

BOARD MEETINGS

AUGUST 26 - 28, 2015

Austin, Texas



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Board Leadership Development
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Wednesday, August 26, 2015, 1:30 p.m.

1. Call to order
Chairman Fisher
2. Facilitated Board Leadership Development
Dr. D. Thomas Stone, Jr.
3. Adjourn
Chairman Fisher

- 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

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Trust Committee Meeting
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Thursday, August 27, 2015, 10:30 a.m.

1. Call to order
Jimmy Smith
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Jimmy Smith
3. Discussion, consideration and possible approval regarding the May 28, 2015 meeting minutes (Action)
Jimmy Smith | Page 223
4. Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJJD and the Boys & Girls Club of Central Texas, and any subleases (Action)
Jill Mata | Page 39
5. Discussion of 2015 Wende Trust property appraisals and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road (Action)
Jill Mata | Page 43
6. Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016 (Action)
Jill Mata | Page 45
7. Staff report on activities of the trusts
Kathryn Mattingly
8. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 budget (Action)
Emily Anderson | Page 47
9. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 investment policy and strategy (Action)
Mike Meyer | Page 51
10. Adjourn
Jimmy Smith

- 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

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Finance and Audit Committee Meeting
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Thursday, August 27, 2015, 1:00 p.m.

1. Call to order
Calvin Stephens
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Calvin Stephens
3. Discussion, consideration, and possible approval regarding the May 28, 2015 meeting minutes (Action)
Calvin Stephens | Page 229
4. Updates from the Chief Information Officer
Elaine Mays | Page 237
5. Updates from the Chief Financial Officer
Mike Meyer | Page 247
6. Discussion, consideration, and possible approval regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3 (Action)
Lisa Capers and Jim Southwell | Page 55
7. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00 (Action)
Mike Meyer | Page 65
8. Discussion regarding the FY 2016 Contracting Plan
Mike Meyer | Page 269
9. Discussion, consideration, and possible approval regarding the FY 2016 Operating Budget (Action)
Emily Anderson | Page 69
10. Acknowledgement of Gifts (Action)
Mike Meyer | Page 79
11. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9901 - 380.9911, relating to Youth Records, in the *Texas Register* for a 30-day comment period (Action)
Kaci Singer | Page 81
12. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9931 - 380.9933, relating to Youth Funds, in the *Texas Register* for a 30-day comment period (Action)
Mike Meyer | Page 93

13. Discussion, consideration, and possible approval regarding the Interstate Compact for Juveniles Audit 15-6 (Action)

Eleazar Garcia | Page 103

14. Discussion of the External Peer Review of Internal Audit

Eleazar Garcia

15. Adjourn

Calvin Stephens

- 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
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Thursday, August 27, 2015, 2:30 p.m.

1. Call to order
Judge Laura Parker
2. Discussion, consideration, and possible approval regarding the January 29, 2015 meeting minutes (Action)
Judge Laura Parker | Page 277
3. Discussion, consideration, and possible approval regarding the March 26, 2015 meeting minutes (Action)
Judge Laura Parker | Page 285
4. Discussion, consideration, and possible approval regarding the May 28, 2015 meeting minutes (Action)
Judge Laura Parker | Page 291
5. Report from the Office of the Inspector General
Roland Luna | Page 37
6. Report from the State Programs and Facilities Division
Teresa Stroud | Page 297
7. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search, in the *Texas Register* for a 30-day comment period (Action)
Teresa Stroud | Page 115
8. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the *Texas Register* for a 30-day comment period (Action)
Teresa Stroud | Page 127
9. Discussion, consideration, and possible final adoption of revisions to 37 TAC §343.236 and §343.238, relating to Secure Storage Areas and Hazardous Materials (Action)
James Williams | Page 135
10. Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population (Action)
James Williams | Page 139

11. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default judgment orders (Action)

Kaci Singer | Page 179

- a) Hiran Emigdo Cruz; 15-24053-150072; 24053 (Cameron)
- b) Ricardo Gonzales; 15-27102-130234; 27102 (Webb)
- c) Edelmiro Silva Lopez; 15-29116-150072; 29116 (Cameron)
- d) Carlos Sanchez-Caballero; 15-28427-150072; 28427 (Cameron)

12. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed orders (Action)

Kaci Singer | Page 203

- a) Macarthur Eaglin; 15-26900-130168; 26900 (Bexar)
- b) Chasity Myles; 15-27641-140300; 27641 (Gregg)

13. Adjourn

Judge Laura Parker

- 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
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Thursday, August 27, 2015, 3:45 p.m.

1. Call to order
Riley Shaw
 2. Discussion, consideration, and possible approval regarding the March 26, 2015 meeting minutes (Action)
Riley Shaw | Page 303
 3. Updates from the Medical Director
Dr. Tushar Desai | Page 307
 4. Overview of the state facilities Reading Program
Luther Talliaferro and Cathy Berryhill | Page 337
 5. Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs (Action)
James Williams | Page 215
 6. 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

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Board Meeting

JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room

San Antonio, TX, 78261

Friday, August 28, 2015, 9:00 a.m.

1. Call to order
Chairman Fisher
2. Prayer
Jerome Williams
3. Pledge
Chairman Fisher
4. Discussion, consideration, and possible approval regarding excused absences (Action)
Chairman Fisher
5. Public comments
Chairman Fisher
6. Discussion, consideration, and possible approval regarding the May 29, 2015 board meeting minutes (Action)
Chairman Fisher | Page 17
7. Discussion, consideration, and possible approval regarding the July 1, 2015 board meeting minutes (Action)
Chairman Fisher | Page 31
8. Report from the Chairman
Chairman Fisher
9. Report from the Executive Director
David Reilly
10. Report from the Advisory Council
Estela Medina
11. Legislative implementation update
Carolyn Beck
12. Report from the Inspector General
Roland Luna | Page 37
13. Report from the Trust Committee
Jimmy Smith
14. Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJD and the Boys & Girls Club of Central Texas, and any subleases (Action)
Jill Mata | Page 39

15. Discussion of 2015 Wende Trust property appraisals and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road (Action)
Jill Mata | Page 43
16. Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016 (Action)
Jill Mata | Page 45
17. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 budget (Action)
Emily Anderson | Page 47
18. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 investment policy and strategy (Action)
Mike Meyer | Page 51
19. Report from the Finance and Audit Committee
Calvin Stephens
20. Discussion, consideration, and possible approval regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3 (Action)
Lisa Capers and Jim Southwell | Page 55
21. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00. (Action)
Mike Meyer | Page 65
22. Discussion, consideration, and possible approval regarding the FY 2016 Operating Budget (Action)
Emily Anderson | Page 69
23. Acknowledgement of Gifts (Action)
Mike Meyer | Page 79
24. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9901 - 380.9911, relating to Youth Records, in the *Texas Register* for a 30-day comment period (Action)
Kaci Singer | Page 81
25. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9931 - 380.9933, relating to Youth Funds, in the *Texas Register* for a 30-day comment period (Action)
Mike Meyer | Page 93
26. Discussion, consideration, and possible approval regarding the Interstate Compact for Juveniles Audit 15-6 (Action)
Eleazar Garcia | Page 103
27. Report from the Safety & Security Committee
Judge Laura Parker
28. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search, in the *Texas Register* for a 30-day comment period (Action)
Teresa Stroud | Page 115

29. Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the *Texas Register* for a 30-day comment period (Action)
Teresa Stroud | Page 127
30. Discussion, consideration, and possible final adoption of revisions to 37 TAC §343.236 and §343.238, relating to Secure Storage Areas and Hazardous Materials (Action)
James Williams | Page 135
31. Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population (Action)
James Williams | Page 139
32. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default judgment orders (Action)
Kaci Singer | Page 179
- a) Hiran Emigdo Cruz; 15-24053-150072; 24053 (Cameron)
 - b) Ricardo Gonzales; 15-27102-130234; 27102 (Webb)
 - c) Edelmiro Silva Lopez; 15-29116-150072; 29116 (Cameron)
 - d) Carlos Sanchez-Caballero; 15-28427-150072; 28427 (Cameron)
33. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed orders (Action)
Kaci Singer | Page 203
- a) Macarthur Eaglin; 15-26900-130168; 26900 (Bexar)
 - b) Chasity Myles; 15-27641-140300; 27641 (Gregg)
34. Report from the Programs Committee
Riley Shaw
35. Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs (Action)
James Williams | Page 215
36. Closed Session – Executive Session
Chairman Fisher
- a) §551.071 Consultation with attorney (see footnote)
 - b) §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
 - c) Discussion regarding personnel matter and impact of GAA SB 2 authorized salary adjustments
37. Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)
Chairman Fisher
38. Adjourn
Chairman Fisher
- 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@tjtd.texas.gov

THIS PAGE LEFT BLANK INTENTIONALLY



Texas Juvenile Justice Department

Board Meeting

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

Austin, Texas 78757

Friday, May 29, 2015 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable John Brieden III
The Honorable Jimmy Smith
The Honorable Laura Parker
MaryLou Mendoza
Scott Matthew
Jane Anderson King
Melissa Weiss
Calvin Stephens
Riley Shaw

BOARD MEMBERS ABSENT:

The Honorable Carol Bush
Dr. Rene Olvera
The Honorable Becky Gregory

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Jill Mata, General Counsel
Royce Myers, Human Resource Director
Elaine Mays, Chief Information Officer
Lisa Capers, Senior Director of Administration & Training
Teresa Stroud, Senior Director of State Programs & Facilities
James Williams, Senior Director of Probation & Community Services
Carolyn Beck, Governmental Relations Specialist
Terri Dollar, Director of Monitoring & Inspections
Jim Hurley, Communications Director

Chelsea Buchholtz, Chief of Staff
Roland Luna, Chief Inspector General
Jeannette M. Cantu, Executive Assistant
Eleazar Garcia, Chief Auditor
Dr. Tushar Desai

OTHER GUESTS PRESENT:

Sheri Short, Navarro College
Fred Meinke, TJJJ
Victor Villarreal, TJJJ
Jerome Williams, TJJJ
Debbie Unruh, OIO
Jerry Taylor, Boy Scouts
Monico Monroe, Boy Scouts
Steve Roman, TJJJ
Lizet Hinojosa, TJJJ
Dan Marin, TJJJ
Roberto Cepeda, TJJJ
Susan Humphrey, Bell Co.
Estela Medina, Travis Co.
Matthew Sprankle, Boy Scouts
Tammy Holland, TJJJ
Kaci Singer, TJJJ
Karen Kennedy, TJJJ
John Isle, TJJJ
Kristy Almager, TJJJ
Rebecca Garza, TJJJ
Tracy Levins, TJJJ
Steven Vargas, TJJJ
Joey Cummings, Bell Co.
Rebecca Walters, TJJJ
Kevin DuBose, TJJJ
Kathryn Mattingly, TJJJ
Ashley Kintzer, TJJJ
Shaun Thompson, TJJJ
Luther Tallifarerro, TJJJ
Jamyen Robinson-Hall, TJJJ
Kavita Gupta, TJJJ
Kimbla Newsome, TJJJ
Ken Ming, TJJJ
Jim Southwell, TJJJ
Lucy Rodriguez, TJJJ
Noreen Ozment, TJJJ
Mike Wagner, TJJJ
Lesly Jacobs, TJJJ
Kyle Dufour, TJJJ
Karol Davidson, TJJJ
Scott Friedman, TJJJ
Matthew Segura, TJJJ
Angela Mitchell, TJJJ
Debbi McDaid, TJJJ
LuAnn Brown, TJJJ
Ameli Pena, TJJJ
Raquel Husbands-Osborne, TJJJ

Board meeting
May 29, 2015

Call to Order

Chairman Fisher called the meeting to order at 9:03 a.m.

Prayer

Chairman Fisher introduced Chaplain Roberto Cepeda. Chaplain Cepeda opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Discussion, consideration, and possible approval regarding excused absences

Ms. King moved to approve the absences of Judge Bush, Judge Gregory and Dr. Olvera. Mr. Stephens seconded. The motion passed.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding the March 27, 2015 Board meeting minutes

Commissioner Smith moved to approve the minutes. Ms. King seconded. The motion passed.

Report from the Chairman

Chairman Fisher reported a board subcommittee comprised of Scott Matthew, Jimmy Smith, Judge Brieden, Calvin Stephens and he conducted performance evaluations for the executive level staff reporting to the board which includes the Inspector General Roland Luna and Chief Auditor Eleazar Garcia. The reviews were very positive and successful.

The next scheduled board meeting is at the end of August and will be held at the J.W. Marriott Resort in San Antonio. There may also be a need for a short meeting in July, but details are not yet available.

Report from the Executive Director

David Reilly, Executive Director, thanked the Board for their patience while he was out on leave and stated it was good to be back. The staff who stepped up in the last two months, Chelsea Buchholtz, Mike Meyer, Carolyn Beck, did a very good job and you can be very confident that the agency was well represented during the session. He welcomed back Jim Hurley who had also been out on leave due to an injury. He congratulated Riley Shaw on the recent Senate appointment confirmation to the Board. Mr. Reilly congratulated Dan Marin, Superintendent at Schaeffer House in El Paso, for recently becoming certified as PREA compliant. Mr. Reilly introduced Susan Humphry, Bell County Juvenile Probation Chief, who will later give a presentation on a few things that are going on in her county.

Mr. Reilly stated the legislative session concludes on Monday, June 1. At the beginning of the session, the agency was funded in HB 1 and SB 2 through a block funding rider, with appropriations contingent upon addressing what were called “fundamental issues” of the agency and the juvenile justice system. There was no strategy level detail or budget structure provided.

Much of the staff’s time at the Capitol this session was devoted to responding to fundamental issues mentioned in the budget rider, working with leadership offices to reorganize the agency’s budget and determine the policy direction for the juvenile justice system. Senator Whitmire filed SB 1630, directing the agency to facilitate regionalization of probation activities as the next step in reform efforts. Representative McClendon also filed HB 1586, which was more prescriptive, but had the same intent. While HB 1586 did not move out the house, SB 1630 did progress out of the senate, and in the house had several amendments added. Yesterday, Senator Whitmire requested a conference committee to work out the differences between each chamber. One of the amendments added by the House adds the Raise the Age of jurisdiction initiative to the bill, though it would not go into effect until September, 2017, after the next legislative session. Along with monitoring of this key legislation, agency staff had very productive conversations with a number of offices and the Legislative Budget Board (LBB) about how to allocate available funding across a modified set of strategies to increase transparency and address areas of long-standing confusion and disagreement. Mr. Reilly said he felt good about the degree to which the agency was able to offer input, and how seriously agency proposals were considered.

Last week, the conference committee for the final budget bill adopted recommendations that included both meaningful changes to the agency's budget structure, and \$10 million to support county regionalization regardless of whether SB 1630 itself would ultimately be enacted. One very helpful change in the agency's budget structure is that facility costs that are fixed in nature will now appear separately from those that track with population. This benefit the agency in future discussions about the impact of population fluctuations on operating costs by keeping those discussions focused on the appropriate portion of the budget. Also of note, this is the first session since 2007 in which there is not at least one mandatory closure of a facility. Mr. Reilly said he is hopeful that this will have a positive impact on the agency's high facility turnover rate.

Mr. Reilly said that he can't say enough about how excited he is about probation regionalization and the opportunity the agency will have to study how TJJ's existing facilities may be repurposed. These two initiatives are inter-related and the agency will approach the tasks ahead within that context. It is known through research that most kids do better when they are close to home. And county regionalization will facilitate more of that. It will enhance collaboration between probation departments and encourage regional sharing of beds, programming and other resources. It will give the agency an opportunity to incentivize that type of collaboration. And it will allow the agency an opportunity to see how low commitment numbers can reach. By doing this, it will then necessitate an examination of the agency's use of the state facilities for repurposing consideration for the next session.

Mr. Reilly also provided an additional update on probation funding. It is close to flat based on funding provided in HB 1, but counties will see a reduction in areas of state financial assistance because of the way the funding was allocated. If you look at just the budget strategies that support the major grants A, C and N, these are less by about \$11.9 million or 4.1%, which is population driven. The agency is currently determining how much funding will be offered in each of these grants and how to structure it based on appropriation requirements. That will take a few weeks, then, the agency will determine how to allocate funding to each county. The counties can expect to see their total between those 3 grants down by about 4%. Mr. Reilly said he sees the results of the budget and policy conversations as a huge vote of confidence in the direction laid out in SB 1630, and a sign of renewed confidence in the agency. The agency's charge for the next two years is to live up to that confidence, and it will.

Mr. Reilly stated implementation of regionalization and the re-purposing study and all other legislative initiatives will require significant collaboration with the entire juvenile justice system – the advisory council, chief probation officers, regional leaders, contract providers, advocates, employees, and others. That will start immediately. In fact, the advisory council will meet next month, where next steps will be discussed thoroughly. Internally, the agency has several planning meetings scheduled next week. The agency intends to hit the ground running on these fronts.

Mr. Reilly stated the agency was also able to see a few other helpful bills pass. Carolyn Beck will outline many of those in her report to the Board. Most notably, was a bill that postponed the sunset review of TJJD by four years. This means the agency will not be reviewed until 2021, rather than 2017, which would start immediately.

On the downside, the fact that the agency started with essentially a clean slate with no budget structure this session meant that the requested exceptional items were only superficially discussed. The members wanted to address the big picture first and rightly so, but by the time that process was complete there were too many demands on their attention, and too little time, to return to the agency's exceptional requests. Mr. Reilly said he felt confident that with the funding provided the core operational needs of the agency will be met, though he will continue to be concerned about the possibility of an IT equipment failure. But the advancements and stability achieved this session will position the agency better to pursue needs like those in the future.

In response to a question by Judge Brieden regarding the 4.1% reductions to the counties, Mr. Reilly confirmed those base reductions are in state financial assistance and are population driven. This happens every session when the LBB reviews the populations. He also clarified that the counties will receive funding for regionalization but it will not go back into the state financial assistance funds.

Mr. Reilly reported that several from the executive team, including Teresa Stroud, Rebecca Walters, Tom Adamski, Madeleine Byrne, Amy Lopez, James Williams, Jill Mata, and Chelsea Buchholtz, along with Judge Parker will be going to Washington, D.C. in July for Georgetown University's Center for Juvenile Justice Reform's Youth in Custody Certificate Program. The program shines a light on the serious, high-risk juvenile offender population, and helps leaders from across the country begin or accelerate systemic change to improve outcomes for youth in custody. This could not come at a better time – on

the heels of the CSG report, focusing on outcomes, and when the agency is taking such a broad look at the future. He said he was excited about this opportunity and looks forward to reporting back to the board on the outcome of their hard work.

Mr. Reilly said at the March board meeting, the Programs Committee had the benefit of hearing about one of his favorite programs at TJJD, the PAWS program. He was happy to mention that the agency is working towards expanding that program to other facilities. In his experience, animals can have a profoundly positive impact on the kids that TJJD serves. Therapeutic events don't just occur in therapist's offices or in group session. Some kids relate better to animals than they do to people.

Bell County Juvenile Probation Department Boy Scout Troup Program Presentation

Susan Humphrey, Chief Juvenile Probation Officer of Bell County Juvenile Probation Services, provided an overview of the local program services provided in Bell County. She introduced Boy Scout Troup 112 and described their requirements, fundraisers and activities.

Report from the Advisory Council

Estela Medina, Chief Juvenile Probation Officer of Travis County and Chair of the Advisory Council, reported the Advisory Council on Juvenile Services is scheduled to meet again on June 26, 2016 in Austin with an opportunity to review actions taken by the 84th legislative session and to include review and discussion regarding the FY 2016-17 Budget. The discussion will include any determinations as to proposed regional plans, pending matters regarding raising the age of jurisdiction, funding and funding structure. The subcommittee continues its work on the Texas Administrative Code standards Chapter 341. The work of the committee has included review of Chapter 341 Texas Administrative Code, subsections regarding assessments and screening, data collections, restraints, Juvenile Board and Chief Juvenile Probation Officer responsibilities. A sub-committee is working on review of the standards regarding case plans and case management. The committee is working collaboratively with various perspectives and representation and TJJD staff. Ms. Medina gave special recognition to former council member, Randy Turner, for his work on the advisory council. She congratulated and welcomed Riley Shaw on his confirmation to the TJJD Board.

New Appointments to the TJJJ Advisory Council

Chairman Fisher stated that in order to assist the Board in making appointments to the Advisory Council, he created the Advisory Council Nominations Committee, comprised of board members who are also Chief Juvenile Probation Officers. That committee reviewed the list of nominees and worked with Chelsea Buchholtz, Chief of Staff, and Jill Mata, General Counsel, to come up with a list of recommendations to fill the expired terms.

Mr. Reilly stated that the agency is asking the Board to make the appointments for the five expired Advisory Council terms as recommended by the committee and listed on page 28 of the board materials. In addition, the agency also asks the Board to request the advisory council to discuss term limits for Board-appointed members and to report its recommendations to the Board at a future Board meeting. Chairman Fisher stated that he didn't think that was something the Board could statutorily do. Jill Mata stated she would research the statute regarding advisory council term limits and report back to the Board.

Mr. Matthew moved to appoint the advisory council members as recommended. Ms. King seconded. The motion passed. Mr. Shaw moved to approve to request the advisory council to make recommendations concerning term limits for its members. Commissioner Smith seconded. The motion passed.

Chairman Fisher called for a 10 minute break.

Legislative Update

Carolyn Beck, Governmental Relations Specialist, provided an overview of the summary and the status of high interest bills the agency has been tracking this session including bills related to failure to attend/truancy, juvenile records, and various topics of high priority/interest house and senate bills. She stated that she felt it has been a successful session. In response to a question by Chairman Fisher, Ms. Beck stated there was no change regarding the disposition of the Corsicana facility. In response to a question by Mr. Stephens, Royce Myers, Director of Human Resources, stated approximately 215 employees are affected by SB 239, regarding student loan payment assistance for mental health professionals.

Report from the Inspector General

Roland Luna, Inspector General, introduced Lizet Hinojosa, Analytics Intelligence Manager, who co-presented with him. Inspector General Luna reviewed the investigative analysis through April FY 2015 reporting 8,375 Incident Reporting Center (IRC) Reports (3% decrease from last year), 480 referred to Administrative State, 809 referred to Administrative County, 1,093 referred to OIG criminal (5% decrease from last year), 3,615 referred to Youth Rights, 1,475 referred to State Programs, 903 closed, 256 OIG criminal investigations submitted to prosecution and 313 TJJJ active directives to apprehends issued (5% decrease from last year). Ms. Hinojosa reviews the investigative life cycle though April FY 2015 reporting 1 day for receive, evaluate and assign, 39 average investigative days, 22 average days for intake decision and 80 average days for final disposition. In response to a question by Chairman Fisher, Inspector General Luna stated that the average number of days for final disposition is the time in which the case is with the SPU. Inspector General Luna reviewed the contraband, detection and interception division though April FY 2015 reporting 3,650 room searches, a 400% increase historically. Judge Brieden commended Inspector General Luna for the data that he provides.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations, reviewed the county summary comparisons for FY 2015 through May 1, reporting 1796 total reports received and 283 total investigations completed. He reviewed state summary comparisons for the same time period reporting 693 total investigations opened and 456 total investigations closed fiscal year to date. Of importance, the majority of the closed state cases were closed within the 30-90 day time frame.

Report from the Trust Committee

Commissioner Smith stated the Committee discussed several items including a memorandum of agreement with the Texas Parks and Wildlife Foundation for the preparation of a wildlife management plan that you will hear as an action item on the agenda. The Committee also heard a presentation from the Boys and Girls Club of Central Texas on their interest in a possible lease of the Parrie Haynes Ranch. The Committee looks forward to talking with them more about this opportunity. Chairman Fisher stated that it will be an opportunity to utilize this property more in line with its intent than has ever been done. Commissioner Smith stated the Committee also heard a report on the appraisal of the Wende Trust Properties and Mark McAnally, Chief Appraiser from the General Land Office, was here to tell us the status of the appraisal process.

Discussion and possible approval to negotiate the terms of a Memorandum of Agreement (MOA) with the Texas Parks and Wildlife Foundation (the Foundation) for the preparation and implementation of a Wildlife Management Plan for the Parrie Haynes Ranch, utilizing funds from TXU Energy/Oncor Electric Delivery Company, LLC held by the Foundation and to delegate authority for final approval to the Board Chairman in his capacity as Trustee of the Parrie Haynes Trust

Chairman Fisher explained the action before the Board is to delegate authority for final approval of a MOA to him in his capacity as Trustee of the Parrie Haynes Trust. Judge Brieden clarified that it's also to delegate authority to him to negotiate the terms of the MOA. Commissioner Smith moved to approve the resolution as presented. Mr. Shaw seconded. The motion passed.

Report from the Finance and Audit Committee

Mr. Stephens stated the Committee heard updates from the Chief Information Officer, the Chief Financial Officer and reviewed audit reports provided by the Chief Auditor.

