and staffing is at times not sufficient to accomplish this goal. This is an area where TYC can have a big impact on preparing youth for re-entry into society.*

TYC RESPONSE: TYC is continuously improving and enhancing halfway house operations. A halfway house utilization committee was initiated in spring 2010 to assess operations as well as implement improvement strategies. A tracking system for the referral of youth to halfway houses was developed to assist in identifying appropriate youth for transition to a halfway house. The availability of specialized treatment was enhanced along with counseling services and youth leisure activities. All halfway houses are staffed at 90% or higher with filled positions. TYC has also initiated an evaluation to incorporate and implement strategic elements of the "Missouri Model" of integrated treatment. TYC is focused on using the halfway houses as appropriate placements for many youth with transition needs. Although the agency had temporarily limited youth movement outside of the halfway house due to security concerns, procedures are now established that allow youth to move off campus sooner to participate in community service

projects as well as apply and obtain employment. We continue to make progress in developing alternatives to idle time.

- **Programs:** *More time will be spent next quarter evaluating and understanding the CoNEXTions program. If this program is to be successful, more training is needed. Many staff report not feeling adequately trained or do not fully understand the concept of this program and how it benefits them or the youth.*

TYC RESPONSE: TYC recognizes the need for increased focus in assisting staff to understand the basics of CoNEXTions. Several activities are underway:

- Several CoNEXTions training curricula were developed following the initial program roll out in 2009. These courses are now mandatory for certain staff, including case managers, psychologists, program supervisors, and compliance reports will begin January 1, 2011.
- An aggressive CoNEXTions training schedule is established as attached.
- While classroom training is important for staff understanding of CoNEXTions, supervisory leadership at the field level is also imperative for ongoing coaching, mentoring and monitoring. In the upcoming year, TYC anticipates staff development for rehabilitation program supervisors as subject matter experts as well as for case manager on-the-job training.
- In-service CoNEXTions training is provided with individualized coaching and mentoring for a facility's specific needs. This support is occurring at Gainesville, Crockett, and continues monthly at Evins and Crockett. In January, the Ron Jackson II facility will receive in-service training for administrators to develop an individualized facility plan. In-service training of four hours is mainly for administrators, case managers, teachers, JCO-VI and JCO-V; the training concentrates on how CoNEXTions relates to other program services. It also involves coaching multi-disciplinary teams, shadowing program supervisors to build local quality assurance, and coaching case managers to conduct individualized counseling and skills applications groups, and debriefing with facility administration, and regional and central office directors after each visit and to plan for next visit.
- In-service training is anticipated in January 2011 with quality assurance monitors for halfway houses to build their capacity to monitor CoNEXTions components.
- Also in January 2011, a CoNEXTions "back to basics" plan for each facility will be developed along with a plan for improving quality of case plans at each facility. A management standards update is scheduled for completion for local CoNEXTions quality assurance.
- Other strategies for strengthening CoNEXTions are under consideration, including increased routine videoconferences, and CoNEXTions bulletins, emails, and posts.

- **Staffing Issues:** *Many facilities are experiencing staffing issues due to staff call-ins, staff on FMLA, and position vacancies. These shortages often require existing staff to work double shifts and to work on their scheduled days off. Some staff report becoming tired and frustrated, leading to more absenteeism. This also increases the potential for staff injury and employee turnover.*

TYC RESPONSE: JCOs are routinely required to work overtime hours more than any other positions. The agency has taken the following steps in FY 2011 to reduce the amount of overtime worked by JCOs and to improve their work-life balance. Such steps improve JCO morale, which in turn reduces staff call-ins.

- **JCO Standard Schedule:** Effective Sunday, October 31, 2010, a standard JCO schedule was implemented at each secure facility based on the same schedule that had been part of a pilot program at the Gainesville State School for approximately two months. The routine schedule pattern consists of four consecutive regularly scheduled 8-hour work days and then two consecutive regularly scheduled days off (4-on/2-off pattern). The goal is to ensure JCO staff routinely receive two consecutive days off, are provided schedules well in advance of the work week to allow time to plan activities on their scheduled off days, and to significantly reduce the amount of mandatory overtime and 10-hour or 12-hour shifts that JCOs are currently working.
- **Overtime Weekly Tracking Report:** Effective December 1, 2010, facility managers were provided access to a newly developed automated report that identifies the number of overtime hours worked and earned by each employee at their facility on a weekly basis. This report will allow the managers to more closely monitor overtime accruals, help them identify specific incidents week by week that may have resulted in the need for overtime, and implement any necessary changes that could help avoid excessive overtime accrual in the future.
- **Timely Approval of JCO Leave Requests:** An email from the Director of Youth Services and the Director of Human Resources was sent to JCO supervisors on December 13, reminding them that an important function of a supervisor is to approve or disapprove leave requests as soon as possible to allow the employee to confirm or change any planned activities with family and friends.