Discussion, consideration, and possible approval regarding the Residential Contract are Audit

Eleazar Garcia, Chief Auditor, presented the draft report. The overall objective was to determine if controls over Residential Contract Care operations are in place and operations comply with applicable requirements. Controls in the following areas function as intended: Payments to Residential Contract Care Providers are supported and accurately coded and serious incidents are reported to the TJJJ Incident Reporting Center (IRC). Controls in the following areas can be enhanced: Medicaid referrals, continued training and communications on contract requirements and expectations, data reliability and system access review. Recommendations are included in the draft audit report. Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

In response to a question by Chairman Fisher, Mr. Garcia clarified that the Medicaid referrals are for the juveniles who are leaving state facilities. Chairman Fisher expressed his concern for how to successfully connect these kids with health care, post-release, to ensure they have health care coverage and do not fall through the cracks. Mr. Garcia added that the Department of Family and Protective Services has a Medicaid Tracker System, to which the agency has access. When TJJJ kids are released, staff are required to report them through this system. This reporting procedure was part of the audit.

Discussion, consideration, and possible approval regarding the Staff Development and Training Audit

Mr. Garcia presented the draft report and reported three areas where controls could be enhanced: Developing the training curriculum to include human trafficking information, a periodic review of the Training Tracking System data and establishing periodic access review process in the Integrated Certification Information System (ICIS). Another observation was presented regarding the Handle with Care Annual Block Training Course, specifically, the time-span for re-taking the course may make it difficult for staff to fully grasp the restraint techniques. Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

Report from the Safety & Security Committee

Judge Parker reported that her Committee did not have a quorum so only heard items requiring no action. They heard from Inspector General Luna with the OIG, Kevin DuBose with Administrative Investigations and from Rebecca Walters with State Programs and Facilities. Ms. Walters reported that workers compensation numbers are down which is good for the agency.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9703, relating to weapons and concealed handguns, in the *Texas Register* for a 30-day public comment period

Royce Myers, Director of Human Resources, stated the Human Resources Division conducted the review of the rule and determined that the rule apply to the TJD facilities and not to the contract facilities. The staff requests the board's approval to publish these proposed revisions for a 30-day public comment period. Judge Parker moved to approve submittal of the proposed rule for public comment. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9711, relating to control of unauthorized items seized, 380.9713, relating to use of canine (k-9) teams, and 380.9729, relating to directives to apprehend, in the *Texas Register* for a 30-day public comment period

Inspector General Luna stated the OIG completed its review of the assigned rules and as a result of this review the staff were in consensus and recommends several revisions. The staff proposes these revised rules be posted in the Texas Register for public comment. Judge Parker moved to approve submittal of the proposed rules for public comment. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC Chapter 358, relating to identifying, reporting, and investigating abuse, neglect, exploitation, death, and serious incidents, in the *Texas Register* for a 30-day public comment period

Lesly Jacobs, Deputy Director for Administrative Investigations Division, stated most of proposed revisions are merely clean up with two substantive proposed changes: Revising the definition of sexual abuse to be in line with PREA and removing of the ability of an officer who's been an alleged perpetrator to have his information redacted from the division's database. Mr. Matthew move to approve submittal of the proposed rules for public comment. Mr. Shaw seconded.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9701, 380.9707-380.9710, 380.9715-380.9727, and 380.9739-380.9747, relating to security and control, in the *Texas Register* for a 30-day public comment period

Rebecca Walters, Director of Integrated State Operated Programs and Services, stated she would like to withdraw 380.9709 and 380.9710. She said the agency would like to continue working on revisions to these rules and bring them back at a later date. Of the remaining rules, the agency would like to repeal 9701 and 9727. Those rules are no longer necessary as they have been incorporated into other parts of rules in this chapter. Other changes to the rules are minor in nature. Ms. Mendoza moved to approve submittal of the proposed rules for public comment. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9312–380.9317 and 380.9337, relating to youth rights and remedies, and §§380.9501–380.9503 and 380.9517–380.9535, relating to behavior management

Ms. Walters stated the public comment period for these posted rule revisions has ended and there were no public comments. However, the agency staff has recommended additional changes to the drafts that are listed in the board materials. Ms. Weiss moved to adopt the final rule as proposed. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions for 37 TAC §380.9504, relating to rules and consequences for youth on parole

James Williams, Senior Director of Probation and Community Services, stated the public comment period for this posted rule revision has ended and there were no public comments. However, the agency staff has recommended a change to clarify the youth's conditions of parole are provided to the youth before he/she is release from the facility. The staff now requests approval to adopt the final rule. Ms. King moved to adopt the final rule as proposed. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §380.9301, 380.9311, 380.9331–380.9333, and 380.9353, relating to youth rights and remedies, and §§380.9550 – 380.9571, relating to due process hearings

Kaci Singer, Staff Attorney, stated the public comment period for this posted rule revision has ended and there were no public comments. However, the agency staff has recommended changes to typographical errors. The staff now request approval to adopt the final rule. Judge Parker move to adopt the final rule as proposed. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – Default Orders

- a. **Ebony Beck; 15-23270-140300; 23270**
- b. **Juan de la Rosa; 15-25095-150133; 25095**
- c. **Daniel Hageman; 15-28444-140310; 28444**
- d. **Elisabeth Johnson; 15-27834-140329; 27834**
- e. **Amber Mendoza; 15-27932; 27932**
- f. **Donald Mitchell; 15-28498-140329; 28498**

Ms. Singer named the counties in which these officers were employed. Judge Parker said she would recuse herself from item b. Chairman Fisher entertained a motion on items a, c, d, e, and f. Ms. King moved to approve the default orders. Judge Brieden seconded. The motion passed. Chairman Fisher entertained a motion on item b with Judge Parker recusing herself. Ms. King move to approve the default order. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – Agreed Orders

a. Timothy Mccullouch; 15-24410; 24410

Ms. Singer presented one officer, who agreed to relinquish his certification after being convicted of a federal offense of sex trafficking. The party and Mr. Reilly have signed the agreed order but the board's approval is now needed. Mr. Matthew moved to approve the agreed order. Mr. Shaw seconded. The motion passed.

Closed session – executive session

a) §551.071 Consultation with attorney (see footnote)

b) §551.072 Deliberation regarding real property

Chairman Fisher recessed the open meeting and the Board convened in closed session.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed Executive Session, if applicable

Chairman Fisher reconvened the open meeting.

Adjourn

Chairman Fisher adjourned the meeting at 11:38 a.m.



Texas Juvenile Justice Department

Board Meeting

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

Austin, Texas 78757

Wednesday, July 1, 2015 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman

Riley Shaw

The Honorable Jimmy Smith

Melissa Weiss

Scott Matthew

The Honorable Laura Parker

(via video conference at Ayres Halfway House in San Antonio, Texas)

The Honorable Carol Bush

(via video conference at Cottrell Halfway House in Dallas, Texas)

Calvin Stephens

(via video conference at Cottrell Halfway House in Dallas, Texas)

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director

(via video conference at Ayres Halfway House in San Antonio, Texas)

Chelsea Buchholtz, Chief of Staff

Jill Mata, General Counsel

Mike Meyer, Chief Financial Officer

Roland Luna, Chief Inspector General

Jeannette Cantu, Executive Assistant

BOARD MEMBERS ABSENT:

The Honorable John Brieden III

MaryLou Mendoza

Jane Anderson King

Dr. Rene Olvera

The Honorable Becky Gregory

Jim Hurley, Communications Director

Elaine Mays, Chief Information Officer

Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Brady Vauhn, Senate Finance

Malike Te, House Appropriation Committee

Ken Ming, TJJJ

Jeannette Lepe, TJJJ

Karen Kennedy, TJJJ

John Pelczar, Williamson Co.

Lauren Rose, Texans Care for Children

Fred Meinke, TJJJ

John Isle, TJJJ

Vivian Cohn, TJJJ

Connie Simon, TJJJ

Rachel Carrera, LBB

John Gonzales, TJJJ

Board meeting

July 1, 2015

Call to Order

Chairman Fisher called the meeting to order at 9:09 a.m. Due to technical difficulties with the video conference connections, the meeting was recessed and then reconvened at 9:20 a.m.

Prayer

Chairman Fisher introduced Clayton Heald. Mr. Heald opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Discussion, consideration, and possible approval regarding excused absences

Mr. Shaw moved to approve the absences of Judge Brieden, Judge Gregory, Ms. Mendoza, Dr. Olvera and Ms. King. Commissioner Smith seconded. The motion passed.

Public Comments

There were no public comments.

State financial assistance contract and funding allocation recommendation

Mike Meyer, Chief Financial Officer, began his presentation by referring to page 5 of the Board packet. He stated that the present proposal was developed in response to legislative mandates from the 84th session, distributed to probation practitioners for comments, and discussed with the TJJD Advisory Council. Most of the responses received asked clarifying questions, however some feedback did result in substantive changes. At its meeting on Friday, the Advisory Council expressed support of the proposal in its final form.

Mr. Meyer stated that the primary legislative directive affecting the proposed changes came in the form of a budget rider that requires the agency to develop a grant funding and reporting structure that adheres to the agency's appropriation bill pattern. This rider was motivated by the Legislature's desire to ensure that probation departments spend state dollars in a manner consistent with their intent.

Mr. Meyer stressed that an examination of the expenditure data shows that this is not an issue of how state dollars are being used, but rather how they are organized and reported. The current structure alleviates that issue while ensuring departments remain able to provide the programs and services they do today.

To address the Legislature's concerns, the five State Aid grants (Basic Probation Supervision, Community Programs, Pre & Post Adjudication, Commitment Diversion, and Mental Health Services) align with TJJ's budget structure. Taken together, these areas subsume the former Grants A, C, and N.

Secondly, each department will receive a designated minimum budget/expenditure amount for each State Aid component grant, and a maximum amount for Basic Probation Supervision. This will ensure TJJ stays within transfer limitations in the General Appropriation Act (GAA) and that the appropriation amount for Basic Probation Supervision is not exceeded. This latter step is necessary because TJJ received direction this session to limit Basic Probation Supervision expenditures to the appropriated amount.

An additional requirement in the budget rider Mr. Meyer mentioned is to provide probation departments with flexibility to the extent possible within GAA requirements. This is the motivation for grouping together the former Grants A, C, and N. Mr. Meyer highlighted three specific ways the proposed structure maintains and enhances flexibility.

First, each department will receive an allocation of flexible dollars that it may budget and expend under any of the five State Aid component grants. This provides options to departments that did not previously exist, for example a department that never received Grant C may choose to budget its flexible funding in Commitment Diversion.

Second, a department may submit a request to reallocate its minimum allocation for one component grant to any other State Aid component grant. These will be reviewed in the statewide context and approved to the extent possible. In order to determine TJJ's ability to grant those requests, initial budget submissions will need to conform to the limits shown in the Board packet.

Third, departments will have options for how to budget and expend funds in cases where there is cross-over eligibility. Mr. Meyer directed the Board to turn to page 14 of the Board packet, the funding matrix. He described that in this matrix, the columns are the five State Aid Component grants. The rows are expenditure categories that mirror very closely the expenditure categories that exist today. The cells marked with an "X" indicate the places where there is an allowable linkage between funding source and expenditure category.

The matrix maximizes those linkages within Legislative intent, providing options to departments in how they budget and expend funds. As an example, a mental health placement could be funded under either Mental Health Services or Pre & Post Adjudication, or even Commitment Diversion if the youth is also at risk of commitment to TJJ. As a second example, mental health assessments could be supported by any State Aid grant, depending on whether the youth is on supervision, in the community, or in placement at the time of the assessment.

Mr. Meyer offered one further element of the design of this matrix: if you imagine the “X”s replaced with dollar figures for amounts expended, TJJ staff will sum down the columns for the purposes of the agency’s LAR, and across the rows for the Uniform Cost Report.

Mr. Meyer directed the Boards attention to one particular expenditure category, “Non-Residential Services.” This is a familiar concept, but a new category for the upcoming biennium. That category includes such things as transporting youth to treatment, buying youth essential items like toothpaste, etc., and was added to facilitate the implementation of a legislative shift of funding between Basic Probation Supervision and Community Programs. This will ensure that departments can continue to provide those services while not exceeding their Basic Probation Supervision maximum.

In response to a question asked by Mr. Matthew, Mr. Meyer stated that the agency did receive feedback from some of the counties that would be receiving a reduction in funding, and that there was a way for those counties to request the funding back. Mr. Meyer then discussed Supplemental & Emergent Needs Program.

Mr. Meyer stated the first step in calculating departmental allocations was to determine each department’s State Aid total. The statewide population-based funding reduction was distributed across departments proportionally based on initial 2015 Grant A allocations, except that 50 percent of the remaining “imbedded” non-formula supplements grandfathered during 2014 and 2015 were removed.

He stated the amount to be removed was determined by comparing each department’s proportional share of statewide funding based on initial 2015 Grant A allocations, which included imbedded non-formula supplements, with its proportional share based on a strict application of the 2012-2013 agreed-

to formula, and removing half of any excess. The amounts removed were proportionally redistributed to the other departments.

The amount resulting from this calculation was combined with each department's entire 2015 Grant C allocation and 2015 Grant N allocation to arrive at departmental totals. As a result of this methodology, 151 departments' totals are equal to about 96.1 percent of their initial 2015 Grant A allocation, plus their initial Grants C and N allocations.

For 15 departments, the percentage reduction from their former Grant A allocation was greater, ranging from about 4.2 percent to 13.4 percent. It is the staff's intent to remove non-formula supplements from initial formula allocations entirely for fiscal year 2017, due to provisions in Senate Bill 1630 requiring the agency to redefine the funding formula.

The second step regarding individual department allocations was to distribute departmental totals across the State Aid component grants. Under the proposed structure, several of those components are new, and for these there is no historical allocation information to inform current allocations. However, prior expenditure patterns are useful in that regard. Each department's distribution of funding across the five areas is therefore the result of a mixture of its 2014 expenditure patterns, 2015 allocations, and the legislative shift of funds from Basic Probation Supervision to Community Programs.

For each department:

- 15.7 percent of its total is set aside in the "Flexible Funds" category;
- Its Basic Probation Supervision minimum and maximum are based on its proportional share of 2014 expenditures applied to the statewide target;
- Its Pre & Post Adjudication amount is also based on its proportional share of 2014 expenditures, with a small adjustment;
- Its Commitment Diversion and Mental Health Services amounts fall slightly below the average of its 2014 expenditures and 2015 allocation; and
- Its Community Programs amount represents the overflow after other areas are calculated.

Mr. Meyer specifically noted that the methods used to determine minimum amounts under Commitment Diversion and Mental Health Services did not affect a department's total allocation, only the distribution of its total across the State Aid component grants.

Mr. Meyer stated that the memo in the Board packet provides additional detail, along with examples comparing 2014 expenditures, 2015 allocations, and 2016 allocations for different size departments under different starting conditions.

Mr. Meyer provided one final note, as mentioned in the cover memo, there are two substantive areas of discussion that remain open that do not affect the funding allocations before the Board. The first is whether to include administrative costs as a separate expenditure category for reporting purposes. This suggestion was made at the Advisory Council meeting. TJJJ staff will gather additional input before making a determination.

The second is how to distribute the statewide commitment target. In prior years the TJJJ Board reviewed and approved specific commitment targets by department. Internal discussions are still underway about how best to distribute the statewide target of 780 in the context of the forthcoming regionalization of probation activities.

Mr. Meyer stated the resolution before the Board would approve the funding structure and allocation recommendations just reviewed, and would empower agency staff to resolve the two issues mentioned and craft and execute the State Financial Assistance Contract with probation departments.

Mr. Matthew moved to approve the resolution approving the distribution methodology for the state aid grants and authorizing the negotiation and execution of contracts for the same. Ms. Weiss seconded. The motion passed. Ms. Weiss commended Mr. Meyer and his staff for the work they have done on the funding structure and allocation recommendations. Mr. Reilly also commended Mr. Meyer and all the staff that worked on this important task.

Adjourn

Chairman Fisher adjourned the meeting at 9:46 a.m.

Summary Indicators	FY14 Thru July	FY15 Thru July
Incident Reporting Center (IRC) Reports	11,958	11,614
Referred to Administrative-AID State	762	697
Referred to Probation-AID County	1,223	1,128
Referred to OIG Criminal	1,709	1,596
Referred to Youth Rights	5,364	4,942
Referred to State Programs	1,914	2,023
Closed	986	1,228
OIG Criminal Investigations Submitted to Prosecution	355	350
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	316	307
Submitted to Prosecution Sexual Offense Sexual Category includes: Indecent Exposure and Indecency with a child	23	9
Submitted to Prosecution Property Damage Property Category includes: Criminal Mischief and Arson	1	2
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	10	26
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	5	6
TJJD Active Directives to Apprehend Issued	458	430
OIG Apprehensions	39	31
Apprehensions Other Agencies	278	262

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 July	1	56	20	80	157
FY 15 thru July	1	36	22	80	139

Contraband, Detection and Interception Division

Date Range	Dorm Search	Open Search	Perimeter Search	Gate House Search	Rooms Searched
FY 15 thru July	709	64	36	2	4,411



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn R. Mattingly, Staff Attorney

Subject: Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJJJ and the Boys & Girls Club of Central Texas, and any subleases (Action)

Date: August 13, 2015

The Parrie Haynes Ranch (the Ranch) contains two tracts of land in Bell County, Texas. The Parrie Haynes Trust (the Trust) currently leases both of these tracts to the C5 Youth Foundation of Texas (C5). C5 subleases the smaller tract to Spotted Horse Livery (SHL) to use as an equestrian center. The lease with C5 terminates on March 31, 2018.

The Trust has received interest in the Ranch from the Boys and Girls Club of Central Texas (Boys and Girls Club). The Boys and Girls Club's stated intention is to build new buildings and bring more of their programming to the Ranch. The Boys and Girls Club has also stated they would like to sublease to both C5 and SHL so that both entities may continue their current operations at the Ranch, alone, and in conjunction with Boys and Girls Club activities.

The Boys and Girls Club serves about 18,000 youth in the region each year. They have already been utilizing the Ranch for some activities, working with C5. Leasing the Ranch to the Boys and Girls Club will give them the opportunity to make capital improvements to the property so they may increase the number of youth that can be served by participating in activities there. A lease with the Boys and Girls Club will also alleviate the difficulties the Trust has experienced in the past under the current lease arrangement. Finally, a lease with Boys and Girls Club, which will require terminating the current lease with C5, will allow the Trust the opportunity to enter into a more profitable, clear, and secure agreement than is currently in place.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO NEGOTIATE THE TERMS OF A NEW LEASE AT THE PARRIE HAYNES RANCH AND AUTHORIZE THE BOARD CHAIRMAN, ON BEHALF OF THE BOARD, TO TAKE ACTION REGARDING A LEASE BETWEEN TJJD AND THE BOYS & GIRLS CLUB OF CENTRAL TEXAS, AND ANY SUBLEASES

On this 28th day of August 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the TJJD Board Members are trustees of the Parrie Haynes Trust (the Trust) for orphans bequeathed to the State in 1957; and

WHEREAS, the Trust currently leases the Parrie Haynes Ranch to C5 Youth Foundation of Texas, Inc. (C5) until March 31, 2018; and

WHEREAS, C5 currently subleases a portion of the Parrie Haynes Ranch to Spotted Horse Livery (SHL) until March 31, 2018; and

WHEREAS, the Trust has received interest from the Boys and Girls Club of Central Texas (the Boys and Girls Club) to enter into a lease of the entire Ranch, with the stated intention to sublease to C5 and SHL so that both entities may continue their current operations; and

WHEREAS, the Boys and Girls Club has also expressed an interest in adding new construction and expanding youth development activities on the Ranch.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the termination of the current lease between the Trust and C5, the negotiation of a new lease between the Trust and the Boys and Girls Club, and authorizes the Board chairman, on behalf of the Board, to take action regarding the lease between the Trust and the Boys and Girls Club, and any subleases.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn R. Mattingly, Staff Attorney

Subject: Discussion of 2015 Wende Trust property appraisals and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road (Action)

Date: August 13, 2015

The Wende Trust (the Trust) contains two pieces of property which the Trust leases, but which cannot be sold: 1207 and 1209 Barton Springs Road. McDonald's Corporation has been leasing 1209 Barton Springs Road since 1978 and their lease was renewed in 1999 with a new expiration date of April 15, 2024. The property at 1207 Barton Springs has been leased to Peter Pan Mini Golf since 1979. This lease expires on March 31, 2019. We have also at times been approached by a real estate developer who has expressed interest in developing both properties.

McDonald's approached us in the fall of last year with a proposal to enter into a new, longer lease of 1209 Barton Springs Road. With their proposal, they submitted an appraisal of that property showing the value of the property, as demised by the current lease, as \$1,600,000.

TJJJ, on behalf of the Trust, entered into an inter-agency agreement with the General Land Office (the GLO) to obtain a separate appraisal and valuation of the Trust properties. The GLO also provided guidance and advice regarding interpreting the appraisal submitted by McDonald's. It was discovered that 1209 Barton Springs Road has an easement reserved for the use of the Trust, which is not being utilized, but the existence of which likely has an impact on the appraised value of the property. The GLO returned an appraisal showing the appraised value of 1209 Barton Springs Road (the property McDonald's leases) with the easement and without the easement. The appraisal also includes a highest and best use study of the two pieces of property together.

The staff is requesting approval of the Board to renegotiate the present lease with for the property currently leased by McDonald's Corporation at 1209 Barton Springs Road.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO RENEGOTIATE THE PRESENT LEASE WITH MCDONALD’S CORPORATION FOR
THE PROPERTY LOCATED AT 1209 BARTON SPRINGS ROAD**

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the TJJD Board Members are trustees of the Wende Trust (the Trust) for orphans bequeathed to the State in 1953; and

WHEREAS, McDonald’s Corporation currently leases the property at 1209 Barton Springs Road; and

WHEREAS, McDonald’s Corporation has proposed new and extended terms for its lease of 1209 Barton Springs Road; and

WHEREAS, the Trust has at times received interest in leasing 1209 Barton Springs Road by a separate entity; and

WHEREAS, the trustees sought and received an appraisal and a best and highest use study of both of the Trust properties.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the renegotiation of the present lease with McDonald’s Corporation for the property located at 1209 Barton Springs Road.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn R. Mattingly, Staff Attorney

Subject: Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016 (Action)

Date: August 12, 2015

Last year, the Office of General Counsel sought and obtained, at the direction of the Board, a directors and officers liability insurance policy for the members of the Board in their capacity as trustees of the Parrie Haynes and John C. Wende Trusts. This policy covers all of the TJJJ Board members by name, solely concerning acts within the capacity of trustee duties, and excludes TJJJ itself from coverage. The policy also includes provisions for the insurance company to pay on behalf of the insured, creates a duty to defend, and includes a spousal extension. The policy has a \$5000 deductible per claim and a \$2,000,000 damage and defense limit. This policy expires on September 1, 2015. The new policy will renew the policy in place, and change the names of the Board of Directors to accurately reflect the current members of the Board.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PURCHASE DIRECTOR AND OFFICER LIABILITY INSURANCE FOR THE BOARD ACTING IN THEIR CAPACITY AS TRUSTEES OF THE JOHN C. WENDE AND PARRIE HAYNES TRUSTS FOR FY 2016

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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						Rene Olvera					
John Brieden III						Laura Parker					
Carol Bush						Riley Shaw					
Becky Gregory						Jimmy Smith					
Jane A. King						Calvin Stephens					
Scott Matthew											
MaryLou Mendoza						Motion:					Second:

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

WHEREAS, the TJJD Board members are trustees of the John C. Wendé and Parrie Haynes Trusts (the Trusts) for orphans bequeathed to the State in 1953 and 1957, respectively; and

WHEREAS, the TJJD Board members' director and officer's liability insurance policy expires on September 1, 2015; and

WHEREAS, the current director and officer's liability insurance policy provides the coverage previously requested by the Board; and

WHEREAS, the renewal policy continues that same coverage.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the purchase of director and officer liability insurance for the Board acting in their capacity as trustees of the Trusts for FY 2016.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Emily Anderson, Director of Fiscal Affairs and Budget

Subject: Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 budget (Action)

Date: August 13, 2015

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) 2016 proposed budget for the John C. Wende Trust Fund totals \$160,572 (identical to the approved FY15 budget) and the FY16 proposed budget for the Parrie Haynes Trust Fund totals \$41,500 (an increase from approved FY15 budget as a result of insurance premiums). The Parrie Haynes Trust budget for FY16 contains expenditure projections that are within projected revenues for the next fiscal year. For the John C. Wende Trust, available cash balances at August 31, 2015, in addition to the next fiscal year revenues, will be sufficient to support the proposed expenditures for Fiscal Year 2016.

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 FY16.

**PARRIE HAYNES TRUST FUND
FY 2016 PROPOSED BUDGET**

	<i>FY 2015 Estimated</i>	FY 2016 Proposed
CASH BALANCES		
Beginning cash balance	\$ 214,232	\$ 246,501
REVENUES		
Lease & Rental Income	50,000	48,000
Interest Income	3,478	2,500
Other Income	-	-
<i>Subtotal, Revenues</i>	53,478	50,500
<u>TOTAL, REVENUE AND BALANCES</u>	\$ 267,710	\$ 297,001
EXPENDITURES		
Insurance Premiums	\$ 10,999	\$ 11,000
Fees & Other Charges	186	500
Educational Assistance	5,411	25,000
Young Parent Assistance	-	-
Other Operating	4,613	5,000
<u>TOTAL, EXPENDITURES</u>	\$ 21,209	\$ 41,500

**JOHN C. WENDE TRUST FUND
FY 2016 PROPOSED BUDGET**

	<i>FY 2015 Estimated</i>	FY 2016 Proposed
CASH BALANCES		
Beginning cash balance	\$ 150,942	\$ 226,756
REVENUES		
Lease & Rental Income	129,534	114,000
Interest Income	2,641	1,840
Other Income	-	-
<i>Subtotal, Revenues</i>	132,175	115,840
<u>TOTAL, REVENUE AND BALANCES</u>	\$ 283,117	\$ 342,596
EXPENDITURES		
Insurance Premiums	\$ -	\$ 4,572
Fees & Other Charges	14,206	600
Educational Assistance	42,155	150,000
Young Parent Assistance		1,400
Other Operating	-	4,000
<u>TOTAL, EXPENDITURES</u>	\$ 56,361	\$ 160,572



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

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

Subject: Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 investment policy and strategy (Action)

Date: August 13, 2015

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.

By direction of the Trustees, 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 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 will be 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 the opportunity to generate higher interest income in the future. 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 improved 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 fiscal year (FY) 2016. 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 FY17.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION APPROVING THE FISCAL YEAR 2016 INVESTMENT POLICY AND STRATEGY FOR THE JOHN C. WENDE AND PARRIE HAYNES TRUST FUNDS

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, TJJD 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 fiscal year (FY) 2016;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Parrie Haynes and John C. Wendé investment policy and strategy for FY16 as proposed.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Lisa Capers, Senior Director, Training & Organizational Development

Subject: Discussion, consideration, and possible approval regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3 (Action)

Date: August 18, 2015

In March, 2013, the TJJJ Board approved the 2013 JCMS Resource Sharing Addendum, an agreement between Dallas County, Tarrant County, TJJJ and the Conference of Urban Counties, that provided support and funding for the continued operations, maintenance and implementation of JCMS. The expectation at that time was that at the start of each calendar year, the work plan, budget and cost allocation schedule would be superseded by new versions. Those changes were encapsulated in Amendment No. 1 and Amendment No. 2 to the 2013 Resource Sharing Addendum, the latest of which was approved by the TJJJ Board on January 30, 2015. The Resource Sharing Addendum is set to expire on August 31, 2015. This proposed amendment continues the agency's commitment to partially fund the Operations and Maintenance expenses related to JCMS.Basic.

Amendment No. 3 to the 2013 JCMS Resource Sharing Addendum is presented for consideration and approval. The amendment has already been approved and accepted by the County Commissioner's Courts in the JCMS partner counties. This updated addendum allocates a proportionate amount of the agency's appropriated funds of \$1,250,000 from the 84th Legislature to cover the remainder calendar year 2015.

Materials included in the packet for this agenda item include:

- Amendment No. 3 to the 2013 Resource Sharing Agreement
- Proposed Resolution

With the proposed resolution, TJJJ staff requests board approval to authorize the TJJJ Executive Director to execute Amendment No. 3 to the 2013 Resource Sharing Addendum for continued support of JCMS.

Attachments

Texas Conference of Urban Counties
TechShare Program
TechShare.Juvenile and Juvenile Case Management System -Basic
2013 Resource Sharing Addendum
Amendment No. 3

1. Each of the undersigned counties and the Texas Juvenile Justice Department ("TJJD") is a signatory to the Interlocal Agreement For Participation In The Texas Conference of Urban Counties TechShare Program ("ILA").
2. Pursuant to the ILA, the undersigned counties, the TJJD, and the Texas Conference of Urban Counties ("Urban Counties") entered into the TechShare.Juvenile and Juvenile Case Management System – Basic 2013 Resource Sharing Addendum (the "Addendum") with a term of January 1, 2013 through August 31, 2015.
3. Because the Work Plan, Budget, and Cost Allocation (Attachment C of the Addendum) is an annual document for each calendar year, the Addendum was amended in 2014 and again in 2015 to adopt the Work Plan, Budget, and Cost Allocation for those years, respectively.
4. The parties now desire to amend the Addendum to extend the term through December 31, 2015. The 2015 amendment to the Addendum (i.e., Amendment No. 2) included a work plan, budget, and cost allocation for the period of this extension, so there is no need to adopt a revised work plan, budget, and cost allocation for the period of the extension.
5. Therefore, the term of the Addendum is extended through December 31, 2015.
6. Amendment No. 2 to the Addendum included a payment schedule with TJJD making payments of \$312,500 on both July 30, 2015 and October 30, 2015. Because those payments span two fiscal years, TJJD would like to revise the payments to reflect amounts due to cover months within the appropriate TJJD fiscal years. Therefore, TJJD will make the following payments in lieu of the July 30, 2015 and October 30, 2015 payment obligations in Amendment No. 2:

Due July 30, 2015: \$208,333.33 Due October 1, 2015: \$416,666.67
7. During the period of the extension, the parties will be working cooperatively to draft a revised Resource Sharing Addendum for 2016.
8. Except as specifically modified in this Amendment No. 3, all terms of the Addendum, as previously amended, shall remain in effect.
9. This Amendment No. 3 is effective July 1, 2015.

[Signature Pages to Follow]

COUNTY OF COLLIN

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____



DALLAS COUNTY:

RECOMMENDED BY:

Clay Lewis Jenkins
Dallas County Judge

Stanley Victrum
CIO

APPROVED AS TO FORM*:

DALLAS COUNTY
CRAIG WATKINS
DISTRICT ATTORNEY

TERESA GUERRA SNELSON
CHIEF, CIVIL DIVISION

By: _____

Assistant District Attorney

***BY LAW, THE DISTRICT ATTORNEY’S OFFICE MAY ONLY ADVISE OR APPROVE CONTRACTS OR LEGAL DOCUMENTS ON BEHALF OF ITS CLIENTS. IT MAY NOT ADVISE OR APPROVE A LEASE, CONTRACT, OR LEGAL DOCUMENT ON BEHALF OF OTHER PARTIES. OUR REVIEW OF THIS DOCUMENT WAS CONDUCTED SOLELY FROM THE LEGAL PERSPECTIVE OF OUR CLIENT. OUR APPROVAL OF THIS DOCUMENT WAS OFFERED SOLELY FOR THE BENEFIT OF OUR CLIENT. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL, AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE ATTORNEY(S).**



COUNTY OF DENTON

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____



COUNTY OF TARRANT

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____



TEXAS JUVENILE JUSTICE DEPARTMENT

By: _____

Title: _____

Date: _____



TEXAS CONFERENCE OF URBAN COUNTIES, INC.

BY: _____

Title: Executive Director

Date: _____





**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR AUTHORIZATION TO EXECUTE AMENDMENT 3 TO THE 2013 RESOURCE SHARING
ADDENDUM FOR THE JUVENILE CASE MANAGEMENT SYSTEM (JCMS)**

On this the **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Riley Shaw					
Carol Bush					
Jane A. King					
Becky Gregory					
Scott Matthew					

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

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

WHEREAS, the General Administrative Policy (GAP) 385.1101 specifies the TJJ Board’s authority and responsibility to execute contracts exceeding \$500,000.00; and

WHEREAS, the staff requests approval to execute Amendment No. 3 to the 2013 Resource Sharing Addendum for the Juvenile Case Management System for an amount not to exceed \$1,250,000.00 for the calendar year 2015; and

WHEREAS, the project would be funded from existing appropriations as provided by the 84th Texas Legislature;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Executive Director to execute Amendment No. 3 to the 2013 Resource Sharing Addendum for the Juvenile Case Management System.

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

Signed this **28th day of August 2015**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kenneth Ming, Director of Business Operations

Subject: Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00. (Action)

Date: August 18, 2015

Per General Administrative Policy, GAP § 385.1101, paragraph d.1, any contract exceeding \$500,000, and any other contract deemed appropriate for Board approval, as determined by the Executive Director, will be presented to the Board for approval.

Therefore, staff respectfully request consideration and approval for the following fiscal year (FY) 2016 contract renewals. Figures provided are not-to-exceed amounts; actual expenditures may be less than shown. Any amounts expected to be expended above the Board approved amounts would require additional approval.

<u>Residential Contract Care One-Year Renewals:</u>	<u>FY15</u>	<u>FY16</u>
• G4S – The Oaks at Brownwood – Secure	\$3,066,000	\$3,179,004
• Cornerstone (Garza County) – Secure	\$2,131,600	\$2,685,816
• Associated Marine Institute Kids (AMIKids)	\$1,009,225	\$1,009,225
• Byrd’s Foster Group Home	\$ 375,950	\$ 631,596
• Gulf Coast Trades Center	\$ 436,175	\$1,832,008
• National Mentor Healthcare, dba Texas Mentor	\$ 174,817	\$ 183,559
• Pegasus Schools, Inc.	\$ 350,000	\$2,759,400
• Specialized Alternatives for Families and Youth	<u>\$ 200,750</u>	<u>\$ 252,945</u>
Total	\$7,394,452	\$12,533,553

TJJD’s proposed FY16 operating budget includes \$6,666,748 for residential placements and program administration, which is less than the sum total of contract renewal amounts above. The higher contract amounts provide greater flexibility in placement of youth; however, staff will manage expenditures within available funds.

With the exception of AMIkids and Pegasus, all programs requested a rate increase, motivated by higher costs for evidence-based rehabilitative services such as Aggressive Replacement Training (ART) by a certified instructor, or Alcohol and Other Drug (AOD) treatment delivered by a Licensed Chemical Dependency Counselor (LCDC). Rates were also impacted by anticipated costs of Prison Rape Elimination Act (PREA) audits. With respect to AMIkids and Pegasus, current rates are considered adequate to accommodate increases in expenses.

In addition to greater rates, contract amounts were affected by an increase in budgeted contract beds, from a target of 100 for FY15 to 120 for FY16. This increase disproportionately impacts contract amounts for the Gulf Coast Trades Center and Pegasus programs.

<u>Other One-Year Contract Renewals:</u>	<u>FY15</u>	<u>FY16</u>
• Department of Information Resources (Data Center)	\$2,075,990	\$2,653,705
• State Office of Risk Management (Workers Comp)	\$4,010,567	\$4,230,600
• Consolidate Telecom (Youth Blue Phones)	\$ 507,378	\$ 507,378

The increase shown for Data Center services is aligned with appropriations for FY16. The amount shown for workers’ compensation is greater than the agency’s FY15 assessment as a contingency for potential cost growth.

<u>Two Year Contract Renewal:</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>
• University of Texas Medical Branch (UTMB)	\$10,634,888	\$10,134,888	\$10,134,888

The FY16 and FY17 amounts shown exceed appropriations (\$9.7 million for FY16 and \$9.5 million for FY17) as a result of raises for UTMB nursing staff approved by the Legislature without a corresponding increase to appropriations. The requested contract renewal amount is projected to be sufficient to cover these raises; however, TJJD staff are evaluating options to bring the cost of the contract within appropriations. Further updates will be provided at time of the Board meeting.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR AUTHORIZATION TO APPROVE FY2016 NEW AND RENEWAL CONTRACTS EXCEEDING
\$500,000**

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the Board Governance Manual and GAP § 385.1101 requires a majority of the Board to approve, in an open meeting , certain contracts with expected values exceeding \$500,000.00 and any other contract deemed appropriate for Board approval as determined by the Executive Director; and

WHEREAS, staff has provided specific information regarding the following planned FY16 contract renewals:

Residential Contract Care One-Year Renewals:

FY16

- **G4S- Secure** **\$3,179,004**
- **Cornerstone (Garza County)- Secure** **\$2,685,816**
- **Associated Marine Institute Kids (AMIKids)** **\$1,009,225**
- **Byrd’s Foster Group Home** **\$ 631,596**
- **Gulf Coast Trades Center** **\$1,832,008**
- **National Mentor Healthcare, dba Texas Mentor** **\$ 183,559**
- **Pegasus** **\$2,759,400**
- **Specialized Alternatives for Families and Youth** **\$ 252,945**

Total: \$12,533,553

Other One-Year Contract Renewals:

FY16

- Department of Information Resources (Data Center) \$2,653,705
- State Office of Risk Management (Workers Comp) \$4,230,600
- Consolidate Telecom (Youth Blue Phones) \$ 507,378

Two Year Contract Renewal

FY16

FY17

- University of Texas Medical Branch \$10,134,888 \$10,134,888

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Texas Juvenile Justice Department’s Executive Director to execute contracts, and contract amendments, committing the Agency to these actions for FY 2016.

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

Signed this **28th day of August 2015.**

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Emily Anderson, Director of Fiscal Affairs and Budget

Subject: Discussion, consideration, and possible approval regarding the FY 2016 Operating Budget (Action)

Date: August 13, 2015

TJJJ staff recommends the Board's consideration and approval of the fiscal year (FY) 2016 Operating Budget. The proposed budget is consistent with requirements and priorities of the *General Appropriations Act for the 2016-2017 Biennium* (GAA) and the agency's Strategic Plan, and allocates resources in a manner designed to meet projected capacity requirements and treatment needs based on population targets in the GAA. As dictated by the structure of appropriations, the proposed FY16 budget includes the Office of the Independent Ombudsman despite its nature as a separate entity.

TJJJ's internal budget operationalizes agency appropriations based on projected expenditures and updated estimates of non-General Revenue funding sources. As a result, budgeted and actual expenditures can vary from appropriations each fiscal year. The information below compares the proposed FY16 operating budget with TJJJ's current amended FY15 operating budget. This comparison yields slightly different information than when comparisons are made between appropriations and TJJJ's FY15 base funding as reflected in the agency's Legislative Appropriations Request. The latter comparison is more often used in Legislative Budget Board documents and for events like TJJJ's Budget Workshop. For the purposes of the Board's review of the proposed FY16 operating budget, the comparison is made to the current FY15 operating budget because this provides the most updated expenditure information.

The total FY16 operating budget is \$315.4 million, of which \$292.7 million is General Revenue. This is a decrease of \$8.5 million (2.6 percent) compared to the FY15 amended operating budget, of which \$2.4 million is General Revenue. The remainder of the reduction occurs in non-General Revenue methods of finance, where collections have declined with population. Not included in these totals are General Obligation bond proceeds, which follow separate Board

approval processes, or funds for a 2.5 percent increase to employee salaries, which were appropriated to the Comptroller of Public Accounts for eventual transfer to state agencies.

	FY15 Amended Budget*	FY16 Proposed Budget*	Change (\$)	Change (%)
Probation	\$162.9	\$156.4	\$(6.5)	- 4.0%
State Programs	\$138.6	\$134.2	\$(4.4)	- 3.2%
Parole	\$4.3	\$4.2	\$(0.1)	- 2.3%
Independent Ombudsman	\$0.5	\$1.0	\$0.5	91.6%
Training/Monitoring/ICJ	\$4.9	\$4.8	\$(0.2)	- 3.4%
Indirect Administration	\$12.4	\$14.7	\$2.3	18.3%
TOTAL, TJJ and OIO	\$323.5	\$315.4	\$(8.5)	- 2.6%

**Excludes General Obligation bond proceeds and funds for 2.5 percent statewide pay increase.*

Changes in available probation funding compared to FY 2015 include a decrease of \$6.5 million, of which \$2.1 million is General Revenue. This decrease was driven primarily by a population-based funding reduction offset by increases for regionalization and an administrative reorganization. The lesser funding level was accounted for in FY16 probation funding allocations approved by the Board in July.

Excluding construction and renovation bonds, funding available for state facilities and related services was reduced \$4.4 million (3.2 percent) to \$134.2 million. This is the net impact of reductions for declining populations partially offset by an increase to JCO salaries. More than half of the reduction in the budget for Parole comes from the expiration of an external grant; General Revenue funding is near flat.

As a result of the expansion of services required from the Office of Independent Ombudsman, funding was increased by \$0.5 million (91.6 percent). In FY16, the Office will assume responsibilities to monitor county owned facilities and operations as well as state owned facilities and operations.

Funding for system-wide activities such as training and monitoring decreased slightly. This was the net impact of an administrative reorganization. Central Administration and Information Resources increased \$2.3 million (18.3 percent) to \$14.7 million due additional appropriations for data center services, vehicle replacements, information technology refresh and for the Central Office building lease and utilities, partially offset by reductions for an administrative reorganization.

The proposed budget works within available funding to continue the mission of the agency, maintain strong support of local probation departments, operate safe facilities with effective programs, and preserve excellent customer service. However, the significant tightness of appropriations and the potential for unbudgeted contingencies demands continued effort. Prudence would suggest the agency identify further efficiencies and reallocations of funding, reorganization of duties, and other changes in operations from the recommended budget to

guard against unforeseen needs and to prepare the agency for further mandated reductions in FY17.

A resolution approving the proposed FY16 Operating Budget and granting authority to the Executive Director to make reasonable and necessary adjustments for the fulfillment of the mission of TJJ, the maintenance of a balanced budget, and the management of appropriations, is attached.

FY 2016 Operating Budget by Method of Finance

Budget Strategy/Goal	General Revenue	Federal Funds	Appropriated Receipts	Interagency Contracts (ISD)	Other Interagency Contracts	G.O. Bonds	Total All Funds
A.1.1. Prevention and Intervention	3,137,684						3,137,684
A.1.2. Basic Probation Supervision	41,464,872						41,464,872
A.1.3. Community Programs	38,476,045	4,733,329	1,150,000				44,359,374
A.1.4. Pre and Post Adjudication Facilities	25,814,997						25,814,997
A.1.5. Commitment Diversion Initiatives	19,492,500						19,492,500
A.1.6. Juvenile Justice Alternative Education Programs				6,250,000			6,250,000
A.1.7. Mental Health Services Grants	12,804,748						12,804,748
A.1.8. Regional Diversion Alternatives	435,490						435,490
A.1.9. Probation System Support	2,533,074	100,992					2,634,066
Subtotal, Goal A (Community Juvenile Justice)	144,159,410	4,834,321	1,150,000	6,250,000	-	-	156,393,731
B.1.1. Assessment, Orientation, Placement	2,021,924						2,021,924
B.1.2. Institutional Operations and Overhead	14,397,773						14,397,773
B.1.3. Institutional Supervision and Food Service	55,832,193	1,912,269	45,100				57,789,562
B.1.4. Education	9,603,062	2,315,515		3,987,267			15,905,844
B.1.5. Halfway House Operations	9,460,766	188,700					9,649,466
B.1.6. Health Care	8,905,512						8,905,512
B.1.7. Mental (Psychiatric) Care	841,595						841,595
B.1.8. Integrated Rehabilitation Treatment	11,124,388				711,876		11,836,264
B.1.9. Contract Residential Placements	5,466,883	1,199,865					6,666,748
B.1.10. Residential System Support	2,730,172	25,025					2,755,197
B.2.1. Office of Inspector General	2,184,961						2,184,961
B.2.2. Health Care Oversight	995,233						995,233
B.3.1. Construct and Renovate Facilities	299,737						299,737
Subtotal, Goal B (State Services and Faculties)	123,864,199	5,641,374	45,100	3,987,267	711,876	-	134,249,816
C.1.1. Parole Direct Supervision	2,913,884						2,913,884
C.1.2. Parole Programs and Services	1,259,567						1,259,567
Subtotal, Goal C (Parole)	4,173,451	-	-	-	-	-	4,173,451
D.1.1. Office of Independent Ombudsman	1,007,961						1,007,961
Subtotal, Goal D (Office of Independent Ombudsman)	1,007,961	-	-	-	-	-	1,007,961
E.1.1. Training and Certification	1,856,527						1,856,527
E.1.2. Monitoring and Inspection	2,714,339						2,714,339
E.1.3. Interstate Compact	260,007						260,007
Subtotal, Goal E (Juvenile Justice System)	4,830,873	-	-	-	-	-	4,830,873
F.1.1. Central Administration	8,785,694						8,785,694
F.1.2. Information Resources	5,926,365						5,926,365
Subtotal, Goal F (Indirect Administration)	14,712,059	-	-	-	-	-	14,712,059
Grand Total	292,747,953	10,475,695	1,195,100	10,237,267	711,876	-	315,367,891

FY 2016 Operating Budget by Object of Expense

Goal A Community Juvenile Justice	A.1.1. Prevention and Intervention	A.1.2. Basic Probation Supervision	A.1.3. Community Programs	A.1.4. Pre and Post Adjudication	A.1.5. Commitment Diversion Initiatives	A.1.6. Juvenile Justice Alternative Education Programs	A.1.7. Mental Health Services	A.1.8. Regional Diversion Alternatives	A.1.9. Probation System Support	Total
1001 Salaries and Wages	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,085,575	\$ 1,085,575
1002 Other Personnel Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,427	\$ 5,427
1004 Longevity and Hazardous Pay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,354	\$ 34,354
1019 Payroll Health Contribution	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,774	\$ 10,774
2001 Professional Fees and Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000	\$ 2,000
2003 Consumable Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150	\$ 150
2004 Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,198	\$ 4,198
2005 Travel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,641	\$ 26,641
2007 Rent - Machine and Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,344	\$ 5,344
2009 Other Operating Expense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,459,603	\$ 1,459,603
4000 Grants	\$ 3,137,684	\$ 41,464,872	\$ 44,359,374	\$ 25,814,997	\$ 19,492,500	\$ 6,250,000	\$ 12,804,748	\$ 435,490	\$ -	\$ 153,759,665
Total	\$ 3,137,684	\$ 41,464,872	\$ 44,359,374	\$ 25,814,997	\$ 19,492,500	\$ 6,250,000	\$ 12,804,748	\$ 435,490	\$ 2,634,066	\$ 156,393,731

FY 2016 Operating Budget by Object of Expense

Goal B State Services and Facilities	B.1.1. Assessment, Orientation, Placement	B.1.2. Institutional Operations and Overhead	B.1.3. Institutional Supervision and Food Service	B.1.4. Education	B.1.5. Halfway House Operations	B.1.6. Health Care	B.1.7. Mental Health (Psychiatric) Care	B.1.8. Integrated Rehabilitation Treatment	B.1.10. Contract Residential Placements	B.1.11. Residential System Support
1001 Salaries and Wages	\$ 1,667,452	\$ 7,054,756	\$ 46,367,464	\$ 13,060,294	\$ 6,637,108	\$ -	\$ -	\$ 10,511,924	\$ 355,017	\$ 1,726,116
1002 Other Personnel Costs	\$ 14,337	\$ 35,274	\$ 519,532	\$ 97,515	\$ 41,207	\$ -	\$ -	\$ 92,456	\$ 1,774	\$ 8,632
1002A Client Wages	\$ -	\$ -	\$ 36,316	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1004 Longevity and Hazardous Pay	\$ 46,530	\$ 256,000	\$ 1,211,974	\$ 179,993	\$ 238,090	\$ -	\$ -	\$ 279,100	\$ 8,710	\$ 31,080
1019 Payroll Health Contribution	\$ 16,673	\$ 71,073	\$ 464,330	\$ 131,027	\$ 72,552	\$ -	\$ -	\$ 104,918	\$ 2,235	\$ 17,261
1021 Overtime Pay	\$ 4,000	\$ -	\$ 3,650,000	\$ -	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ -
1031 Retire/Rehire Payroll Contribution	\$ -	\$ -	\$ 31,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2001 Professional Fees and Services	\$ -	\$ 133,800	\$ 6,850	\$ 492,828	\$ 1,250	\$ -	\$ -	\$ 27,234	\$ 50,700	\$ 440,030
2002 Fuels and Lubricants	\$ 31,700	\$ 268,500	\$ 300	\$ 200	\$ 87,650	\$ -	\$ -	\$ -	\$ -	\$ -
2003 Consumable Supplies	\$ 10,600	\$ 946,973	\$ 65,400	\$ 146,675	\$ 84,900	\$ -	\$ -	\$ 11,950	\$ 2,450	\$ 2,000
2004 Utilities	\$ 1,600	\$ 2,731,605	\$ 29,450	\$ 27,621	\$ 258,350	\$ -	\$ -	\$ 20,600	\$ 17,300	\$ 4,000
2005 Travel	\$ 32,775	\$ 54,500	\$ 84,150	\$ 185,189	\$ 41,900	\$ -	\$ -	\$ 95,740	\$ 15,795	\$ 24,250
2006 Rent - Buildings	\$ -	\$ 7,000	\$ 4,500	\$ 13,000	\$ 817,402	\$ -	\$ -	\$ -	\$ 14,370	\$ -
2007 Rent - Machine and Other	\$ 300	\$ 98,800	\$ 74,500	\$ 16,000	\$ 29,500	\$ -	\$ -	\$ 14,445	\$ 10,930	\$ -
2009 Other Operating Expense	\$ 180,457	\$ 2,329,892	\$ 2,224,327	\$ 1,392,877	\$ 615,247	\$ 36,625	\$ -	\$ 523,597	\$ 6,161,992	\$ 261,828
2010 Professional Fees and Services (Medical)	\$ -	\$ -	\$ -	\$ 125	\$ 1,300	\$ 8,868,887	\$ 841,595	\$ -	\$ -	\$ -
3001 Client Services	\$ 15,500	\$ 407,100	\$ 117,600	\$ 126,000	\$ 121,060	\$ -	\$ -	\$ 154,300	\$ 25,475	\$ 240,000
3002 Food for Persons	\$ -	\$ 2,500	\$ 2,901,369	\$ 30,000	\$ 426,950	\$ -	\$ -	\$ -	\$ -	\$ -
5000 Capital Expenditures	\$ -	\$ -	\$ -	\$ 6,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 2,021,924	\$ 14,397,773	\$ 57,789,562	\$ 15,905,844	\$ 9,649,466	\$ 8,905,512	\$ 841,595	\$ 11,836,264	\$ 6,666,748	\$ 2,755,197