One of the most significant factors that has historically affected the number of position vacancies is a high turnover rate, especially for positions providing direct care to youth. However, the agency's overall turnover rate dropped from 41 percent in fiscal year 2007 to 25 percent in fiscal year 2010, and the agency anticipates the decline in turnover rate to continue for FY 2011. Several current position vacancies are a result of the current practice to determine on a case-by-case basis whether a position that becomes vacant should be filled or remain vacant due to declining youth populations.

- **Safety:** *Youth in most facilities are reporting feeling safe. Increased camera and remodeled housing have given most youth a safety barrier. Some youth report safety concerns regarding other youth, particularly related to bullying and gang-related issues. OIO will continue to monitor this issue through the next quarter and will report to TYC on their findings.*

TYC RESPONSE: Several initiatives related to bullying and gangs are underway:

- Data on bullying is being collected and incorporated into the PBIS performance measure system.
- A pilot initiative is under development at the Evins facility for a "gang peace treaty."

- The gang intervention treatment program has been underway since September 2010, with plans to conduct quality assurance and evaluate effectiveness during the current fiscal year.
- The recent approval of a federal grant for a special program, GITREADY, to target gang issues in Harris County provides a significant opportunity to address these needs. The GITREDY program may also inform other gang-related strategies within TYC institutions.
 - *Reporting: Consistent documentation and paperwork is needed in many areas. Often signatures are missing, plans are not documented, activities are not recorded, and/or schedules are not within the time frames specified by TYC policies and/or procedures.*

TYC RESPONSE: Accurate and consistent documentation is the foundation of many best practices, and TYC recognizes several opportunities for continuous improvement. A reorganization effective in September 2010 established the Quality Assurance Division as a separate unit from the Youth Services Division to eliminate any conflicts of interest in conducting detailed operational reviews. These reviews focus on compliance standards for accurate and complete documentation for a broad range of critical processes relating to life safety, health, and programmatic areas and risk management. These monitoring reviews are an important tool for cross-divisional staff collaboration and communication among management levels regarding expectations for consistent and complete documentation. The reports and facility responses are improving the level of professional practices and insure that policies and schedules are followed consistently. Additionally, the Youth Services Division has implemented internal quality assurance measures for regional staff to conduct compliance spot checks to assess most campus areas. We are also implementing a plan for a compliance officer at each facility (within current FTEs), who will make regular reports to the Quality Assurance Division. Also, the Youth Services Division holds regular video conferences with facility superintendents that frequently include documentation-related information. Special purpose video conferences also occur for this purpose; a recent example relates to documentation of injuries reviewed by facility Accident Review Boards.

IV. Recommendation

- *Monthly meeting between OIO and the TYC executive director and the executive management team*

TYC RESPONSE: TYC is receptive and flexible for regularly scheduled meetings with the Ombudsman. Previous Ombudsmen met regularly with the executive director and executive management team, but discontinued the practice following concerns about the need for less collaboration between the two agencies.

- *Consideration for placing Stage I and II youth in contract facilities rather than halfway houses*

TYC RESPONSE: Some youth do transition (“step-down”) on low stages on parole status due to release by Release Review Panel. Other youth are on low stages due to being placed in a halfway house on initial commitment. Mixing these types of youth with high stage youth who are transitioning can be challenging for halfway staff to meet the needs of all types of youth. The placement of youth in contract care and halfway houses and how to better utilize both resources is under review, including these initiatives:

- Changes to GAP 85.45 and 85.21 to allow for increased flexibility on initial and subsequent placements.

- Increased specialized treatment ability in contract care placements so that a youth's treatment needs can be met in those locations and increased options exist for the Centralized Placement Unit staff.
- A special work group entitled "Rethinking Halfway Houses" to explore best practices, including the Missouri model, and ways to integrate treatment more effectively in a community setting. As a result, some halfway houses may be identified to target initial commitment and other step-down programming; however, our experience and the research is indicating that this type of separation of initial and transitional placement of youth is not always best practice.
- Increased specialized treatment in halfway houses (ART and AOD moderate level), and new associate psychologist positions in three locations.
- Increased individualized attention and strategic planning for CoNEXTions implementation in halfway houses beginning with a meeting a York House in December to discuss issues and training, coaching, and mentoring needs.
- Use of executive multi-disciplinary treatment team staffing, involving facility staff, executive staff and halfway house administrators, to identify best placement locations for youth and increase coordination of re-entry planning for youth extended multiple times.

The bottom line is that agency policy (GAP 85.21) specifies that initial placements from an Orientation and Assessment Unit may be placed in a medium restriction facility if they are non-sentenced offenders committed for a Low Severity Offense and have a Low or Moderate Risk Score on the attached agency's Minimum Length of Stay Assignment Form (CCF-040). While the policy does not distinguish between halfway house and medium restriction contract care facilities, it is clear that the most serious or risky offenders are not placed initially in halfway houses from an Orientation and Assessment Unit; they are maintained in a high restriction facility. We place youth based on risk to public safety, specialized treatment needs, proximity to family and other unique risk/need factors.

- *Staffing and potential budget cuts*

The agency will continue to monitor the staffing issues related to position vacancies and overtime. Any reductions in force that become necessary will be conducted in a manner that will not negatively impact the services provided to TYC youth.