Goal B State Services and Facilities	B.2.1. Office of Inspector General	B.2.2. Health Care Oversight	B.3.1. Construct and Renovate Facilities	Total
1001 Salaries and Wages	\$ 1,920,429	\$ 836,253	\$ 284,578	\$ 87,380,131
1002 Other Personnel Costs	\$ 14,787	\$ 9,181	\$ 1,423	\$ 810,727
1002A Client Wages	\$ -	\$ -	\$ -	\$ 36,316
1004 Longevity and Hazardous Pay	\$ 36,360	\$ 16,340	\$ 2,540	\$ 2,251,477
1019 Payroll Health Contribution	\$ 19,574	\$ 8,363	\$ 2,846	\$ 880,069
1021 Overtime Pay	\$ 5,000	\$ -	\$ -	\$ 3,829,000
1031 Retire/Rehire Payroll Contribution	\$ -	\$ -	\$ -	\$ 31,500
2001 Professional Fees and Services	\$ 2,000	\$ 48,000	\$ -	\$ 1,152,692
2002 Fuels and Lubricants	\$ 36,000	\$ -	\$ -	\$ 388,350
2003 Consumable Supplies	\$ 3,000	\$ 1,500	\$ 500	\$ 1,270,948
2004 Utilities	\$ 16,370	\$ 1,650	\$ 2,000	\$ 3,090,526
2005 Travel	\$ 27,275	\$ 23,500	\$ 4,350	\$ 534,299
2006 Rent - Buildings	\$ -	\$ -	\$ -	\$ 856,272
2007 Rent - Machine and Other	\$ -	\$ -	\$ -	\$ 244,475
2009 Other Operating Expense	\$ 103,666	\$ 50,446	\$ 1,500	\$ 13,726,842
2010 Professional Fees and Services (Medical)	\$ 500	\$ -	\$ -	\$ 9,711,907
3001 Client Services	\$ -	\$ -	\$ -	\$ 1,207,035
3002 Food for Persons	\$ -	\$ -	\$ -	\$ 3,360,819
5000 Capital Expenditures	\$ -	\$ -	\$ -	\$ 6,500
Total	\$ 2,184,961	\$ 995,233	\$ 299,737	\$ 130,769,885

FY 2016 Operating Budget by Object of Expense

Goal C Parole	C.1.1. Parole Direct Supervision	C.1.2. Parole Programs and Services	Total
1001 Salaries and Wages	\$ 1,756,896	\$ 457,384	\$ 2,214,280
1002 Other Personnel Costs	\$ 8,785	\$ 2,286	\$ 11,071
1004 Longevity and Hazardous Pay	\$ 84,950	\$ 8,820	\$ 93,770
1019 Payroll Health Contribution	\$ 17,569	\$ 4,574	\$ 22,143
2001 Professional Fees and Services	\$ 3,350	\$ 4,000	\$ 7,350
2002 Fuels and Lubricants	\$ 65,425	\$ -	\$ 65,425
2003 Consumable Supplies	\$ 4,850	\$ 500	\$ 5,350
2004 Utilities	\$ 71,220	\$ 600	\$ 71,820
2005 Travel	\$ 25,925	\$ 1,000	\$ 26,925
2006 Rent - Buildings	\$ 193,435	\$ -	\$ 193,435
2007 Rent - Machine and Other	\$ 12,450	\$ -	\$ 12,450
2009 Other Operating Expense	\$ 509,030	\$ 10,352	\$ 519,382
3001 Client Services	\$ -	\$ 770,000	\$ 770,000
3002 Food for Persons	\$ -	\$ 50	\$ 50
5000 Capital Expenditures	\$ 160,000	\$ -	\$ 160,000
Total	\$ 2,913,884	\$ 1,259,567	\$ 4,173,451

Goal D Office of Independent Ombudsman	D.1.1. Office of Independent Ombudsman	Total
1001 Salaries and Wages	\$ 733,024	\$ 733,024
1002 Other Personnel Costs	\$ 6,665	\$ 6,665
1004 Longevity and Hazardous Pay	\$ 3,940	\$ 3,940
1019 Payroll Health Contribution	\$ 7,330	\$ 7,330
2001 Professional Fees and Services	\$ 500	\$ 500
2002 Fuels and Lubricants	\$ 5,000	\$ 5,000
2003 Consumable Supplies	\$ 200	\$ 200
2004 Utilities	\$ 3,200	\$ 3,200
2005 Travel	\$ 50,201	\$ 50,201
2009 Other Operating Expense	\$ 97,900	\$ 97,900
5000 Capital Expenditures	\$ 100,000	\$ 100,000
Total	\$ 1,007,961	\$ 1,007,961

FY 2016 Operating Budget by Object of Expense

Goal E Juvenile Justice System	E.1.1. Training and Certification	E.1.2. Monitoring and Inspections	E.1.3. Interstate Agreement	Total
1001 Salaries and Wages	\$ 1,428,068	\$ 2,284,373	\$ 148,129	\$ 3,860,570
1002 Other Personnel Costs	\$ 7,141	\$ 11,922	\$ 741	\$ 19,804
1004 Longevity and Hazardous Pay	\$ 42,800	\$ 67,490	\$ 2,760	\$ 113,050
1019 Payroll Health Contribution	\$ 14,280	\$ 22,843	\$ 1,481	\$ 38,604
2001 Professional Fees and Services	\$ -	\$ 1,300	\$ -	\$ 1,300
2002 Fuels and Lubricants	\$ -	\$ 50	\$ -	\$ 50
2003 Consumable Supplies	\$ 3,800	\$ 1,450	\$ 200	\$ 5,450
2004 Utilities	\$ 2,200	\$ 21,314	\$ 650	\$ 24,164
2005 Travel	\$ 68,488	\$ 158,876	\$ -	\$ 227,364
2006 Rent - Buildings	\$ 3,200	\$ -	\$ -	\$ 3,200
2007 Rent - Machine and Other	\$ 11,250	\$ -	\$ -	\$ 11,250
2009 Other Operating Expense	\$ 275,300	\$ 142,221	\$ 87,746	\$ 505,267
3001 Client Services	\$ -	\$ 2,500	\$ 18,300	\$ 20,800
Total	\$ 1,856,527	\$ 2,714,339	\$ 260,007	\$ 4,830,873

Goal F Indirect Administration	F.1.1. Central Administration	F.1.2. Information Resources	Total
1001 Salaries and Wages	\$ 5,596,773	\$ 2,248,924	\$ 7,845,697
1002 Other Personnel Costs	\$ 33,483	\$ 11,245	\$ 44,728
1004 Longevity and Hazardous Pay	\$ 123,520	\$ 66,199	\$ 189,719
1019 Payroll Health Contribution	\$ 55,968	\$ 22,489	\$ 78,457
2001 Professional Fees and Services	\$ 332,233	\$ 2,316,675	\$ 2,648,908
2002 Fuels and Lubricants	\$ 50,000	\$ -	\$ 50,000
2003 Consumable Supplies	\$ 11,400	\$ 500	\$ 11,900
2004 Utilities	\$ 200,355	\$ 27,000	\$ 227,355
2005 Travel	\$ 87,800	\$ 9,000	\$ 96,800
2006 Rent - Buildings	\$ 1,093,378	\$ -	\$ 1,093,378
2007 Rent - Machine and Other	\$ 55,000	\$ 160,000	\$ 215,000
2009 Other Operating Expense	\$ 934,284	\$ 685,165	\$ 1,619,449
5000 Capital Expenditures	\$ 211,500	\$ 379,168	\$ 590,668
Total	\$ 8,785,694	\$ 5,926,365	\$ 14,712,059



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL OF THE TEXAS JUVENILE JUSTICE DEPARTMENT’S FY 2016 OPERATING BUDGET

On this 28th day of August 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, TJJJ staff has proposed an operating budget for fiscal year (FY) 2016; and

WHEREAS, the proposed operating budget is balanced and laid out in the official TJJJ budget structure effective September 1, 2016; and

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Operating Budget for FY 2016 and authorizes the Executive Director to make reasonable adjustments to the Operating Budget for FY 2016 as necessary for the fulfillment of the mission of TJJJ and the maintenance of a balanced budget; and

BE IT FURTHER RESOLVED THAT the Board authorizes the Executive Director to make adjustments between the appropriation line items and capital budget items in accordance with the General Appropriations Act for the 2016-2017 Biennium that are appropriate and necessary to implement the FY 2016 Operating Budget.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Mike Meyer, Chief Financial Officer

Subject: Acknowledgement of Gifts (Action)

Date: August 18, 2015

The Texas Government Code, Chapter 575, provides that for gifts with a value of \$500 or more:

A state agency, that has a governing board, may accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, acknowledges the acceptance of the gift no later than the 90th day after the date the gift is accepted.

The Government Code also provides that a state agency may not accept a gift from a person who is a party to a contested case before the agency. TJJJ policy (GAP.385.8170) Acceptance of Gifts of \$500 or more, implements these provisions.

The staff recommends acknowledgement of the following gift pursuant to the provisions of the Government Code and TJJJ policy:

- Ms. Maria Session, a Case Worker with the Schaeffer Halfway House, donated a stationary bike estimated value at \$1,000.00 to, the Schaeffer House youth. This bike will be used to promote exercise, health and awareness.

Following the Board's acknowledgement of this gift, a letter will be sent to Ms. Session, notifying her of the acknowledgement in a public meeting and expressing appreciation for her support of the Texas Juvenile Justice Department.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO THE ACCEPTANCE OF GIFTS FOR THE TEXAS JUVENILE JUSTICE
DEPARTMENT**

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the Texas Government Code requires a majority of the Board to acknowledge, in an open meeting, gifts with a value of \$500 or more; and

WHEREAS, the Schaeffer Halfway House received a stationary exercise bike from Maria Session with an estimated value of \$1,000; and

WHEREAS, Ms. Session has donated the stationary exercise bike to be used in the Halfway House Patio area to promote exercise, health and wellness among the youth;

NOW, THEREFORE BE IT RESOLVED THAT the Board expresses its appreciation and formally accepts this generous gift in support of the Texas Juvenile Justice Department.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kaci Singer, Staff Attorney

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9901 - 380.9911, relating to Youth Records, in the *Texas Register* for a 30-day comment period (Action)

Date: August 19, 2015

As part of the agency's rule review process, the Office of General Counsel has completed its review of assigned rules from Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter G (General Provisions). As a result of this review, the staff recommends revising §380.9909 (Access to Youth Information and Records) and repealing §380.9901 (Confidentiality Regarding Youth Alcohol and Drug Abuse) and §380.9911 (Youth Masterfile Records).

Attached to this memo please find:

- A table summarizing the contents and proposed changes for the rules assigned to the Office of General Counsel.
- 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 and 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 G – General Provisions
(Rules assigned to the Office of General Counsel)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9901	Confidentiality Regarding Youth Alcohol and Drug Abuse	Ensures that TJJD protects the privacy of youth who have records concerning alcohol or drug abuse.	No	<ul style="list-style-type: none"> • Repealed. Consolidated information from this rule into the revised §380.9909. 	Ready for board review
380.9909	Access to Youth Information and Records	Establishes controls on access to TJJD youth records and information in compliance with federal and state laws and regulations, which limit access to youth records.	Yes	<ul style="list-style-type: none"> • Clarified that this rule applies to all youth committed to TJJD. • Added requirements from §380.9911 including that all records and information concerning youth must: <ul style="list-style-type: none"> ○ remain in the custody and control of authorized personnel at all times; and ○ be stored and transported in a manner that ensures security and confidentiality. • Removed a statement indicating that TJJD would not provide records in response to a request from a confined youth or his/her agent. • Added requirements from §380.9901 including: <ul style="list-style-type: none"> ○ Drug and alcohol information that may not be released includes any information that: <ul style="list-style-type: none"> ▪ would identify a youth as an alcohol or drug abuser; and ▪ is obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment; and ○ At the time of admission, youth diagnosed as alcohol or drug abusers must: <ul style="list-style-type: none"> ▪ be informed that federal laws protect the confidentiality of their alcohol and drug abuse records; and ▪ be given a written copy of the summary of the federal law and regulations. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
				<ul style="list-style-type: none"> • Deleted requirements concerning access to youth orders of adjudication and sealing of youth records. These requirements are addressed in state law. • Added the following reasons that TJJD may grant access to youth records that have been designated by court order as “restricted access”: <ul style="list-style-type: none"> ○ by the person who is the subject of the records on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records; or ○ for research purposes by TJJD; or ○ with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person’s records at issue in the suit; or ○ with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces. • Deleted the requirement for TJJD to reply that no record exists when TJJD receives a request for information about records that have been designated by court order as “restricted access.” This change is because of changes to Texas Family Code §58.207(e). 	
380.9911	Youth Masterfile Records	Ensures that youth records contain accurate and complete records of commitment documents, assessment reports, and significant decisions and events regarding the youth.	No	<ul style="list-style-type: none"> • Repealed. Consolidated information from this rule into the revised §380.9909. 	Ready for board review

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/26/04, T-65
Subchapter: General Rules	Page: 1 of 1
Division: Youth Records	Replaces: GAP.99.1, 12/16/99, T-45
Rule: Confidentiality Regarding Youth Alcohol and Drug Abuse	
ACA: N/A	

7-30-15 Draft

~~[(a) — **Purpose.**~~

~~The purpose of this rule is to ensure that the Texas Youth Commission protects the privacy of youth in compliance with Federal rule 42 CFR part 2.]~~

~~[(b) — Restrictions on disclosure shall apply to any information, whether or not recorded, which:]~~

~~[(1) — would identify a youth as an alcohol or drug abuser (directly or through verification); and]~~

~~[(2) — is drug abuse or alcohol abuse information obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment.]~~

~~[(c) — At the time of admission, youth diagnosed as alcohol or drug abusers must be informed that Federal laws protect the confidentiality of their alcohol and drug abuse records and shall be given a written copy of the summary of the Federal law and regulations, LS-021 Notice to Youth.]~~

REPEALED

Chapter: Rules for State-Owned Programs and Facilities	Effective Date: 4/26/04, T-65
Subchapter: General Provisions	Page: 1 of 4
Division: Youth Records	Replaces: GAP.380.9909,
Rule: Access to Youth Information and Records	4/26/04 GAP.99-9,
ACA: N/A	12/18/03, T-63

7-23-15 Draft

(a) Purpose.

~~This [The purpose of this] rule establishes [is to establish] controls on access to Texas Juvenile Justice Department (TJJD) [Youth Commission (TYC)] youth records and information in compliance with federal and state laws and regulations, that [which] limit access to [all] youth records.~~

(b) Applicability.

This rule applies to all youth committed to TJJD.

(c)[(b)] General Provisions.

Records and information concerning youth:

- ~~(1) [are] must be marked "confidential;" [confidential and may]~~
- ~~(2) must remain in the custody and control of authorized personnel at all times;~~
- ~~(3) not be disclosed except as allowed by law; and~~
- ~~(4) must be stored and transported in a manner that ensures security and confidentiality.~~

~~[(c)—Applicability.]~~

~~[(1) (GAP) §99.1 of this title (relating to Confidentiality Regarding Youth Alcohol and Drug Abuse).]~~

~~[(2) (GAP) §81.1 of this title (relating to Public Information Request).]~~

~~[(3) (GAP) §87.5 of this title (relating to Family Involvement).]~~

~~[(d) Youth files shall be marked "confidential" and kept in a secure location.]~~

~~[(e) Educational Information.]~~

~~[(1) Educational information is made available in accordance with Title 20 of the United States Code §1232g and 34 CFR, Part 99.]~~

~~[(2) A TYC youth who is 18 years old or older may access his/her own educational information or grant consent to another individual to access his/her information. If the youth is under the age of 18, the parent or guardian has the right to access the youth's educational information or grant consent to another individual to access the youth's educational information.]~~

~~[(3) TYC may disclose educational information of a youth who is 18 years old or older to a parent without the youth's consent, if the parent is claiming the youth as a "dependent student" as defined in Section 152 of the Internal Revenue Code.]~~

~~[(4) TYC may release educational information on a youth, without obtaining consent, if the disclosure is to school officials within TYC or the school district where the youth seeks to attend.]~~

~~[(f)]—Information Requested by a Youth in a Secure Facility.~~

~~TYC is not required to accept or comply with a request for information under the Texas Public Information Act from a youth or the youth's agent, other than an attorney for the youth, if the youth is confined in a secure correctional facility owned or operated under contract by TYC. For access to educational information refer to subsection (e) of this policy.]~~

~~[(d)][(g)] Access by a Youth or Parent.~~

- (1) In the interest of ~~[achieving the purpose of TYC and]~~ protecting ~~TJJD youth and~~ the public, ~~TJJD [TYC]~~ may disclose records and other information concerning a youth to the youth and the youth's parent or guardian only if the disclosure would not:
 - (A) materially harm the treatment and rehabilitation of the youth; or
 - (B) substantially decrease the likelihood of ~~TJJD [TYC]~~ receiving information from the same or similar sources in the future.
- (2) If ~~TJJD [the agency]~~ decides it is appropriate to disclose information to the parent or guardian concerning a youth who is at least [age] 18 years old, TJJD [or older, the agency] may do so only with the youth's written consent.

~~[(3)]—For access to educational information refer to subsection (e) of this policy.]~~

~~[(e)] Educational Information.~~

- (1) Educational information is made available in accordance with Title 20 of the United States Code §1232g and Title 34 of the Code of Federal Regulations (CFR).
- (2) A TJJD youth who is at least 18 years old may access his/her own educational information or grant consent to another individual to access his/her information. If the youth is under the age of 18, the parent or guardian has the right to access the youth's educational information or grant consent to another individual to access the youth's educational information.
- (3) TJJD may disclose educational information of a youth who is at least 18 years old to a parent without the youth's consent if the parent is claiming the youth as a "dependent student" as defined in Section 152 of the Internal Revenue Code.
- (4) No consent is necessary if TJJD is releasing educational information on a youth to school officials within TJJD or to the school district where the youth seeks to attend.

~~[(f)][(h)] Alcohol and Drug Treatment Records.~~

- (1) Access to youth records that contain certain information identifying the youth as chemically dependent or as a substance abuser ~~may be disclosed only as provided [shall be limited]~~ in ~~[accordance with (GAP) §99.1 of this title and Federal Rule]~~ 42 CFR Part 2. Confidentiality requirements for this type of [of such] information are more restrictive than requirements ~~[set forth]~~ in other regulations.
- (2) Drug and alcohol information that may not be released includes any information that:
 - (A) would identify a youth as an alcohol or drug abuser; or
 - (B) is obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment.
- (3) At the time of admission, youth diagnosed as alcohol or drug abusers must:
 - (A) be informed that federal laws protect the confidentiality of their alcohol and drug abuse records; and

(B) be given a written copy of the summary of the federal law and regulations.

- (3) If a document contains [Without appropriate release forms,] information regarding alcohol and drug abuse but it also contains [contained in documents with] other information that may appropriately be released, TJJD must redact the alcohol and drug abuse information unless appropriate release forms have been completed [shall be deleted prior to release of the documents].

~~[(i)]—Access to Youth Orders of Adjudication.~~

~~For the purpose of offering records as evidence in the punishment phase of a criminal proceeding, a prosecuting attorney may obtain a copy of a youth's adjudication for a misdemeanor punishable by confinement in jail, or a felony-grade offense pursuant to the Human Resources Code §61.095. If TYC does not possess the requested records, the prosecuting attorney will be notified. Requests under this paragraph must be directed to the custodian of records.]~~

~~[(j)]—Sealing of Youth Records.~~

~~Records sealed by court order pursuant to Texas Family Code §58.003 shall be sent to the court issuing the order before the 61st day after receipt of the order. All index references to the youth shall be deleted and verification of the deletion also sent to the court within the same time frame. Upon receipt of an order sealing records, TYC shall reply to any request for information about the records that no record exists with respect to the person whose records are sealed.]~~

~~[(g)]~~[(k)]~~ Restricted Access to Youth Records.~~

- ~~[(4)] If records have been designated as restricted [Records to which] access [is restricted] by court order pursuant to Texas Family Code §58.201, et seq., TJJD must [shall be accessible to appropriate staff within TYC, however TYC shall] not permit [others] access to these [said] records except [by]:~~

~~(1)~~[(A)]~~ by a criminal justice agency for a criminal justice purpose, as those terms are defined by Texas Government Code §411.082; or~~

~~(2)~~[(B)]~~ by the person who is the subject of the records, on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records [for the purpose of preparing and presenting a motion to seal or destroy the records]; or~~

~~(3)~~[(C)]~~ by TJJD for [purposes of] research[, TYC, the Texas Juvenile Probation Commission, or the Criminal Justice Policy Council] purposes; or~~

~~(4) with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person's records at issue in the suit; or~~

~~(5) with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.~~

- ~~[(2)] Upon receipt of an order restricting access, not to include the exceptions in this subsection, TYC shall reply to any request for information about the records that no record exists with respect to the person whose records are requested. The person who is subject of records restricted by the order may not waive the restricted status of the records or the consequences of the restricted status.]~~

~~[(h)]~~[(l)]~~ Release of Information upon Escape.~~

~~TJJD [TYC] may disseminate the following information upon an escape of a youth:~~

- ~~(1) the youth's name, including other names by which the youth is known;~~
- ~~(2) the youth's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;~~

- (3) a photograph of the youth; and
- (4) if necessary to protect the welfare of the community, any other information that reveals dangerous tendencies of the youth or expedites the apprehension of the youth.

(i)(m) Access under Federal Protection and Advocacy Systems.

Pursuant to ~~[Subchapter I of]~~ Title 42 of the United States Code §10805 and §15043, federal law provides for a federally funded system of mental health advocates and a federally funded system of advocates for the developmentally disabled and grants those advocates access to facilities and TJJD [TYG] records for the purpose of investigating abuse and neglect of the mentally ill or developmentally disabled.

(j)(n) Health Insurance Portability and Accountability Act (HIPAA).

- (1) TJJD [TYG] is not a covered entity under the Health Insurance Portability and Accountability Act (HIPAA) [HIPAA] because it does not engage in covered transactions as defined by 45 CFR §160.103. Records created by an entity covered by HIPAA [the Health Insurance Portability and Accountability Act (HIPAA)] are subject to TJJD's [TYG's] regular confidentiality rules and procedures.
- (2) Protected health information [Health Information (PHI)] generated by HIPAA-covered [HIPAA covered] contract providers (University of Texas Medical Branch ~~[at Galveston and Texas Tech University Health Sciences Center]~~) to youth in high-restriction facilities TYC's institution and halfway house programs is the property of TJJD [TYG]. The status of the source of the information does not impose HIPAA restrictions on the use of that healthcare information.
- (3) To the extent that any healthcare information obtained by TJJD [TYG] may be covered by HIPAA as it applies to youth at high-restriction facilities [institutional] and halfway houses [house youth], that healthcare information is for the governmental uses and purposes enumerated in 45 CFR §164.512 [§512], including but not limited to:
 - (A) the provision of healthcare to that youth [inmate];
 - (B) the health and safety of that youth [inmate] or other youths [inmates];
 - (C) the health and safety of the officers or employees of or others at a high-restriction facility or halfway house [the correctional institution];
 - (D) the health and safety of such individuals and officers or other persons responsible for the transporting of youths [inmates] or their transfer from one institution, facility, or setting to another;
 - (E) law enforcement on the premises of a high-restriction facility or halfway house [the correctional institution]; and
 - (F) the administration of the safety, security, and good order of a high-restriction facility or halfway house [the correctional institution].
- (4) A contract healthcare provider who is a HIPAA-covered [HIPAA covered] entity and provides services to TJJD [TYG] youth other than those in high-restriction facilities [institutional] or halfway houses [house youth] is required as a condition of the contract to secure all necessary consents or authorizations to provide to or obtain from TJJD [TYG] protected health information.

(k)(o) Release of Certain Information for a Legitimate Need.

TJJD [TYG] may disclose information regarding a youth's location and committing court to a person having a legitimate need for the information (e.g., [-Examples of a legitimate need would be] to provide a location for a bench warrant or service of process to be issued the youth).

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 11/15/11, T-117
Subchapter: General Provisions	Page: 1 of 1
Division: Youth Records	Replaces: GAP.99.11, 12/15/08, T-92
Rule: Youth Masterfile Records	
ACA: 4-JCF-3A-21, 3A-25, 4C-32, 5D-11, 6F-01, 6F-02, 6F-03	

7-30-15 Draft

[(a) — Purpose.]

~~The purpose of this rule is to ensure that youth records contain accurate and complete records of commitment documents, assessment reports, and significant decisions and events regarding the youth.]~~

[(b) — Applicability.]

~~[(1) — For information relating to access to youth information and records, refer to §99.9 of this title.]~~

~~[(2) — For information relating to confidentiality of youth alcohol and drug abuse records, refer to §99.1 of this title.]~~

[(c) — Masterfile Description.]

~~[(1) — The official record maintained for each youth is called the masterfile. The masterfile consists of separate subfiles including, but not limited to the casework, education, security, and medical subfiles.]~~

~~[(2) — The Texas Youth Commission (TYC) shall maintain a list of documents approved for filing in each subfile.]~~

[(d) — Masterfile Storage and Transportation.]

~~Masterfile subfiles shall be stored and transported in a manner that ensures security and confidentiality.]~~

[(e) — Masterfile Custody.]

~~Masterfile subfiles shall remain in the custody and control of authorized personnel at all times. Authorized personnel are TYC staff or staff under contract with TYC to provide medical or parole services.]~~



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW FOR
37 TAC §§380.9901 - 380.9911, RELATING TO YOUTH RECORDS, IN THE TEXAS REGISTER FOR A 30-DAY
COMMENT PERIOD**

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Government Code §2001.39 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 to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the Office of General Counsel staff has completed this review for 37 TAC §§380.9901 - 380.9911; and

WHEREAS, the Office of General Counsel staff has recommended revisions to §380.9909 and the repeal of §380.9901 and §380.9911; and

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to 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 §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 repeal 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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9931 - 380.9933, relating to Youth Funds, in the *Texas Register* for a 30-day comment period (Action)

Date: August 13, 2015

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

- §380.9931 (Student Trust Fund); and
- §380.9933 (Spending Money for Released Youth)

Attached to this memo please find:

- A table summarizing the contents and proposed changes for the rules assigned to the Finance Division.
- The text of the rules to be revised.
- 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 G – General Provisions
(Rules assigned to Finance Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9931	Student Trust Fund	Requires TJJD to maintain a student trust fund at each facility for youth who receive personal funds. Requires TJJD to allow youth with sufficient balances to establish a savings account. Provides rules for forwarding funds when youth leave a facility.	Yes	<ul style="list-style-type: none"> • Clarified that TJJD is not responsible for funds that are lost or stolen after being transferred to a youth’s possession upon release or discharge. • Clarified that the 15-day hold TJJD places on money orders does not apply to U.S. Postal Service money orders. • Clarified that youth in high-restriction facilities are not permitted to handle withdrawn funds. • Added a requirement to notify the youth when TJJD must withdraw funds from a youth’s account when TJJD is charged for a problem with a deposit, such as a charge for insufficient funds. • Clarified that TJJD will establish a savings account for a youth who has a balance of <i>at least \$5,100</i> (rather than “an adequate amount”) when the youth is expected to stay at the current facility for at least six months. • Added a requirement for youth who establish savings accounts to maintain at least \$100 in their student trust fund accounts. • Clarified that when a youth is moved to a contract residential facility that does not have a resident banking system, TJJD does not forward the youth’s student trust fund to the new facility. Instead, TJJD will hold the funds until the youth: <ul style="list-style-type: none"> ○ designates a 3rd party to receive them; or ○ requests the funds from TJJD once the youth is released from the facility. • Clarified that when a youth is paroled to a home location: <ul style="list-style-type: none"> ○ the total amount of the youth’s student trust fund is provided to the youth unless the youth has a balance <i>over \$50</i> (rather than “a large sum”); and ○ if the balance is over \$50, the youth is provided <i>up to \$50 in cash</i> (rather than “a small amount”) and a check for the rest is mailed to the parole officer to be picked up by the youth at the first parole meeting. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
				<ul style="list-style-type: none"> • Added requirements for forwarding the balance of a youth's student trust fund when a youth is discharged from TJJJ and is sent to any type of residential placement, such as adult prison, an Immigration and Customs Enforcement detention facility, or a group home. The youth chooses whether the funds will be sent to the facility or to another designated recipient. • Added a requirement for TJJJ to hold the funds in a youth's student trust fund account until the account is cleared of any questions that prevented it from being closed upon the youth's departure from the facility. 	
380.9933	Spending Money for Released Youth	Requires TJJJ to provide \$10 in cash to youth upon release or discharge if they are traveling by public transportation and do not have at least \$10 in personal funds to withdraw.	Yes	<ul style="list-style-type: none"> • Increased the amount provided to youth upon discharge or release to \$15 (instead of \$10). This applies only to youth who do not have at least \$15 in their student trust fund accounts. • Clarified that youth who have at least \$15 available in their student trust fund accounts are provided cash upon release in accordance with §380.9931. 	Ready for board review

Draft 7/31/15

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 11/8/05
Subchapter: General Provisions	
Division: Youth Funds	Page: 1 of 3
Rule: Student Trust Fund	Replaces: <u>GAP.380.9931, 11/8/05</u> <u>GAP.99.31, 6/16/05</u>
ACA: 4-JCF-3A-13, 6B-02, 6B-12, 6B-13	
Statutes: <u>HR Code §242.063</u>	

RULE

(a) Purpose.

This rule provides ~~[The purpose of this rule is to provide for student]~~ banking privileges for ~~[all]~~ youth in certain residential facilities ~~[programs]~~ through a student trust fund system.

(b) Applicability.

This rule applies to high-restriction and medium-restriction facilities operated by the Texas Juvenile Justice Department (TJJD), except orientation and assessment units.

(c) General Provisions.

~~(1)(b)~~ TJJD maintains a [A] student trust fund account ~~[will be maintained]~~ for each youth who receives ~~[receiving]~~ personal funds while in a residential facility operated by TJJD other than an ~~[placement in a TYC institution or halfway house except youth at the]~~ orientation and assessment unit.

~~(2)(e)~~ The facility administrator ~~[director/administrator]~~ is the trustee for the student trust fund ~~[Student Trust Fund]~~ in his/her facility ~~[program]~~.

~~(3)(d)~~ TJJD is ~~[TYC will]~~ not ~~[be]~~ responsible for funds that are: ~~[cash]~~

(A) sent to a youth through the mail and are ~~[which is]~~ not received by TJJD; or ~~[]~~

(B) lost or stolen after being transferred to a youth's possession upon release or discharge.

(d) Sending Funds to TJJD Youth.

~~(1)(e)~~ TJJD provides parents/guardians with written instructions for sending funds to TJJD youth through the mail. Funds sent ~~[to a youth]~~ through the mail ~~[must be sent according to instructions provided by TYC or]~~ may be returned to the sender if the instructions are not followed. ~~[Parents will be provided all instructions.]~~

(A)(4) Envelopes containing funds for youth must be addressed to the facility business office.

(B)(2) Any personal check, money order, or cashier's check must be payable to the youth's facility and must include ~~[with]~~ the youth's name and TJJD ~~[TYC]~~ number on the personal check, money order, or cashier's check.

~~(2)(f)~~ Funds from deposit of personal checks or money orders, with the exception of U.S. Postal Service money orders, will not be available for use for 15 calendar days after deposit to allow the funds to clear the financial institution.

~~(3)(g)~~ When TJJD receives funds for a youth, TJJD provides the youth a receipt. ~~[A youth will be given an official student trust fund receipt for money deposited to the trust fund. A youth will be given a temporary receipt effective until the funds are either deposited or returned to the sender.]~~ If the funds and accompanying correspondence are returned to the sender, TJJD provides the youth ~~[will be given]~~ a copy of the correspondence.

(e) **Withdrawing Funds.**

- (1)[(h)] A youth may withdraw money for specific purposes according to the youth's progress in the agency's positive reinforcement and privilege system described in §380.9502 of this title. [need and level of responsibility.] Youth in high-restriction facilities are not permitted to handle the withdrawn funds.
- (2)[(i)] TJJJ [TYG] may not withdraw money from a youth's student trust fund account without the youth's consent except when TJJJ is charged by the [exact amount which may be deducted for a charge to TYG by a] bank for a problem related to a [the youth's] deposit, such as a charge [; e.g.,] for insufficient funds. In these cases:
- (A) TJJJ may withdraw from the youth's account an amount not to exceed the amount of the charge; and
- (B) if an amount is withdrawn, TJJJ must provide written notice to the youth.

(f) **Savings Accounts.**

- (1) TJJJ provides an opportunity to establish a savings account at a bank within a reasonable distance from the youth's facility for each youth who:
- (A) has a balance of \$5,100 or more in his/her student trust fund account; and
- (B) is expected to remain at his/her current facility for at least six months.
- [j] Youth with adequate balances are given the opportunity to establish a savings account when their remaining length of stay in the facility would justify the amount of staff time required to set up the individual savings account.]
- (2) For youth who establish a savings account:
- (A) the youth must maintain at least \$100 in his/her student trust fund account at all times;
- (B) the youth [Youth] must maintain a minimum balance in his/her savings account equal to or greater than the [lowest] minimum balance required without a service charge by the [a-] bank; and [located within a reasonable distance from the facility.]
- (C) interest on the savings account [Interest on personal funds] accrues to the youth.

(g) **Forwarding and Disbursing Funds When Youth Leave the Facility.**

- (1)[(k)] When a [If the] youth is moved to a [between TYG-] residential facility operated by TJJJ, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility [programs or contract care residential programs, the youth's check must be mailed to the new placement location].
- (2) When a youth is moved to a residential facility operated under contract with TJJJ, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility only if the facility has a banking system for residents.
- (3) When a youth is moved to a facility operated under contract with TJJJ and the facility does not have a banking system for residents, TJJJ notifies the youth that TJJJ will hold the full amount of the youth's student trust fund balance until the youth:
- (A) designates in writing a third party to receive the funds; or
- (B) requests the funds upon release from the facility.

- (4)(+) When a youth is released from a TJJJ [TYG] residential facility and is placed on parole in a home location, the current balance of the youth's student trust fund account determines how the funds are disbursed.
- (A) If the youth's balance is \$50 or less, the total amount [program with the expectation that he/she will not be returning, the youth's trust fund] is withdrawn and given to the youth in cash, check, or money order upon his/her departure from the facility [unless the youth has a large sum in his/her trust fund or youth's account cannot be closed when the youth departs].
- (B) If the youth's balance is more than \$50, [youth has a large sum in his/her trust fund,] the youth is given up to \$50 in cash [a small amount] upon his/her departure and a check for the remaining balance is [will be] mailed to the youth's parole officer. [If the youth's account cannot be closed when the youth departs, because of holds, etc., a check will be mailed to the parole officer once the account is cleared of any questions.] The parole officer provides [will provide the youth] the check for the remaining balance to the youth [from the trust fund] during the youth's first scheduled visit to the parole officer.
- (5) When a youth in a TJJJ residential facility is discharged from TJJJ and is sent to any type of residential placement, such as the Texas Department of Criminal Justice, an Immigration and Customs Enforcement detention facility, or a group home, the youth chooses whether TJJJ mails a check for the total balance of the youth's student trust fund account to:
- (A) the receiving entity; or
(B) a third party designated in writing by the youth.
- (6) When a youth in a TJJJ residential facility is discharged from TJJJ and is not sent to another residential placement, the current balance of the youth's student trust fund account determines how the funds are disbursed.
- (A) If the youth's balance is \$50 or less, the total amount is withdrawn and given to the youth in cash, check, or money order upon his/her departure.
- (B) If the youth's balance is more than \$50, the youth is given up to \$50 in cash upon his/her departure and a check or money order for the remaining balance is given to the youth upon his/her departure or is mailed to his/her home address.
- (7) If a youth's student trust fund account cannot be closed when the youth leaves a TJJJ facility because of holds or for any other reason, the funds are held by TJJJ and are disbursed in accordance with paragraphs (1)-(6) of this subsection once the account is cleared of any questions.

See Chapter 45 of the Accounting Procedure Manual for implementation procedures.

Draft 7/27/15

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 12/31/96
Subchapter: General Provisions	
Division: Youth Funds	Page: 1 of 1
Rule: Spending Money for Released Youth	Replaces: GAP.380.9933, 12/31/96 GOP.31.05, 3/1/89
ACA: N/A	
Statutes: Hum. Res. Code §245.106	

RULE

- (a) The Texas Juvenile Justice Department (TJJD) provides \$15 in cash from TJJD funds to each youth who:
- (1) is ~~[Youth]~~ released ~~or discharged~~ from ~~a~~ residential ~~facility operated by TJJD;~~ ~~[care including contract care,]~~
 - (2) ~~[who] will~~ travel by public transportation to ~~his/her home placement;~~ ~~[their home placements]~~ and
 - (3) ~~does [who do]~~ not have at least \$15 available to ~~[\$10 which they can]~~ withdraw from ~~his/her student [their individual] trust fund account.~~ ~~[funds, will be provided \$10 cash spending money from program funds.]~~
- (b) A youth who has at least \$15 available to withdraw from his/her student trust fund account is provided cash from his/her student trust fund account in accordance with §380.9331 of this title upon release or discharge.

See ACC.45.09 for implementation procedures.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW FOR 37 TAC §380.9931 and §380.9933, RELATING TO YOUTH FUNDS, IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Government Code §2001.39 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 to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the Finance Division staff has completed this review for 37 TAC §380.9931 and §380.9933 and has recommended revisions to both rules; and

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to 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 §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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Internal Audit Report

BOARD MEMBERS

Scott W. Fisher, Chair
Bedford, Texas

Becky Gregory
Dallas, Texas

The Honorable John Brieden III
Brenham, Texas

Riley Shaw
Fort Worth, Texas

The Honorable Carol Bush
Waxahachie, Texas

Jane Anderson King
Canyon, Texas

David "Scott" Matthew
Georgetown, Texas

Mary Lou Mendoza
San Antonio, Texas

Dr. Rene Olvera
San Antonio, Texas

The Honorable Laura Parker
San Antonio, Texas

The Honorable Jimmy Smith
Midland, Texas

Calvin Stephens
Dallas, Texas

EXECUTIVE DIRECTOR

David Reilly

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

Interstate Compact for Juveniles Audit

**Project 15-6
August 2015**

Internal Audit Mission

To provide the agency audit and consulting services that enhance accountability and assists the agency in accomplishing its mission and objectives through managing risk, increasing control awareness, improving processes, facilitating change, and promoting best practices.

Team Members

Angela Mitchell (Staff Auditor)

Karen McCarther (Staff Auditor)

Jeannette Lepe, CGAP (Lead Auditor)

Vivian Cohn, CIA, CGAP, CRMA, MBA (Project Manager)

For additional copies contact:

Texas Juvenile Justice Department
Office of Internal Audit
P.O. Box 12757
Austin, TX 78711
512-490-7190

To: TJJJ Board Members
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Interstate Compact for Juveniles Audit

Date: August 27, 2015

Attached for your review and approval is our draft report on the Interstate Compact for Juveniles Audit.

This audit was conducted as a full-scope audit on the fiscal year 2015 Audit Plan. The overall objective for this audit is to determine if the controls over the Interstate Compact for Juveniles (ICJ) program are in place and the operations are in compliance with ICJ rules. The scope includes ICJ youth population in probation and parole, completion of home evaluations and progress reports, and expenditures on the ICJ credit card. The period covers October 1, 2014 through March 31, 2015. The audit work includes control and compliance tests related to the ICJ operations and process.

Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of our work and has provided responses, which are included with the recommendations at the end of the report. We appreciate the cooperation and assistance provided to us throughout this audit.

cc Chelsea Buchholtz, Chief of Staff
Executive Management

DRAFT

This page intentionally left blank.

TABLE OF CONTENTS

Executive Summary.....1

Background.....2

Results:

- Youth Population.....3
- Home Evaluations and Progress Reports.....3
- ICJ credit card.....3

Recommendations4

DRAFT

DRAFT

This page intentionally left blank.

EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department's (TJJD) Interstate Compact for Juveniles audit, which is included as a full-scope audit on the fiscal year 2015 Audit Plan.

The audit objective is to determine if controls over the Interstate Compact for Juveniles (ICJ) program are in place and the operational effectiveness are in compliance with ICJ rules. Overall, controls could be improved to ensure compliance with ICJ rules.

Controls in the following area are functioning as intended.

- The expenditures on ICJ credit card are supported and accurately recorded in the Centralized Accounting and Payroll/Personnel System (CAPPS).

Controls could be strengthened to ensure compliance with agency's policies & procedures and provide more cost-effective practices.

- Guidelines should be established to ensure proper handling when a youth referral from the sending state is not provided to the ICJ Office.
- Strengthening ICJ's oversight for completion of home evaluations and progress reports could assist in ensuring compliance with the transfer and supervision of youth.
- Establishing segregation of duties over use of the ICJ credit card could ensure controls are in place to help protect the agency from unauthorized transactions.

BACKGROUND

The purpose of the Interstate Compact for Juveniles (ICJ) office is to facilitate the transfer of supervision for juvenile parolees and probationers who move to or from another state. The Interstate Commission for Juveniles is the governing body of the Interstate Compact for Juveniles. It is established to fulfill the objectives of the Compact through means of joint cooperative action among the Compacting states to promote, develop, and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims, and the public. The ICJ office also coordinates the return of delinquent and non-delinquent juveniles to their home or demanding states. The ICJ utilizes the Juvenile Interstate Data System (JIDS), a web-based application developed for the Interstate Commission for Juveniles, to track and monitor youth. As of May 2015, the department had a total of 409 youth, including 37 youth in parole and 372 youth in probation.

This report presents the results of Interstate Compact for Juveniles Audit. The overall objective for this audit is to determine if the controls for the ICJ program are in place and the operations are in compliance with ICJ rules. The audit included the following test objectives:

- To determine if the youth population is being accurately reported in the system used for ICJ (CCS).
- To determine if home evaluations and progress reports are being processed in a timely manner.
- To determine if expenditures on ICJ credit card are supported and accurately recorded in the Centralized Accounting and Payroll/Personnel System (CAPPS).

The scope period covers October 1, 2014 through March 31, 2015. The methodologies used consist of researching laws and regulations and reviewing agency's policies and procedures, analyzing data and reports, and evaluating the result of the tests, identifying and collection information from other reports, conducting interviews with management and staff in the Austin office, and assessing system and process controls.

This audit 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 objectives. We believe that the evidence obtained provides reasonable basis for our findings and conclusions based on our audit objectives.

RESULTS

Controls could be strengthened to ensure more consistent and effective practices and compliance.

Controls in the following area are functioning as intended.

- The expenditures on ICJ credit card are supported and accurately recorded in the Centralized Accounting and Payroll/Personnel System (CAPPS).

Guidelines should be established to ensure proper handling when a youth referral from the sending state is not provided to the ICJ Office.

- One youth was not processed by another state through the JIDS system. While TJJD ICJ staff entered the youth in the agency's internal database (Interstate Compact System M204), the youth was in Texas approximately eight months with no supervision or services being provided due to the referral not being received from the sending state.
- Family Code Chapter 60 Section 60.10 Purpose states that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole. The ICJ Office is to establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile offenders.

Strengthening ICJ's oversight for completion of home evaluations and progress reports could assist in ensuring compliance with ICJ Rules related to transfer and supervision of youth.

- Home evaluations and progress reports are not consistently completed in a timely manner.
 - 14 (47%) of 30 ICJ Youth did not have home evaluations completed within 30 calendar days of the referral date as required by ICJ Rule 4-102.5. The delays ranged from 4 to 108 days with an average of 42 days over the 30 calendar day requirement.
 - 14 (47%) of 30 home evaluations completed on ICJ Youth were not submitted in JIDS within 45 calendar days of the referral date as required by ICJ Rule 4-102.6. The delays ranged from 2 to 93 days with an average of 35 days over the 45 calendar day requirement.

- 22 (56%) of 39 progress reports reviewed were not completed quarterly, which is required under ICJ Rule 5-101.4. The delay ranged from 1 to 116 days with an average of 26 days over the quarterly requirement.
- ICJ Rule 4-102.5 states that the receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral. ICJ Rule 4-102.6 states that the receiving state's ICJ Office shall forward the home evaluations and final approval or disapproval to the sending state within 45 calendar days of the receipt of the referral. In addition, as stated in ICJ 5-101.4 the receiving state must also complete quarterly progress reports for all ICJ Youth residing in their state.

Establishing segregation of duties over use of the ICJ credit card could ensure controls are in place to help protect the agency from unauthorized transactions.

- While credit card expenditures were accurate and supported, no separation of duties exists within ICJ. One person in ICJ is authorizing and purchasing airline tickets for youth, receiving and reviewing the related credit card statements, and completing the reconciliation of expenses prior to authorizing payment of the statement.
- Establishing a segregation of duties is a fundamental control necessary to help protect the agency from unauthorized activities. Ideally, a person independent from the credit card would receive and reconcile the credit card statements prior to authorizing payment. The Accounting Procedure Manual Internal Control Chapter ACC.61.17 specifies that the agency should assign fiscal job duties and responsibilities in a manner that promotes accountability and internal control and as such “duties are segregated so that no employee has complete control over business transactions, cash, inventories, or other assets.” The chief financial officer should be consulted in establishing new fiscal responsibilities or changing job assignments involving internal control. The accounting director is responsible for evaluating the segregation of fiscal duties in all programs and making recommendations to strengthen internal controls. In programs where staffing is limited, it may not be possible to provide for complete segregation of fiscal duties at all times. Management should consult with the accounting director and assign job duties in the most cost-effective manner which will maximize internal control. In addition, other controls should be strengthened to compensate for lack of segregation.

RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
1. Agency should establish guidelines when referrals for ICJ youth are not provided by the youth's sending state.	<p style="text-align: center;">CONCUR Planned November 1, 2015</p> <p>The Program Supervisor will establish guidelines for when referrals are not being provided and the guidelines will be added to ICJ Intranet page.</p>
2. Program Manager should establish a review process and create a tracking tool to ensure compliance with the ICJ Rules.	<p style="text-align: center;">CONCUR Planned November 1, 2015</p> <p>The Program Supervisor will revise the process of completing reviews to ensure and track compliance with the ICJ Rules. In addition, supporting documentation will be maintained for each youth and if necessary, follow up will be addressed with upper management</p>
3. To establish segregation of duties for handling of credit card transactions and purchase of air travel for ICJ youth, the Senior Director of Probation and Community Service should consult with the Chief Financial Officer to assign job duties in the most cost-effective manner which will maximize internal control within the ICJ division.	<p style="text-align: center;">CONCUR Planned November 1, 2015</p> <p>The Sr. Director of Probation and Community Service will coordinate with Chief Financial Officer with regard to receiving credit card statement from the bank. The Sr. Director of Probation and Community Service or designee will review and verify credit card expenditures monthly submitted by Program Supervisor. Once the expenditures are approved, the documentation is forwarded to Finance for payment.</p>

PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All now procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

FACTORS PREVENT IMPLEMENTATION: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE INTERSTATE COMPACT FOR JUVENILES AUDIT

On this **28TH day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2012) requires Board approval of audit reports issued by the Internal Audit Department; and

WHEREAS, an audit report must be filed with the Governor’s Office, the State Auditor’s Office, the Legislative Budget Board, and the Sunset Advisory Commission within 30 days of Board approval;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Internal Audit Department’s report on the Interstate Compact for Juveniles Audit and authorizes its distribution as required by statute.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, 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 §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search, in the *Texas Register* for a 30-day comment period (Action)

Date: August 13, 2015

As part of the agency's rule review process, the State Programs and Facilities Division is proposing to revise 37 TAC §380.9709, concerning Youth Search, and §380.9710, concerning Entry Search.

As a result of this review, the staff recommends the following:

§380.9709 Youth Search

- The rule will now include the following exceptions to the general requirement that the staff member conducting a pat-down or strip search must be the same gender as the youth being searched:
 - cross-gender searches are allowed in exigent circumstances (which are defined as any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility); and
 - limited by consideration of facility and staff safety and security, TJJJ will honor the preference of a youth to be searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes.
- This rule will no longer include step-by-step processes for conducting pat-down searches and strip searches. These processes will be addressed in TJJJ's internal procedures.

§380.9710 Entry Search

- This rule will be expanded to apply to all residential facilities operated by TJJJ, not just secure facilities.
- The rule will now include the following exceptions to the general requirement that the staff member conducting a pat-down search at the entry point of a TJJJ facility must be the same gender as the person being searched:
 - cross-gender pat searches are allowed when it is not possible for a same-gender staff to conduct the search due to facility and staff safety and security; and
 - limited by operational considerations and by facility and staff safety and security, TJJJ will honor the preference of a person to be searched by a male or female staff member if the person self-identifies as transgender or intersex.
- The rule will clarify that the TJJJ Office of Inspector General is the law enforcement agency to which TJJJ will turn over seized items when appropriate.
- The list of prohibited items will be deleted from the rule.
- It has been clarified that a list of all prohibited items is posted at *all security search points* (rather than “at each entrance”).
- The rule will no longer include step-by-step processes for conducting pat-down entry searches. These processes will be addressed in TJJJ’s internal procedures.

Attached to this memo please find:

- The text of the rules to be revised.
- 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.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 9/4/10, T-105
Subchapter: Security and Control	
Rule: Youth Search	Page: 1 of 4
ACA: 4-JCF-2A-20, 2A-22, 4C-63	Replaces: <u>GAP.380.9709,</u> <u>9/1/1011/29/04, T-68</u>

6/25/15 Draft

RULE

(a) **Purpose.**

~~This rule establishes [The purpose of this rule is to establish] requirements for searching Texas Juvenile Justice Department (TJJD) [Youth Commission (TYC)] youth, their property, and their [youth] rooms [in order] to detect and deter contraband. The purpose of all provisions in this rule is to promote and protect the safety of the facility, staff, and youth.~~

(b) **Applicability.**

~~This rule applies to residential facilities operated by TJJD. [Requirements in this rule are consistent with §93.1 of this title (relating to Basic Youth Rights).]~~

(c) **Definitions. [Explanation of Terms Used.]**

- (1) **Reasonable Belief**--a belief based on facts or circumstances sufficient to cause a reasonable person to believe that the person to be searched has prohibited items.
- (2) **Probable Cause**--a determination based on facts and circumstances that would cause a reasonably prudent person to believe it is more likely than not that the person to be searched has a prohibited item.

(d) General Provisions.

- (1) ~~TJJD staff may conduct a search of a TJJD youth or a youth's room for the purpose of finding and seizing contraband.~~
- (2) ~~When contraband is seized from a youth, the search and disposition of items must be documented. See §380.9711 of this title.~~
- (3) ~~Areas where youth are housed or served may be subject to be searched by the use of the canine (K-9) teams. See §380.9713 of this title for more information on the use of K-9 teams.~~

~~[(d) Designated staff may conduct a search of a TYC youth or a youth's room in a residential facility other than the youth's home, for the purpose of finding and seizing contraband.]~~

~~[(e) Areas where youth are housed or served may be subject to be searched by the use of the canine (K-9) teams. See §97.13 of this title (relating to Use of Canine (K-9) Teams).]~~

(e)[(f)] Room Searches and Pat-Down [Pat-Down] Searches.

Room searches and pat-down [pat-down] searches ~~[to detect and deter possession of contraband or to protect persons]~~ may be conducted with or without probable cause ~~[so long as searches are conducted in a reasonable manner].~~

- (1) Room and pat-down [pat-down] searches must [will] be conducted in accordance with the following rules.
 - (A) Room and pat-down [pat-down] searches may be unannounced and irregularly timed.

- (B) Room and ~~pat-down~~ [pat-down] searches ~~must~~ [are to] be conducted ~~routinely~~ [at least twice a month, or as necessary] to control possession by youth of ~~contraband~~ [unauthorized items] or to recover missing or stolen property.
- (C) Two trained staff members must be in attendance for ~~room and pat-down~~ searches. [~~For pat down searches, the staff member conducting the search must be of the same sex as the youth.~~]
- ~~(D) The staff conducting a pat-down search must be of the same gender as the youth being searched, except in exigent circumstances as defined in §380.9337 of this title.~~
- ~~(E) Limited by consideration of facility and staff safety and security, TJJJD honors the preference of a youth to be pat-searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes.~~
- ~~(F)(D)~~ Room and ~~pat-down~~ [pat-down] searches ~~must~~ [are to] be conducted in a professional manner. Staff ~~must~~ [shall] not make jokes, conversation, or comments while conducting searches.
- ~~(G)(E)~~ Room and ~~pat-down~~ [routine pat-down] searches ~~are~~ [will be] documented [~~on the Search Log form~~].
- ~~(F) The presence of the youth whose property is being searched is preferable for all room searches.~~
- ~~(2) Pat Down Searches.~~
- ~~(A) Pat down searches are conducted over youth's clothes.~~
- ~~(B) Designated staff must inform youth a pat down search will be conducted on him/her.~~
- ~~(C) Staff shall conduct pat down searches according to the following method:~~
- ~~(i) staff instructs youth to pull pockets out and remove all objects from pockets;~~
- ~~(ii) staff instructs youth to remove coat and any other heavy clothing;~~
- ~~(iii) staff stands behind the youth and has youth stand with feet apart and arms extended;~~
- ~~(iv) staff instructs youth to spread fingers and rotate hands;~~
- ~~(v) staff instructs youth to slightly tilt head backward and open mouth to visually check youth's mouth, under tongue and cheeks;~~
- ~~(vi) staff checks youth's shirt/sweater by squeezing along collar, shoulders, along arms to wrists, under arms (unroll sleeves); feel all seams;~~
- ~~(vii) staff pats down upper body such as neck, upper chest, stomach to belt; sides along ribs; back and neck to belt;~~
- ~~(viii) staff instructs female youth to unhook bra (or for sports bra, to pull front of bra away from chest), without removing shirt or bra; staff shakes bra by lifting bra straps (over clothes), checks straps and bands (over clothes);~~
- ~~(ix) staff pats down lower torso and rear pocket area; lower abdomen (stomach), front pockets and in-seam area;~~
- ~~(x) staff pats down pant legs (one leg at a time), cuffs and tops of shoes;~~

~~[(xi) staff instructs youth to remove shoes and socks. Staff checks shoes and heels;]~~

~~[(xii) staff inspects all objects from pockets, coats or any heavy clothing before returning to youth.]~~

~~(f)(g)~~ **Strip Searches.**

- (1) Strip searches must [will] be based on a reasonable belief that the youth has custody or control of contraband ~~[or other prohibited material].~~ However, reasonable [Reasonable] belief is not required when a youth returns from contact with the general public or from outside the facility or from visitation.
- (2) Strip searches must be conducted in accordance with the following rules. [shall:]
 - (A) The search must be conducted in a private setting. ~~[that aids in the avoidance of unnecessary force, embarrassment, or indignity to the youth;]~~
 - (B) Two [be conducted by two] trained ~~[security]~~ staff members must conduct the search.
 - (C) The staff members conducting the search [and] must be of the same gender [sex] as the youth, except in exigent circumstance as defined in §380.9337 of this title. [Law enforcement officers, detention workers, and duly designated agents of the court may assist TYC staff in such a search if necessary;]
 - (D) Limited by consideration of facility and staff safety and security, TJJD honors the preference of a youth to be strip searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes.
 - (E)(C) The search must be conducted in a professional manner. Staff must [shall] not make jokes, conversation, or comments while conducting the strip search. [:]
 - (F)(D) be documented [on the Search Log form for routine strip search and non-routine strip searches will be documented on the Incident Report form].
- ~~[(3) Trained staff shall conduct strip searches according to the following method:]~~
 - ~~[(A) staff must inform youth a strip search will be conducted on him/her;]~~
 - ~~[(B) staff shall not touch the youth during strip searches;]~~
 - ~~[(C) staff instructs youth to pull pockets out and remove all objects from pockets;]~~
 - ~~[(D) staff instructs youth to remove coat or any other heavy clothing;]~~
 - ~~[(E) staff instructs youth to spread fingers and rotate hands;]~~
 - ~~[(F) staff instructs youth to remove all clothing except underwear (one piece at a time), and the youth hands the clothing item (one piece at a time) to staff for search;]~~
 - ~~[(G) staff checks collars, cuffs, waistbands, belt loops, pockets, seams, and linings by squeezing the items. Staff must check for rips or stitching and unroll socks, turn inside out if necessary;]~~
 - ~~[(H) staff checks the shoes, heels, toes, and soles;]~~
 - ~~[(I) staff instructs youth to remove bands, clips, nets, etc. from hair;]~~
 - ~~[(J) staff instructs youth to run fingers through his/her hair, going downward, then backwards;]~~

~~[(K) — staff instructs youth to slightly tilt head backward and open mouth to visually check youth's mouth, under tongue and cheeks. Staff instructs youth to run a finger through the youth's mouth, around gums, cheeks, etc.];~~

~~[(L) — staff checks behind and in the youth's ears;]~~

~~[(M) — staff instructs youth to tilt head back and looks into nose;]~~

~~[(N) — staff instructs the youth to spread arms and open hands — looks for punctures, other marks; checks under fingernails and between fingers; looks at all sides of hands and arms;]~~

~~[(O) — staff instructs female youth to remove bra/undershirt;]~~

~~[(P) — staff instructs youth to raise arms — looks at armpits and sides of upper body;]~~

~~[(Q) — staff instructs youth to remove underpants;]~~

~~[(R) — staff checks the lower stomach;]~~

~~[(S) — staff instructs male youth to lift penis and testicles for examination;]~~

~~[(T) — staff instructs youth to spread legs, squat, and cough;]~~

~~[(U) — staff checks seams/bands of underpants and returns to the youth;]~~

~~[(V) — staff checks each leg one at a time;]~~

~~[(W) — staff looks at soles of feet and has the youth shake his/her toes;]~~

~~[(X) — if the youth has a bandage, staff must check under the bandage; and]~~

~~[(Y) — staff must return the youth's undergarments as soon as possible.]~~

~~(g)(h)~~ Physical Body Cavity Searches.

- ~~(1) Physical body cavity searches may [will] only occur on **probable cause** that the youth possesses contraband [or other prohibited material] and with the authorization of the facility administrator [superintendent].~~
- ~~(2) Physical body cavity searches must be [are] conducted by off-site medical personnel who are not part of the facility's health care staff.~~
- ~~(3) Physical body cavity searches refer to manual or instrument inspection of body cavities including the vagina or rectum. [Physical body cavity searches shall take place in a private setting that aids in the avoidance of unnecessary force, embarrassment, or indignity to the youth.]~~
- ~~(4) Physical body cavity searches must [shall] be documented [on the Incident Report form and the Daily Shift Log form].~~

~~[(i) — Searches of rooms, searches of youth being admitted to facilities, and searches of youth after visitation may be conducted routinely. At all times when unauthorized items are seized from a youth, the search and disposition of items shall be documented. Also see §97.11 of this title (relating to Control of Unauthorized Items Seized).]~~

For precautionary guidelines relating to youth searches, see TJJJ's *Workplace Guidelines: Precautions & Procedures to Reduce the Risk of Infection of Contagious Diseases*.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 11/8/05, T-75
Subchapter: Security and Control	
Rule: Entry Searches	Page: 1 of 3
ACA: 4-JCF-3A-19	Replaces: <u>GAP.380.9710, 11/8/05</u> <u>GAP.97.10, 5/16/05</u>

7/2/15 Draft

RULE

(a) Purpose.

~~This rule establishes requirements [The purpose of this rule is to establish rules]~~ for conducting searches at the entry point of Texas ~~Juvenile Justice Department (TJJD) [Youth Commission (TYC)]~~ facilities to prevent the introduction of ~~items that are~~ prohibited ~~[items]~~.

(b) Applicability.

This rule applies to residential facilities operated by TJJD.

(c)[(b)] General Provisions.

~~Each [Any] person entering a [secure] facility operated by TJJD is subject [may be asked to submit]~~ to a search of his/her person, ~~[or] vehicle, and [or] any property he/she is bringing into the facility.~~

(d) Definitions.

~~[(c)] Explanation of Terms Used.~~

- (1) **Reasonable Belief**--a belief based on facts or circumstances sufficient to cause a reasonable person to believe that the person to be searched has prohibited items.
- (2) **Routine Search**--a search conducted at a scheduled time during which every person is searched at the entry point of a TJJD facility [TYC].
- (3) **Random Search**--a search conducted at an unannounced time during which every person will be searched at the entry point of a TJJD facility [TYC].

(e)[(d)] Entry Searches.

- (1) ~~TJJD conducts [TYC will conduct]~~ routine searches, random searches, or a search anytime there is a reasonable belief a person possesses an item that is prohibited ~~[items]~~.
- (2) Entry searches may involve one or more of the following:
 - (A) use of metal detectors (walk-through or wand);
 - (B) use of trained detection dogs;
 - (C) visual or touch inspection of property;
 - (D) requiring pockets to be emptied;
 - (E) removal and inspection of shoes; or
 - (F) pat-down body search (outside the person's clothing).
- (3) Entry searches must ~~[be conducted in a reasonable manner and]~~ use the least intrusive method possible as determined by the circumstances.

(4) Whenever possible, considering facility and staff safety and security, pat-down searches conducted at the entry point are conducted by a staff member who is the same gender as the person being searched. Limited by operational considerations and by facility and staff safety and

security, TJJJD honors the preference of a person to be pat-searched by a male or female staff member if the person self-identifies as transgender or intersex.

- (5)(e) Any person who refuses to be searched may be prohibited from entering the facility and may be subject to other administrative [administration] action, as appropriate.
- (6)(f) Any person who refuses to have his/her personal property searched will [may] be prohibited from taking the [such] property into the facility and may be subject to other administrative action, as appropriate.
- (7)(g) Any item that is_; or appears to be, a prohibited item and/or contraband as defined in §380.9107 of this title will not be allowed in a residential facility and may be seized.
- (8)(h) Seized items may be turned over to the TJJJD Office of Inspector General (OIG) [a-law enforcement agency] for identification or disposition.
- (9)(i) If personal property is seized, TJJJD determines [the agency will determine] within 24 hours (or the next business day if on a weekend or holiday), whether the item [item(s)] will be:
- (A) retained as evidence for an administrative investigation; _;
- (B) turned over to OIG [a-law-enforcement-agency] for criminal investigation and/or disposition; _;
or
- (C) returned to the person from whom the property was seized. [and will so notify such person.]

(j) **Prohibited Items.** ~~[The following items are prohibited in secure facilities except with specific permission from the facility administrator:]~~

- ~~[(1) Weapons (as defined in Section 46.01 of the Texas Penal Code) and personal defense items such as pepper spray. See (GAP) § 81.31 of this title (relating to Weapons and Concealed Handguns);]~~
- ~~[(2) Pornographic materials in any form;]~~
- ~~[(3) Tobacco products;]~~
- ~~[(4) Lighters or matches;]~~
- ~~[(5) Alcohol or illegal drugs (employees taking prescription or non-prescription medication(s) may bring in the amount needed during the work day and are responsible for its safekeeping);]~~
- ~~[(6) Metal nail files or nail clippers;]~~
- ~~[(7) Glass containers;]~~
- ~~[(8) Metal containers;]~~
- ~~[(9) Personal tools;]~~
- ~~[(10) Personal cellular phones;]~~
- ~~[(11) Cameras or video equipment;]~~
- ~~[(12) Contraband as defined in (GAP) §91.7 of this title (relating to Youth Personal Property); or]~~
- ~~[(13) Any other item perceived by searching staff to be dangerous. The item will be referred to the superintendent or designee for consideration.]~~

(1)(k) A [The above] list of prohibited items and contraband is [will be] prominently posted at each security search point in secure facilities and halfway houses [entrance to a secure facility].

(2)(l) Items on the prohibited list may be seized during entry searches.

(3)(m) Individual facilities may not add items to the prohibited list. Requests to include additional items on the list must be made in writing to the division director over residential facilities [deputy executive director and include a justification for designating an item as prohibited. Any additions to the list will be applicable to all agency residential facilities].

~~[(n) Detection dogs will be used in a manner that preserves personal dignity.]~~

~~[(o) Pat-down searches will be conducted in the following manner:]~~

- ~~[(1) Designated staff must inform the person a pat down will be conducted on him/her.]~~
 - ~~[(2) Two (2) designated staff must be in attendance for pat down searches. The staff that is conducting the pat down search must be of the same sex as the person being searched.]~~
 - ~~[(3) Pat down searches should be conducted in the entry area.]~~
 - ~~[(4) Staff instructs the person to pull his/her pockets out and remove all objects from pockets.]~~
 - ~~[(5) Staff instructs the person to remove his/her coat and any other heavy clothing.]~~
 - ~~[(6) Staff stands behind the person and has the person stand with feet apart and arms extended.]~~
 - ~~[(7) Staff instructs the person to spread fingers and rotate hands.]~~
 - ~~[(8) Staff checks the person's shirt/sweater by squeezing along collar, shoulders, along arms to wrists, under arms, and feel all seams.]~~
 - ~~[(9) Staff pats down upper body such as neck, upper chest, stomach to belt; sides along ribs; back and neck to belt.]~~
 - ~~[(10) Staff pats down lower torso— buttocks, rear and front pockets.]~~
 - ~~[(11) Staff pats down pant legs (one leg at a time), cuffs and tops of shoes.]~~
 - ~~[(12) Staff instructs the person to remove his/her shoes. Staff checks shoes and heels.]~~
 - ~~[(13) Staff inspects all objects from pockets, coats, or any heavy clothing before returning to the person.]~~
-
-



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW FOR 37 TAC §380.9709, RELATING TO YOUTH SEARCH, AND §380.9710, RELATING TO ENTRY SEARCH, IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Government Code §2001.39 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 37 TAC §380.9709 and §380.9710; and

WHEREAS, the TJJD staff has recommended revisions to both rules; and

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to 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 §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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the *Texas Register* for a 30-day comment period (Action)

Date: August 13, 2015

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 G (General Provisions). As a result of this review, the staff recommends revising the following rules:

- §380.9951 (Juvenile Correctional Officer Training)
- §380.9955 (JCO Staffing Requirements)

Attached to this memo please find:

- A table summarizing the contents and proposed changes for the rules assigned to the State Programs and Facilities Division.
- The text of the rules to be revised.
- 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 G – General Provisions
(Rules assigned to the State Programs and Facilities Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9951	Juvenile Correctional Officer Training	Ensures juvenile correctional officers (JCOs) employed by TJJJ complete all required training before assuming responsibility for sole supervision of youth.	Yes	<ul style="list-style-type: none"> • Reduced the amount of training JCOs must receive before assuming sole-supervision responsibility from 300 hours to 240 hours. • Added a requirement for JCOs to receive at least 60 hours of additional training within the first year of the employment. • Revised JCO training to include: <ul style="list-style-type: none"> ○ recognizing signs and symptoms of human trafficking; and ○ trauma-informed care. 	Ready for board review
380.9955	JCO Staffing Requirements	Establishes requirements for scheduling station assignments for JCOs employed by TJJJ.	Yes	<ul style="list-style-type: none"> • Changed the definition of “Extended Period of Time” to more than <i>24 months</i> (instead of 12 months). • Changed the definition of “Regular Interval” to <i>twelve months</i> (instead of six months) or other interval less than an extended period of time if approved by the division director for residential services or his/her designee. • Clarified that a JCO who does not meet the requirements for sole supervision may be included in the staff-to-youth ratio if he/she has completed the following minimum training requirements: <ul style="list-style-type: none"> ○ appropriate restraint techniques; and ○ first aid and cardiopulmonary resuscitation. 	Ready for board review

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 10/1/08, T-94
Subchapter: General Provisions	
Division: Juvenile Correctional Officers	Page: 1 of 2
Rule: Juvenile Correctional Officer <u>Training for Juvenile Correctional Officers</u>	New Replaces: <u>GAP.380.9951, 10/1/08</u>
ACA: N/A	
Statutes: HR Code §61-0356 <u>§242.009</u>	

7-28-15 Draft

(a) **Policy.**

Pursuant to Texas Human Resources Code §242.009 [~~§ 61-0356~~], juvenile correctional officers (JCOs) employed by the Texas Juvenile Justice Department (TJJD) [~~Youth Commission (TYC)~~] must complete at least 240 [~~300~~] hours of training before [~~prior to~~] assuming responsibility for sole supervision of youth and at least 60 hours of additional training within the first year of the JCO's employment.

(b) **Applicability.**

This rule applies to JCOs employed by TJJD [~~the TYC~~] on a full-time or part-time [~~full or part time~~] basis.

(c) **Definitions.**

Sole Supervision--means independent performance of [~~a person is qualified to independently perform~~] youth supervision duties.

(d) **Procedures.**

(1) Training required for JCO staff before [~~prior to~~] assuming sole supervision responsibility consists of at least 240 [~~300~~] hours of category-specific modules delivered through:

- (A) local training at the facility by agency training staff or adjunct trainers;
- (B) pre-service training as provided by TJJD [~~at TYC's pre-service academy or another designated location~~]; and
- (C) training at the JCO's duty location, which includes on-the-job training.

(2) Training for JCO staff includes [~~will include~~], but is not limited to, modules that provide information and instruction in the following categories:

- (A) the juvenile justice system of Texas, including the juvenile correctional facility system;
- (B) security procedures;
- (C) the supervision of children committed to TJJD [~~the TYC~~];
- (D) signs of suicide risks and suicide precautions;
- (E) signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse, and sexual assault, and human trafficking and the manner in which to report the abuse, assault, neglect, or exploitation of a child;
- (F) the neurological, physical, and psychological development of adolescents;
- (G) TJJD [~~TYC~~] rules and regulations, including rules, regulations, and tactics concerning the use of force;
- (H) appropriate restraint techniques;
- (I) the Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601, et seq.);
- (J) the rights and responsibilities of children in the custody of TJJD [~~the TYC~~];
- (K) interpersonal relationship skills;
- (L) the social and cultural lifestyles of children in the custody of TJJD [~~the TYC~~];
- (M) first aid and cardiopulmonary resuscitation;
- (N) counseling techniques;

- (O) conflict resolution and dispute mediation, including de-escalation techniques;
 - (P) behavior management;
 - (Q) mental health issues;
 - (R) employee rights, employment discrimination, and sexual harassment; and
 - (S) trauma-informed care.
-
-

DRAFT

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 6/4/09
Subchapter: General Provisions	Page: 1 of 2
Division: Juvenile Correctional Officers	
Rule: <u>JCO Staffing Requirements for Juvenile Correctional Officers</u>	New Replaces: GAP.380.9955, 6/1/09
ACA: N/A	
Statutes: HR Code <u>§242.009 §64-0356</u>	

7-28-15 Draft

(a) **Purpose.**

This rule establishes requirements for scheduling station assignments for juvenile correctional officers [~~Juvenile Correctional Officers~~] (JCOs) employed by the Texas Juvenile Justice Department (TJJD) [~~Youth Commission (TYC)~~].

(b) **Applicability.**

This rule applies to high-restriction [~~high-restriction~~] facilities operated by TJJD [~~TYC~~].

(c) **Definitions.**

- (1) **Extended Period of Time**--more than 24 [~~42~~] months.
- (2) **Station**--any JCO duty assignment at a facility.
- (3) **Regular Interval**--12 [~~six~~] months, or other interval less than an extended period of time if approved by the division director over residential facilities or his/her designee [~~regional director~~].

(d) **General Provisions.**

(1) JCO Rotation.

- (A)[(4)] JCOs [~~will~~] rotate station assignments at regular intervals so that a JCO is not assigned to the custodial supervision of the same youth for an extended period of time.
- (B)[(2)] The rotation of staff is [~~will be~~] scheduled to ensure continuity in the delivery of specialized treatment programs.
- (C)[(3)] A wing or pod of a dormitory may be considered a station if the population of that wing or pod does not routinely interact with the population of the other wings or pods during activities occurring at the dormitory.
- (D) Except as approved by the division director over residential facilities or his/her designee, a JCO must not return to a previously assigned station until he/she has served at least one regular interval at another station.

(2) JCO Three-Year Age Differential.

- [(4)] JCOs are [~~will be~~] assigned to dormitory stations in a manner that provides for at least a three-year [~~3-year~~] age differential between the staff and the youth they supervise. When it is not practical to meet the three-year [~~3-year~~] age differential for an individual JCO station assignment, justification for the assignment must be documented and approved in accordance with agency policy and procedures.
- [(5)] ~~Except as approved by the regional director, a JCO shall not return to a previously assigned station until he/she has served at least one regular interval at another station.~~

(3) JCO Staffing Schedules.

(A)~~(6)~~ JCO staffing schedules ~~[plans-will]~~ provide for at least one JCO to be stationed to supervise in or near any classroom or other location in which youth receive education services or training at the time the youth are receiving the education services or training.

(B)~~(7)~~ JCO staffing schedules ~~[plans]~~ for each facility ~~[will]~~ provide for a ratio of at least one JCO performing direct supervisory duties for every 12 youth committed to the facility.

(C) A JCO who does not meet the requirements for sole supervision as defined in §380.9951 of this title may be included in the ratio described in subparagraph (B) of this paragraph if he/she has completed the following minimum training requirements:

- (i) appropriate restraint techniques; and
- (ii) first aid and cardiopulmonary resuscitation.

See INS.15.05 for procedures relating to the three-year age differential.
See INS.15.07 for procedures relating to the JCO rotation plan.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW FOR 37 TAC §380.9951 AND §380.9955, RELATING TO JUVENILE CORRECTIONAL OFFICERS, IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Government Code §2001.39 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 to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the State Programs and Facilities staff has completed this review for 37 TAC §380.9951 and §380.9955 and has recommended revisions to both rules; and

WHEREAS, Texas Human Resources Code §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to 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 §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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Discussion, consideration, and possible final adoption of revisions to 37 TAC §343.236 and §343.238, relating to Secure Storage Areas and Hazardous Materials (Action)

Date: August 13, 2015

At the March 2015 board meeting, the Probation and Community Services Division proposed changes to two rules relating to secure county facilities: §343.236 (Secure Storage Areas) and §343.238 (Hazardous Materials). The Board approved posting the revisions in the *Texas Register* for a 30-day public comment period.

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

The staff now requests the Board's approval to adopt the final rules. A summary of the changes presented at the March board meeting is provided below.

➤ **§343.236 Secure Storage Areas**

The rule will now:

- require a secure storage area for hazardous materials;
- require hazardous materials to be stored in accordance with the requirements of the Material Safety Data Sheet (MSDS) for the product; and
- require hazardous materials to be stored in the original container or a secondary container with appropriate labels and warnings.

➤ **§343.238 Hazardous Materials**

- The rule will no longer prohibit storing hazardous materials in the housing area of the facility. Storage of hazardous materials will now be addressed in §343.236.

- The rule will now require staff members on all shifts to have immediate access to a copy of the MSDS for each hazardous material used or stored in their work area(s).
- For all staff members whose duties include using hazardous materials, the rule will now require annual training in hazardous communication topics, including how to read and follow instructions in MSDS and product labels.

Attached to this memo, please find the following documents:

- A copy of the final rule text
- A resolution for board action

37 TAC Chapter 343

§343.236. Secure Storage Areas.

Effective Date:

- (a) The area(s) used to store hazardous materials, cleaning supplies, and equipment shall be locked and not accessible to residents.
- (b) Hazardous materials shall be stored:
 - (1) in accordance with the storage requirements contained in the Material Safety Data Sheet (MSDS) for the product; and
 - (2) in:
 - (A) the original container with the manufacturer's label intact; or
 - (B) a secondary container that is labeled with the identity of the product and appropriate hazard warnings.
- (c) Restraint devices and related security equipment shall be stored in a secure area when not in use. This equipment shall be readily accessible to authorized persons.
- (d) Space shall be provided for secure storage of residents' personal property.

§343.238. Hazardous Materials.

Effective Date:

- (a) The facility shall maintain a master list of all hazardous materials used in the facility and a master copy of the Material Safety Data Sheet (MSDS) for each hazardous material used in the facility.
- (b) Staff members on all shifts shall have immediate access to a copy of the MSDS for each hazardous material used or stored in their work area(s).
- (c) Except as noted in subsection (d) of this section, the facility shall prohibit the use of all hazardous materials by residents.
- (d) Residents may use cleaning agents and paint only if:
 - (1) access and use of the paint and/or cleaning agents by residents is strictly controlled and supervised by a juvenile supervision officer;
 - (2) the residents are instructed on the use of the hazardous material and the proper equipment as identified by the MSDS;
 - (3) the residents are provided the proper safety equipment identified by the MSDS; and
 - (4) use of the hazardous material is part of a routine housekeeping or maintenance assignment.
- (e) Any use of hazardous materials shall be according to the manufacturer's instructions.
- (f) All staff members whose responsibilities include the use of hazardous materials shall:
 - (1) receive documented, annual training in hazardous communications topics, including how to read and follow instructions in MSDS and product labels;
 - (2) be made aware of the location of the MSDS; and
 - (3) follow the prescribed guidelines in the MSDS.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS TO 37 TAC §343.236, RELATING TO SECURE STORAGE AREAS, AND §343.238, RELATING TO HAZARDOUS MATERIALS

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of proposed revisions to 37 TAC §343.236 and §343.238 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, the TJJD staff does not recommend any additional changes;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of §343.236 and §343.238 as proposed.

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

Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population (Action)

Date: August 12, 2015

At the March 2015 board meeting, the Probation and Community Services Division proposed several new, repealed, and revised standards in Chapter 343 relating to secluding residents from the general facility population. The Board approved posting the changes in the *Texas Register* for a 30-day public comment period.

The comment period has ended. TJJJ received joint comments from the Texas Council for Developmental Disabilities and Disability Rights Texas.

The TJJJ staff has developed a proposed response to the public comments. The staff response includes several recommended changes, which are summarized below. Additionally, the staff recommends several changes that are unrelated to the public comments. These unrelated changes are also summarized below.

The staff requests the board's approval of the proposed agency response and approval to adopt the final rules, with the changes noted below.

Attached to this memo, please find:

- A copy of the letter containing the public comments
- A copy of the proposed staff response to the public comments
- A copy of the final rules, with markups showing the additional changes described below
- A table summarizing the contents of each rule and all changes to the rules
- A resolution for board action

SUMMARY OF ADDITIONAL CHANGES

As a result of the comments, TJJD staff recommends the following changes to the proposed rules:

- In **§343.100**, added a requirement for a history of traumatic events to be included as part of any behavioral health assessment or psychological evaluation.
- In **§343.100**, added a definition for intellectual disability.
- In **§343.100**, added registered nurses to the list of medical professionals. Also clarified that medical treatment means medical care that is performed or ordered by anyone authorized by law to do so.
- In **§343.100**, clarified that the only licensing boards/programs within the Department of State Health Services (DSHS) whose licensees would be considered mental health providers for purposes of TJJD rules are:
 - the Chemical Dependency Counselors Program; and
 - the Council on Sex Offender Treatment.
- In **§343.100**, clarified that the only licensing board within DSHS whose licensees would be considered healthcare professionals for the limited purposes of TJJD rules is the State Board of Examiners for Speech-Language Pathology and Audiology.
- In **§343.100**, clarified that the *administrative rules* (rather than the “guidelines”) adopted by DSHS are what governs who is considered a “qualified mental health professional.”
- In **§343.214**, added a requirement for each juvenile probation department to submit to TJJD the total number of residents placed in safety-based seclusion who have a known diagnosis of severe or profound intellectual disability.
- In **§343.285**, added a prohibition on using disciplinary seclusion for residents with a known diagnosis of severe or profound intellectual disability.
- In **§343.288**, added a requirement for facility staff to consult with a mental health provider before the end of the 24th hour of safety-based seclusion if the resident has a known diagnosis of severe or profound intellectual disability.

Unrelated to the public comments, the TJJD staff also recommends the following changes to the proposed rules:

- In **§343.100**, deleted “social workers licensed by the Texas Board of Social Worker Examiners” from the list of professionals. A separate listing for licensed social workers is not needed because mental health providers are already included in the list, and licensed social workers are included in the definition of mental health provider.
- In **§343.214**, clarified that the total number of residents placed in safety-based seclusion who have a known diagnosis of a serious mental illness must be reported to TJJD separately from the total number of residents who have a current designation as high or moderate risk for suicide.
- In **§343.274**, added a requirement for the facility’s discipline plan to include a prohibition on deviating from normal food service procedures, except as allowed by §343.308, which allows residents to eat in their rooms under certain circumstances.
- In **§343.282** and **§343.289**, corrected minor grammatical errors.
- In **§343.285**, **§343.286**, **§343.287**, and **§343.288**, corrected cross-references to other rules.
- In **§343.308**, concerning times when residents are required to eat in their rooms, added a requirement for meals to be served following normal food service procedures unless the resident poses a documented safety risk to himself/herself or others.

Via Email: policy.proposals@tjjd.texas.gov

July 3, 2015

Steve Roman, Policy Coordinator
Texas Juvenile Justice Department
PO Box 12757
Austin, TX 78711

Re: Public Comments on Proposed Changes to Rules in the June 5, 2015, *Texas Register*
Texas Administrative Code, Title 37, Part 11, Chapter 343, governing
Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities

Dear Mr. Roman:

The Texas Council for Developmental Disabilities (TCDD) and Disability Rights Texas (DRTx) appreciate the opportunity to provide joint comments on changes to 37 TAC 343 proposed in the June 5, 2015, issue of the *Texas Register* (40 TexReg 3548-3560).

The Texas Juvenile Justice Department (TJJD) has introduced rule changes that help to bring its policies governing seclusion more closely into alignment with those in health and human services and educational settings in Texas. The importance of working toward a coordinated therapeutic, educational, and rights-observant state policy with respect to young Texans cannot be overestimated. The direction that TJJD is moving, as discussed in *The Annual Review of Treatment Effectiveness 2014*¹, provides an excellent starting point for this work.

We respectfully request that TJJD consider the following information and recommendations relative to the seclusion of youth with intellectual and developmental disabilities:

1. Consider adding a definition of “intellectual and developmental disability (I/DD)” in §343.100.

The definition should be based on the definition of “developmental disability” in the Developmental Disabilities and Bill of Rights Act of 2000 (see example in this section of comments).

The proposed rules address the importance of obtaining mental health consultations for youth who appear to have a psychiatric or psychosocial disorder, but they do not take into account the special needs of youth who have intellectual and developmental disabilities. In fact, the terms “intellectual and developmental disability” and “I/DD” are never used in the

¹ Texas Juvenile Justice Department. *The Annual Review of Treatment Effectiveness*. December 2014.

proposal (including the preamble). This is of concern given that TJJJ reports that in fiscal year 2014 approximately one-third (32%) of the youth it served received special education program services.²

Intellectual and developmental disability—

- (A) For individuals ages 9 to 22, a severe, chronic disability of an individual that--
- (1) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (2) is manifested before the individual attains age 22;
 - (3) is likely to continue indefinitely;
 - (4) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - a. Self-care.
 - b. Receptive and expressive language.
 - c. Learning.
 - d. Mobility.
 - e. Self-direction.
 - f. Capacity for independent living.
 - g. Economic self-sufficiency; and
 - (5) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated; or
- (B) For an individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (a) through (g) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- 2. Consider adding the identification of residents with intellectual and developmental disabilities to the health screening required by §343.406.**
- 3. Consider prohibiting seclusion of TJJJ residents who have intellectual and developmental disabilities.**

Federal guidance on laws governing residential intermediate care facilities for persons with intellectual or developmental disabilities (ICF/ID) states that seclusion should never be used.³

² Texas Juvenile Justice Department. *The Annual Review of Treatment Effectiveness*. December 2014.

³Centers for Medicare and Medicaid Services, State Operations Manual, Appendix J, Guidance to Surveyors: Intermediate Care Facilities for Individuals with Intellectual Disabilities, Guidance §483.451(c), February 27, 2015.

Seclusion is also prohibited in special education services.⁴ Part of the reason for prohibiting the seclusion of students receiving special education services is that it interferes with their ability to receive a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), the authorizing legislation for special education services.

The Department of Education has stated *for all children* “...seclusion should not be used (1) as a form of punishment or discipline (e.g., for out-of-seat behavior); (2) as a means to coerce, retaliate, or as a convenience for staff; (3) as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious physical harm to self or others; or (4) in a manner that endangers the child. For example, it would be inappropriate to use restraint or seclusion for (1) failure to follow expected classroom or school rules; (2) noncompliance with staff directions; (3) the use of inappropriate language; (4) to “punish” a child for inappropriate behavior; or (5) staff to have an uninterrupted time together to discuss school issues.”⁵

It is important to note that there are no tools available to screen for suicidal ideation in persons with intellectual disabilities, another reason why seclusion should not be considered for this population.⁶ Further, a growing body of evidence supports the fact that seclusion/isolation/separation/segregation/solitary confinement has “an exceptionally detrimental impact on developing brains” of all youth.⁷

4. For students who do not have I/DD, consider limiting seclusion to safety-only (imminent threat of serious physical injury to self or others) or resident request, eliminating use of seclusion as discipline, and reducing duration of seclusion consistent with other agencies.

Although we appreciate the imposition of a limit on the duration of disciplinary seclusion, which was previously of unlimited duration, to 48 hours, it is recommended that *if seclusion is to be used*, its use should be for safety purposes only, and the time frames for its use should be further reduced.

In state mental hospitals, private psychiatric hospitals, crisis stabilization units, and other settings, the maximum duration of seclusion for youth 9-17 *with a physician’s order* is two hours with a one-time renewal of two hours *with physician evaluation*. (For youth under age 9, the corresponding limits are one hour initial order with one hour extension.) For Waco Center for Youth (WCY), which is the only state-operated residential treatment center (RTC),

⁴ Texas Education Code, Title 2, Subtitle G, Chapter 37, Subchapter A, governing Alternative Settings for Behavior Management, §37.0021(c), relating to Use of Confinement, Restraint, Seclusion, and Time-Out.

⁵ US Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012.

⁶ Ludi E, Ballard E, Greenbaum R et al. Suicide Risk in Youth with Intellectual Disability: The Challenges of Screening. *J Dev Behav Pediatr* 2012 June 33(5): 431-440.

⁷ National Disability Rights Network, *Orphanages, Training Schools, Reform Schools and Now This?*, 2014.

these maximums are doubled. Other RTCs are governed by the same limits as WCY on the initial order.⁸ In these settings, seclusion is used in emergencies only and not as discipline.

- 5. Consider making the rules consistent with federal anti-discrimination laws protecting people with intellectual and developmental disabilities by prohibiting the use of seclusion for situations involving safety or resident request (as previously discussed) for residents with I/DD, for whom higher rates of exclusion from class and bullying by other residents and staff suggest discrimination based on disability.**

In its report *Orphanages, Training Schools, Reform Schools and Now This?* the National Disability Rights Network (NDRN) succinctly points out

The IDEA [Individuals with Disabilities Education Act], Section 504 [of the Rehabilitation Act of 1973] and the ADA [Americans with Disabilities Act] apply to youth with disabilities in juvenile justice facilities in largely the same manner as they do “on the outside.” The ADA and Section 504 provide protections against discrimination based on disability in programming, in discipline, in housing, and potentially applies Olmstead rights (rights to community integration) to juvenile justice systems.

Students with disabilities are bullied more often than students without disabilities.⁹ The US Department of Education has made clear that schools must not allow bullying to interfere with a student’s ability to receive free appropriate public education (FAPE) or undermine a student’s ability to achieve his or her full academic potential. Isolating/secluding/separating or otherwise removing *the student who is being bullied* out of the classroom to a solitary situation where no instruction is provided is denial of FAPE.¹⁰

Seclusion has led to tragic results, up to and including suicide, and has resulted in litigation. Most recently, a lawsuit against Rikers Island in New York led to a settlement agreement that “ends the use of punitive segregation for inmates under 18 as well as 18-year-olds with serious mental illness” in addition to “ending solitary confinement for 16- and 17-year-olds” (“NYC Settles Lawsuit with Former Inmates, Feds Over Abuses at Rikers Island,” *Slate*, June 23, 2015). Prohibiting the seclusion of youth reflects growing consensus, as expressed by Juan E. Mendez in his March 2015 report to the United Nations General Council (“Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment”):

⁸ Department of Family and Protective Services, Texas Administrative Code, Title 40, Part 19, Chapter 748, Subchapter N, governing Emergency Behavior Intervention, §§748.2801 and 748.2805, effective January 1, 2007, 31 TexReg 7377.

⁹ Pampel F and OMNI Institute. *Bullying and Disability: An Overview of the Research Literature*. Unpublished literature review, Denver, 2014.

¹⁰ US Department of Education, Office of Special Education and Rehabilitation, “Bullying of Students with Disabilities,” August 20, 2013.

*In many States, solitary confinement is still imposed on children as a disciplinary or “protective” measure. National legislation often contains provisions to permit children to be placed in solitary confinement. The permitted time frame and practices vary between days, weeks and even months. In accordance with views of the Committee against Torture, the Subcommittee on Prevention of Torture and the Committee on the Rights of the Child, the Special Rapporteur is of the view that **the imposition of solitary confinement, of any duration, on children constitutes cruel, inhuman or degrading treatment or punishment or even torture....***

6. Consider adding a trauma history or assessment to both the behavioral health assessment (§343.100(3)) and the psychological evaluation (§343.100(54)) referenced in the rules, and add definitions of “trauma” and “trauma history.”

Regarding the definition of *Behavioral Health Assessment* in §343.100, please consider adding the bolded and underlined language as follows: (B) psychosocial evaluation, **including a trauma history**, to include:

An evaluation of behavioral health should explicitly take into account the effect of traumatic events. According to the National Child Traumatic Stress Network,

Thorough assessment of trauma also is a prerequisite to preventing the potentially severe problems in biological, psychological, and social functioning that can occur when PTSD and/or associated behavioral health disorders go undetected and untreated (Nader, 2008). Although, like adults, most youth who experience a single traumatic stressor do not develop PTSD (Nader & Fletcher, 2014), many youth in the juvenile justice system have experienced the kinds of multiple, chronic, and pervasive interpersonal traumas that are most likely to result in serious symptoms (Ford, Grasso, Hawke, & Chapman, 2013; Kerig et al., 2012). Unresolved posttraumatic stress in turn can lead to serious long-term consequences into adulthood (Briere, 1997), such as problems with interpersonal relationships; cognitive functioning; mental health disorders, including PTSD; substance abuse; anxiety; disordered eating; depression; self-injury; conduct problems—all of which can increase the likelihood of involvement in the justice system (Ford, 2009; Friedman, Keane, & Resick, 2014; Kerig & Becker, 2014).¹¹

¹¹ National Child Traumatic Stress Network Juvenile Justice Working Group. *Assessing Exposure to Psychological Trauma and Posttraumatic Stress Symptoms in the Juvenile Justice Population*. 2014.

Understanding the specific nature of a youth’s trauma history can provide important information about the most appropriate interventions and services as well as behavioral triggers and environmental factors to avoid, increasing the physical and emotional safety of both youth and staff.¹²

7. Consider including reference to intellectual and development disorder histories in the definition of Health Assessment (§343.100(20)) as follows: “(B) collection of additional data to complete the medical, dental, and behavioral mental health and intellectual and developmental disorder histories....”

8. Consider additional comments with reference to definitions:

Definition of Medical Treatment (§343.100 (35))

It is unclear why the definition includes a licensed vocational nurse (LVN) but does not include a registered nurse (RN). Please add “registered nurse (RN)” to the list of professionals.

Definition of Mental Health Provider (§343.100 (36))

With reference to subparagraph (D) *Texas Department of State Health Services*, the department is not a licensing board. Through its administrative rules, it defines “qualified mental health professional.”¹³ Please consider changing the definition as follows:

Mental Health Provider—An individual who is licensed or otherwise authorized by state administrative law (rule) to provide mental health services by one or more of the following ~~licensing boards~~:

Definition of Professionals (§343.100 (51))

Regarding clause (C)(iv), the department neither licenses nor certifies health care professionals. Because subparagraph (E) lists qualified mental health professionals, and the term is further defined in paragraph (55), please consider deleting clause (c)(iii) and renumbering the clauses.

Definition of Qualified Mental Health Professional (§343.100 (55))

This term is defined in Department of State Health Services (DSHS) rules¹⁴, not guidelines. Please distinguish state administrative rules from guidelines.

Definition of Room Restriction (§343.100 (60))

Placement of a resident alone in an area from which egress is prevented *for any period of time* is defined as seclusion in state administrative law by other state agencies for a variety of settings (please refer to the following chart for examples of definitions of seclusion, none of

¹² *Ibid.*

¹³ Texas Administrative Code, Title 25, Part 1, Chapter 412, Subchapter G, Mental Health Community Services Standards, effective April 29, 2009, 34 TexReg 2603.

¹⁴ *Ibid.*

which “define out” episodes of seclusion based on duration). The current definition of *Room Restriction* is a definition of seclusion. Please consider adding exclusionary language that indicates that residents with I/DD should not be placed on room restriction or redefine room restriction so that egress is not prevented.

Comparison of Administrative Law on Seclusion in Texas by Setting 2015

Setting	Definition of Seclusion	Permitted?
State Mental Hospital	The involuntary separation of an individual from other individuals <i>for any period of time</i> and or the placement of the individual alone in an area from which the individual is prevented from leaving ¹⁵ .	Yes
Private Psychiatric Hospitals		Yes
Psychiatric Units of General Hospitals		Yes
Emergency and Other Units of General Hospitals		Yes
Crisis Stabilization Units		Yes
Community Mental Health Services		Yes, with limitations
Waco Center for Youth		Yes
State Supported Living Centers	The involuntary separation of a resident away from other residents and the placement of the resident alone in an area from which the resident is prevented from leaving. ¹⁶	No
Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/ID)		No
Residential Childcare Settings (residential treatment centers)	A type of emergency behavior intervention that involves the involuntary separation of a child from other residents and the placement of the child alone in an area from which the resident is prevented from leaving by a physical barrier, force, or threat of force. ¹⁷	Yes, with limitations
Public and Charter Schools General Education	None	Not addressed
Public and Charter Schools Special Education	... a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that: (A) is designed solely to seclude a person; and (B) contains less than 50 square feet of space. ¹⁸	No

¹⁵ Department of State Health Services. Texas Administrative Code Title 25, Part 1, Chapter 415, Subchapter F, governing Mental Health Interventions, §415.253(28), relating to Definitions, effective July 22, 2014, 39 TexReg 5581.

¹⁶ Department of Aging and Disability Services, Texas Administrative Code, Title 40, Part 1, Chapter 90, Subchapter A, governing Introduction, effective June 17, 2013, 38 TexReg 3806.

¹⁷ Department of Family and Protective Services, Texas Administrative Code, Title 40, Part 19, Chapter 748, Subchapter N, governing Emergency Behavior Intervention, §748.2401(10), effective September 1, 2010, 35 TexReg 7497.

¹⁸ Texas Education Code, Title 2, Subtitle G, Chapter 37, Subchapter A, governing Alternative Settings for Behavior Management, §37.0021, relating to Use of Confinement, Restraint, Seclusion, and Time-Out.

Although our comments largely relate specifically to youth with intellectual and developmental disabilities, without exception the principals on which they rely are relevant to all youth.

Thank you for the opportunity to comment on these rules. Please contact us if we can provide additional information or be of other assistance.

Sincerely,

Linda Logan
Texas Council for Developmental Disabilities

Steven Aleman and Jeff Miller
Disability Rights Texas

**SUMMARY OF PUBLIC COMMENTS AND PROPOSED AGENCY RESPONSES
REGARDING PROPOSED CHANGES TO 37 TAC CHAPTER 343**

COMMENT	PROPOSED AGENCY RESPONSE
<p>Consider adding a definition of intellectual and developmental disability (I/DD) in §343.100. The definition should be based on the definition of “developmental disability” in the Developmental Disabilities and Bill of Rights Act of 2000.</p>	<p>TJJD agrees that a definition for intellectual disability should be added. However, TJJD believes the definition should be based entirely on the most recent edition of the <i>Diagnostic and Statistical Manual of Mental Disorders</i>. TJJD does not believe mental health providers who work with the resident population in secure pre- and post-adjudication facilities should be required to consult TJJD’s administrative rules when making a diagnosis of intellectual disability.</p> <p>The following definition has been added to the proposed text of §343.100: “Intellectual Disability--A diagnosis made by a mental health provider based on the most recent edition of the <i>Diagnostic and Statistical Manual of Mental Disorders</i>.”</p>
<p>Consider adding the identification of residents with intellectual and developmental disabilities to the health screening required by §343.406.</p>	<p>Section 343.406 was not included in the proposed rulemaking action. Therefore, changes to this section would be outside the scope of current proposal and would require a separate rulemaking action. TJJD will take the suggested revision under advisement for potential future rulemaking actions.</p> <p>No changes were made to the proposed text as a result of this comment.</p>
<p>Consider prohibiting seclusion of TJJD residents who have intellectual and developmental disabilities.</p>	<p>This chapter of the Texas Administrative Code regulates secure facilities operated or contracted by juvenile probation departments. Although the comment refers to “TJJD residents,” this response refers to residents of the county-level facilities, not to residents of TJJD-operated facilities.</p> <p>The first responsibility of any secure pre- or post-adjudication correctional facility is to provide safety and security for residents, staff, and the public. To this end, the proposed rules allow facilities to temporarily seclude residents who pose a danger to others and who threaten institutional order.</p> <p>However, the proposed rules provide safeguards for vulnerable residents, such as a prohibition on using disciplinary seclusion for residents with a known diagnosis of a serious mental illness and a requirement to consult with a mental health provider prior to a resident with a serious mental illness remaining in safety-based seclusion for more than 24 hours.</p> <p>TJJD believes that youth with a known diagnosis of severe or profound intellectual disability also require added protections relating to seclusion. The following changes have been made to the proposed text:</p> <p>Section 343.285 will now prohibit issuing disciplinary seclusion to a resident with a known diagnosis of severe or profound intellectual disability.</p>

**SUMMARY OF PUBLIC COMMENTS AND PROPOSED AGENCY RESPONSES
REGARDING PROPOSED CHANGES TO 37 TAC CHAPTER 343**

	<p>Section 343.288 will now require facility staff to consult a mental health provider before the 24th hour of safety-based seclusion if the resident has a known diagnosis of severe or profound intellectual disability.</p> <p>Section 343.214 will now require departments to submit to TJJJ the total number of residents placed in safety-based seclusion who have a known diagnosis of severe or profound intellectual disability.</p>
<p>For students who do not have I/DD, consider limiting seclusion to safety-only (imminent threat of serious physical injury to self or others) or resident request, eliminating use of seclusion as discipline, and reducing duration of seclusion consistent with other agencies.</p>	<p>The proposed rules impose limitations on the use of disciplinary seclusion but allow its use if the juvenile probation department believes it is an effective tool for maintaining safety in a correctional environment and promoting respect for facility rules.</p> <p>Safety-based seclusion is allowed only on the basis of continuing behavior and requires escalating levels of administrative review and approval that correspond to the duration of seclusion.</p> <p>The proposed rules include additional safeguards regarding the use of disciplinary seclusion and safety-based seclusion for residents with serious mental illnesses and residents designated as high or moderate risk for suicide. As mentioned in the previous response, the adopted rules will extend these safeguards to youth with severe or profound intellectual disabilities. TJJJ believes these additional precautions are appropriate and sufficient to limit, and in some cases prohibit, the use of seclusion on particularly vulnerable residents.</p> <p>No changes were made to the proposed text as a result of this comment.</p>
<p>Consider making the rules consistent with federal anti-discrimination laws protecting people with intellectual and developmental disabilities by prohibiting the use of seclusion for situations involving safety or resident request (as previously discussed) for residents with I/DD, for whom higher rates of exclusion from class and bullying by other residents and staff suggest discrimination based on disability.</p>	<p>Nothing in the proposed rules would allow staff to place a resident in disciplinary seclusion or safety-based seclusion as a result of being bullied or on the basis of an intellectual disability. The proposed rules establish specific criteria for placement in seclusion and require administrative reviews to ensure the criteria are met.</p> <p>The proposed rules also establish protections for youth who may feel threatened or bullied by requiring departments to establish written policies and procedures that address residents who repeatedly request to be separated from the group, including procedures for referral to a mental health provider when necessary.</p> <p>Additionally, the proposed rules require youth in disciplinary seclusion and safety-based seclusion to be provided with access to required educational programming. Section §343.274(b)(3)(K) prohibits the denial of education as a disciplinary sanction. Section 343.288(h) requires a documented justification if access to educational services is temporarily restricted for a resident in safety-based seclusion because he/she poses an imminent threat to facility safety or security.</p> <p>No changes were made to the proposed text as a result of this comment.</p>

**SUMMARY OF PUBLIC COMMENTS AND PROPOSED AGENCY RESPONSES
REGARDING PROPOSED CHANGES TO 37 TAC CHAPTER 343**

<p>Consider adding a trauma history or assessment to both the behavioral health assessment [§343.100(3)] and the psychological evaluation [§343.100(54)] referenced in the rules, and adding definitions of “trauma” and “trauma history.”</p>	<p>TJJD agrees that behavioral health assessments and psychological assessments should include a trauma history. The proposed text of §343.100(3) and §343.100(54) [which is numbered as §343.100(55) in the adopted text] will be amended to require “a history of traumatic events.” TJJD believes the common meaning of the term “trauma” is sufficient and does not believe it is necessary to separately define it.</p>
<p>Consider including a reference to intellectual and developmental disorder histories in the definition of Health Assessment in §343.100(20) as follows: “(B) collection of additional data to complete the medical, dental, and <i>behavioral health and intellectual and developmental disorder</i> histories...”</p>	<p>TJJD believes the screening, assessment, and programming required by the existing rules are sufficient to identify youth with intellectual disabilities and will accomplish the intent of this comment.</p> <p>No changes were made to the proposed text as a result of this comment.</p>
<p>Add “registered nurse (RN)” to the list of professionals in §343.100(35).</p>	<p>The list of medical professionals in the proposed text of §343.100(35) [which is numbered as §343.100(36) in the adopted text] has been amended to include “registered nurse (RN).” This definition has also been amended to indicate that medical treatment can be ordered or performed by anyone who is authorized by law to do so.</p>
<p>Consider changing the definition of “Mental Health Provider” in §343.100(36) to reflect that the Texas Department of State Health Services (DSHS) is not a licensing board. Through its administrative rules, DSHS defines “qualified mental health professional.”</p>	<p>The inclusion of DSHS in the list of licensing boards in §343.100(36) [which is numbered as §343.100(37) in the adopted text] is not intended as a way to indicate that qualified mental health professionals are either licensed by DSHS or included in TJJD’s definition of mental health provider. Programs within DSHS license certain types of mental health providers, such as licensed chemical dependency counselors and licensed sex offender treatment providers. The proposed text has been revised to list the specific programs within DSHS that license these providers, specifically the Chemical Dependency Counselors Program and the Council on Sex Offender Treatment.</p>
<p>Consider deleting clause (C)(iii) in §343.100(51), because DSHS neither licenses nor certifies health care professionals and because subparagraph (E) already lists qualified mental health professionals. Additionally, the term “qualified mental health professional” is further defined in paragraph (55).</p>	<p>Although the comment refers to clause (C)(iii) of the proposed text, which lists the Texas Physician Assistant Board, this response refers to clause (C)(iv), which lists DSHS.</p> <p>The term “professional” is used in this chapter only in the context of providing services to up to three residents without requiring supervision by a juvenile supervision officer. TJJD agrees that health care professionals licensed or certified by DSHS should not be included in the definition of the term “professional” as it is used in this chapter, with one exception. Speech-language pathologists, who are licensed by DSHS, should be included in the definition. Accordingly, clause (C)(iv) has been removed from the proposed text of §343.100(51) [which is numbered as §343.100(52) in the adopted text] and has been replaced</p>

**SUMMARY OF PUBLIC COMMENTS AND PROPOSED AGENCY RESPONSES
REGARDING PROPOSED CHANGES TO 37 TAC CHAPTER 343**

	with the State Board of Examiners for Speech-Language Pathology and Audiology.
The term “qualified mental health professional” is defined in DSHS rules, not in DSHS guidelines. The text of §343.100(55) should distinguish state administrative rules from guidelines.	The proposed text of §343.100(55) [which is numbered as §343.100(56) in the adopted text] has been amended to reflect that the definition of “qualified mental health professional” is found in the administrative rules adopted by DSHS.
The current definition of <i>Room Restriction</i> in §343.100 is a definition of seclusion. Placement of a resident alone in an area from which egress is prevented <i>for any period of time</i> is defined as seclusion in state administrative law by other state agencies for a variety of settings, none of which “define out” episodes of seclusion based on duration. Please consider adding exclusionary language that indicates that residents with I/DD should not be placed on room restriction or redefine room restriction so that egress is not prevented.	Residents can be effectively supervised in secure correctional settings only when the location of each resident is known at all times. Once a resident is placed away from the group and in room restriction, egress must be controlled exclusively by staff. In order to conduct room checks at required intervals and maintain required staff-to-youth ratios in areas occupied by youth, staff must have immediate knowledge of when a youth leaves room restriction. For this reason, TJJJ believes the definition of room restriction must continue to require that egress is prevented. TJJJ believes the standards that apply to room restriction are appropriate and sufficient to protect all residents, including those with intellectual disabilities. No changes were made to the proposed text as a result of this comment.

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

§343.100. Definitions.

Effective Date:

When used in this chapter, the following words and terms shall have the following meanings unless otherwise expressly defined within the chapter.

- (1) **Administrative Designee**--A juvenile probation department staff member who is above the level of a facility administrator.
- (2) **Bed**--Includes a bed frame or platform and a mattress. The bed frame or platform may be a permanent or portable fixture.
- (3) **Behavioral Health Assessment**--A mental health assessment conducted by a masters-level mental health provider who is licensed by one of the boards listed in paragraph (3736) of this section and is qualified by training to conduct all required elements of a behavioral health assessment. A behavioral health assessment must include the following elements:
 - (A) clinical interview;
 - (B) psychosocial ~~psycho-social~~ evaluation, including a history of traumatic events, to include:
 - (i) family history;
 - (ii) community/living environment;
 - (iii) peer relationships; and
 - (iv) academic/vocational history;
 - (C) review of the following files and associated records in the possession of the juvenile probation department:
 - (i) juvenile probation records;
 - (ii) mental health records;
 - (iii) medical records;
 - (iv) previous mental health testing records; and
 - (v) educational records;
 - (D) parent/guardian interview, unless the parent/guardian is unwilling to participate, and any other collateral interviews the mental health provider deems appropriate, such as a teacher or the child's juvenile probation officer;
 - (E) psychometric testing, using instruments that are recognized and accepted by the American Psychological Association or another professional mental health organization, to include:
 - (i) achievement assessment, only if there is no record of an achievement assessment within the last three years;
 - (ii) personality assessment, only if there is no record of a personality assessment within the last three years;
 - (iii) intellectual assessment, only if:
 - (I) there is no record of an intellectual assessment within the last three years; or
 - (II) a new intellectual assessment is indicated by:
 - (-a-) pervasive use of drugs known to impair thought processes;
 - (-b-) traumatic brain injury;
 - (-c-) the child was age 12 or younger on the date of the most recent psychometric testing; or
 - (-d-) obvious impairment in cognitive or interpersonal functioning;

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

- (F) diagnostic impression; and
 - (G) review of risks, strengths, and recommendations for intervention.
- (4) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department for a single county or a multi-county judicial district.
- (5) **Confidential Setting**--A room or area that provides sound separation from other residents and unauthorized staff.
- (6) **Constant Physical Presence**--A juvenile supervision officer is physically present in the same room or same physical location with the residents and is responsible for the supervision of residents. The term does not include supervision from behind architectural barriers such as glass observation windows or screened windows.
- (7) **Common Activity Area**--Area inside the facility to which residents have access and in which activities are conducted. This area includes dayrooms, covered recreation areas, recreation rooms, education rooms, counseling rooms, testing rooms, visitation areas, and medical or dental rooms.
- (8) **Contraband**--Any item that is not issued to employees for the performance of their duties and that employees have not obtained supervisory approval to possess. Contraband also includes any item that a resident is not allowed to possess or use that is given to a resident by an employee or other individual. Specific items of contraband include, but are not limited to:
- (A) firearms;
 - (B) knives;
 - (C) ammunition;
 - (D) drugs;
 - (E) intoxicants;
 - (F) pornography; and
 - (G) any unauthorized written or electronic communication brought into or taken from a facility for a resident, former resident, associate of a resident, or family members of a resident.
- (9) **Date and Time of Admission**--The date and time a juvenile is authorized for detention in a secure pre-adjudication detention facility by an individual who is authorized by the juvenile board in accordance with §53.02 of the Texas Family Code. If the decision to detain was made prior to the juvenile's arrival to the facility, the date and time of admission shall be the same as the date and time of entry.
- (10) **Date and Time of Entry**--The date and time a juvenile is presented by law enforcement or a county juvenile probation officer to a pre-adjudication secure detention facility for processing and authorization of detention.
- (11) **Design Capacity**--The number of people that can safely occupy a building or space as determined by the current architectural design and any building modifications, licensing, accreditation, regulatory authorities, and applicable building codes.
- (12) **Designee**--The person authorized to perform a specific duty as assigned by the facility administrator.
- (13) **Detention**--The temporary secure custody of a child as defined in and authorized by Title 3 of the Texas Family Code.
- (14) **Disciplinary Seclusion**--The separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.
- (15) **Facility Administrator**--The individual designated by the chief administrative officer or governing board of the facility who has the ultimate responsibility for managing and operating the facility. This definition includes the certified juvenile supervision officer who is designated in writing as the acting facility administrator during the absence of the facility administrator.

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

- (16) **Furlough**--A period of time during which a resident is allowed to leave the facility premises and go into the community unsupervised for various purposes consistent with public interest.
- (17) **Governing Board**--Any governmental unit, as defined in §101.001 of the Texas Civil Practice and Remedies Code, or a board of trustees appointed by the governmental unit, that operates a secure facility or contracts for the operation of a secure facility. A juvenile board is an example of a governing board. As used in this chapter, this term does not include the Texas Juvenile Justice Board.
- (18) **Hazardous Material**--Any substance that is explosive, flammable, combustible, poisonous, corrosive, irritating, or otherwise harmful and is likely to cause injury or death.
- (19) **Health Administrator**--A person who, by virtue of education, experience, or certification, is capable of assuming responsibility for arranging all levels of health care and ensuring quality and accessible health services for juveniles.
- (20) **Health Assessment**--A focused assessment conducted for the purpose of validating screening results and making any needed referrals. The health assessment shall include:
- (A) review of the health screening results;
 - (B) collection of additional data to complete the medical, dental, and mental health histories;
 - (C) recording of vital signs; and
 - (D) initiation of referrals when appropriate.
- (21) **Health Care Professional**--A term that includes physicians, physician assistants, nurses, nurse practitioners, dentists, medical and nursing care assistants, emergency medical technicians (EMT), and others who, by virtue of their education, credentials, and experience, are permitted by law to evaluate and care for patients.
- (22) **Health Service Authority**--The agency, organization, entity, or individual responsible for consulting and collaborating with the facility administrator and/or the health services coordinator to ensure a coordinated and adequate health care system is available to residents of the facility.
- (23) **Housing Area**--An area within a secure juvenile facility that contains one or more single-occupancy housing units (SOHU) and/or multiple-occupancy housing units (MOHU).
- (24) **Housing Unit**--A single-occupancy housing unit (SOHU) or a multiple-occupancy housing unit (MOHU).
- (25) **Individual Resident Sleeping Quarters**--A cell or room designed and constructed to securely house one resident.
- (26) **Intellectual Disability**--A diagnosis made by a mental health provider based on the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*.
- (27)~~6~~ **Intern**--An individual who performs services for the facility through a formal internship program that is part of an approved course of study through an accredited college or university or sponsored by a juvenile justice agency.
- (28)~~7~~ **Intra-Jurisdictional Custodial Transfer**--The transfer of a resident from a pre-adjudication secure detention facility into a post-adjudication secure correctional facility under the same administrative authority. This definition does not include placement in a privately operated secure post-adjudication facility located within the placing juvenile probation department's jurisdictional boundaries, even if the privately operated facility has the same juvenile board and/or governing board as the referring juvenile probation department.
- (29)~~8~~ **Isolation**--The separation of a resident from other residents for assessment, medical, or protective purposes and the placement of the resident alone in an area from which egress is prevented.
- (30)~~9~~ **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program administered or operated under the authority of the juvenile board.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (319) **Juvenile Supervision Officer**--A person whose primary responsibility and essential function is the supervision of juveniles in a juvenile justice facility or a juvenile justice program operated by or under contract with the juvenile board.
- (324) **Major Violations**--Rule violations that constitute only the following:
- (A) serious threat against persons or property;
 - (B) serious threat to facility safety and/or security; or
 - (C) repeated minor rule violations, consistent with requirements listed in §343.274 of this title.
- (332) **Material Safety Data Sheet (MSDS)**--A document prepared by the supplier or manufacturer of a product clearly stating its hazardous nature, ingredients, precautions to follow, health effects, and safe handling/storage information.
- (343) **Medical Diet**--Special diet ordered for a temporary or permanent health condition that restricts the type, preparation, and/or amount of food.
- (354) **Medical Entity**--An agency or organization that is primarily composed of health care professionals.
- (366) **Medical Treatment**--Medical care, including diagnostic testing (e.g., x-rays, laboratory testing, etc.), that is performed or ordered by anyone authorized by law to do so, including a physician, or physician assistant, or is performed by a licensed nurse practitioner, emergency medical technician (EMT), paramedic, registered nurse (RN), or licensed vocational nurse (LVN) according to their respective licensure.
- (376) **Mental Health Provider**--An individual who is licensed or otherwise authorized to provide mental health services by one or more of the following licensing boards:
- (A) Texas State Board of Examiners of Psychologists;
 - (B) Texas State Board of Examiners of Professional Counselors;
 - (C) Texas State Board of Examiners of Marriage and Family Therapists;
 - (D) Texas Department of State Health Services – Chemical Dependency Counselors Program;
 - (E) Council on Sex Offender Treatment;
 - ~~(F)~~ Texas Medical Board; or
 - ~~(G)~~ Texas State Board of Social Worker Examiners.
- (387) **Mental Health Screening**--A process that includes a series of questions that are designed to identify a resident who is at an increased risk of having mental health disorders that warrant attention and a professional review.
- (398) **Military-Style Program**--A program or component in a post-adjudication secure correctional facility for juvenile offenders that features military-style discipline and structure as an integral part of its treatment and rehabilitation program.
- (4039) **Minor Violations**--Rule violations that do not represent a serious threat against persons or property and that do not pose a serious threat to facility safety and/or security.
- (419) **Multiple-Occupancy Housing Unit (MOHU)**--A housing unit designed and constructed for multiple-occupancy sleeping, which is self-contained and includes appropriate sleeping, sanitation, and hygiene equipment or fixtures.
- (424) **Non-Program Hours**--Time period when all scheduled resident activity for the entire resident population in the facility has ceased for the day.
- (432) **Oral Cavity Search**--The visual examination of a resident's open mouth.
- (443) **Pat-Down Search**--A manual search in which the resident's outer clothing is patted down or searched.
- (454) **Perimeter**--The contiguous property on the exterior of the building to which residents have access for recreational activities, physical exercise, and other outdoor activities.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (465) **Physical Training Program**--Any program that requires participants to engage in and perform structured physical training and activity. This does not include recreational team activities or activities related to the educational curriculum (i.e., physical education).
- (476) **Positive Screening**--A scored result of a completed mental health screening instrument requiring referral to a mental health provider.
- (487) **Post-Adjudication Secure Correctional Facility ("Facility" or "Secure Facility")**--A secure facility administered by a governing board that includes construction and fixtures designed to physically restrict the movements and activities of the residents and is intended for the treatment and rehabilitation of youth who have been adjudicated. Subchapters A, B, D, and E of this chapter apply to all post-adjudication secure correctional facilities. A post-adjudication secure correctional facility does not include any non-secure residential program operating under the authority of a governing board.
- (498) **Pre-Adjudication Secure Detention Facility ("Facility" or "Secure Facility")**--A secure facility administered by a governing board that includes construction and fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in the facility and is used for the temporary placement of any juvenile or other individual who is accused of having committed an offense and is awaiting court action, an administrative hearing, or other transfer action. Subchapters A, B, C, and E of this chapter apply to all pre-adjudication secure detention facilities. A pre-adjudication secure detention facility does not include a short-term detention facility as defined by §51.12(j) of the Texas Family Code.
- (5049) **Premises**--One or more buildings together with their grounds or other appurtenances.
- (519) **Primary Control Room**--A restricted or secure area from which entrance into and exit from a secure facility is controlled. The primary control room also contains the emergency, monitoring, and communications systems and is staffed 24 hours each day that residents are in the facility.
- (524) **Professionals**--The following persons are considered professionals for limited purposes:
- (A) teachers certified as educators by the State Board for Educator Certification, including teachers certified by the State Board for Educator Certification with provisional or emergency certifications;
 - (B) educational aides or paraprofessionals certified by the State Board for Educator Certification;
 - (C) health care professionals licensed or certified by:
 - (i) the Texas Board of Nursing;
 - (ii) the Texas Medical Board;
 - (iii) the Texas Physician Assistant Board;
 - ~~(iv) the Texas Department of State Health Services; or~~
 - (iv) the Texas State Board of Dental Examiners; or
 - (v) the State Board of Examiners for Speech-Language Pathology and Audiology;
 - (D) mental health providers as defined in paragraph (3736) of this section;
 - (E) qualified mental health professionals as defined in paragraph (5655) of this section;
 - ~~(F) social workers licensed by the Texas Board of Social Worker Examiners;~~
 - ~~(G) juvenile probation officers certified by the Texas Juvenile Justice Department; and~~
 - ~~(H) commissioned law enforcement personnel.~~
- (532) **Protective Isolation**--The exclusion of a threatened resident from the group by placing the resident in an individual room that minimizes contact with the residents from a specific group.
- (543) **Program Hours**--The time period when the resident population has scheduled activities, including any shift changes that occur during the time period when the resident population has scheduled activities.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (554) **Psychological Evaluation**--A mental health assessment completed or supervised by a doctoral-level psychologist who is licensed by the Texas State Board of Examiners of Psychologists. At a minimum, a psychological evaluation must include the following elements:
- (A) clinical interview;
 - (B) psychosocial ~~psycho-social~~ evaluation, including a history of traumatic events, to include:
 - (i) family history;
 - (ii) community/living environment;
 - (iii) peer relationships; and
 - (iv) academic/vocational history;
 - (C) review of the following files and associated records in the possession of the juvenile probation department:
 - (i) juvenile probation records;
 - (ii) mental health records;
 - (iii) medical records;
 - (iv) previous mental health testing records; and
 - (v) educational records;
 - (D) parent/guardian interview, unless the parent/guardian is unwilling to participate, and any other collateral interviews the psychologist deems appropriate, such as a teacher or the child's juvenile probation officer;
 - (E) psychometric testing, only if there is no record of psychometric testing within the past three years. Psychometric testing must be conducted with instruments that are recognized and accepted by the American Psychological Association or another professional mental health organization and must include:
 - (i) achievement assessment;
 - (ii) personality assessment; and
 - (iii) intellectual assessment;
 - (F) diagnostic impression; and
 - (G) review of risks, strengths, and recommendations for intervention.
- (565) **Qualified Mental Health Professional**--An individual employed by the local mental health authority or an entity who contracts as a service provider with the local mental health authority who meets the definition of a qualified mental health professional in the administrative rules adopted by guidelines of the Texas Department of State Health Services.
- (576) **Rated Capacity**--The maximum number of beds available in a facility that were architecturally designed as a housing unit.
- (587) **Reasonable Belief**--A belief that would be held by an ordinary and prudent person in the same circumstances as the actor.
- (598) **Resident**--A juvenile or other individual that has been lawfully admitted into a juvenile pre-adjudication secure detention facility or a post-adjudication secure correctional facility.
- (6059) **Resident-Initiated Separation**--The separation of a resident from other residents:
- (A) at the resident's request (e.g., a cooling-off period); or
 - (B) due to a resident's refusal to leave his/her sleeping room to engage in programming, but only when the separation is not a room restriction or staff-imposed disciplinary measure.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (6~~10~~) **Room Restriction**--The placement of a resident alone in an area from which egress is prevented for 90 minutes or less for behavior modification purposes as directed by staff.
- (6~~24~~) **Safety-Based Seclusion**--The separation of a resident from other residents for the safety-and-security-related reasons listed in §343.288 of this title and the placement of the resident alone in an area from which egress is prevented.
- (6~~32~~) **Secondary Screening**--A triage process that is brief and designed to clarify if a resident is in need of intervention or a more comprehensive assessment and what type of intervention or assessment is needed.
- (6~~43~~) **Serious Mental Illness**--A mental health diagnosis of any of the following disorders: psychoses, schizophrenia, bipolar with psychotic features, depression with psychotic features, severe post-traumatic stress disorder, and schizoaffective disorders.
- (6~~54~~) **Serious Property Damage**--Any damage equal to or greater than \$50.00.
- (6~~65~~) **Single-Occupancy Housing Unit (SOHU)**--A housing unit that is designed and constructed with separate and secure individual resident sleeping quarters and that includes appropriate sleeping, sanitation, and hygiene equipment or fixtures.
- (6~~76~~) **Specialized Housing**--Any room or cell used for disciplinary seclusion, safety-based seclusion, protective isolation, assessment isolation, or medical isolation.
- (6~~87~~) **Standard**--An administrative rule adopted by TJJD in accordance with Texas Government Code Chapter 2001.
- (6~~98~~) **Strip Search**--A visual inspection of a resident's body in a state of full or partial undress.
- (7~~069~~) **TJJD**--The Texas Juvenile Justice Department.
- (7~~19~~) **Volunteer**--Individuals agreeing to perform services without compensation who have regular or periodic supervised contact or unsupervised contact with juveniles under the direction of the pre-adjudication or post-adjudication secure juvenile facility.
- (7~~24~~) **Youth-on-Youth Sexual Conduct**--Two or more juveniles, regardless of age, who engage in deviate sexual intercourse, sexual contact, sexual intercourse, or sexual performance as those terms are defined in subparagraphs (A) - (D) of this paragraph.
 - (A) "Deviate sexual intercourse" means:
 - (i) any contact between any part of the genitals of one person and the mouth or anus of another person; or
 - (ii) the penetration of the genitals or the anus of another person with an object.
 - (B) "Sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:
 - (i) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a person; or
 - (ii) any touching of any part of the body of a person, including touching through clothing, with the anus, breast, or any part of the genitals of a person.
 - (C) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
 - (D) "Sexual performance" means acts of a sexual or suggestive nature performed in front of one or more persons, including simulated or actual sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.
 - (E) A juvenile may not consent to the acts as defined in this paragraph under any circumstances. Consent may not be implied regardless of the age of the juvenile.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

§343.214. Data Collection.

Effective Date:

The facility administrator or chief administrative officer shall maintain and report to TJJJD electronically, or in the format requested, the following information:

- (1) total number of resident grievances;
- (2) total number of personal restraint incidents;
- (3) total number of mechanical restraint incidents;
- (4) total number of chemical restraint incidents;
- (5) total number of non-ambulatory restraint incidents;
- (6) total number of safety-based seclusions in each of the following categories:
 - (A) less than 90 minutes;
 - (B) 90 minutes or more but less than four hours;
 - (C) four hours or more but less than 24 hours;
 - (D) 24 hours or more but less than 48 hours;
 - (E) 48 hours or more but less than 72 hours; and
 - (F) 72 hours or more;
- (7) total number of disciplinary seclusions in each of the following categories:
 - (A) more than 90 minutes but less than 24 hours; and
 - (B) 24 hours up to 48 hours;
- (8) total number of residents placed in safety-based seclusion who have a known diagnosis of a serious mental illness;
- (9) total number of residents placed in safety-based seclusion who have and/or a current designation as high or moderate risk for suicide;
- (10) total number of residents placed in safety-based seclusion who have a known diagnosis of severe or profound intellectual disability;
- (119) total number of residents placed in disciplinary seclusion who have a current designation as high or moderate risk for suicide; and
- (1240) total number of staff injuries requiring medical treatment, as defined in §358.100 of this title, resulting from resident assault or restraint.

§343.230. Specialized Housing.

Effective Date:

- (a) A resident in specialized housing shall be placed in a room or cell equipped with:
 - (1) an operable toilet above floor level;
 - (2) a washbasin with hot and cold running water or a single control that produces warm water;
 - (3) a bed above floor level; and
 - (4) access to natural light as described in §343.226 of this title.
- (b) Rooms or cells used for specialized housing shall meet the spatial requirements in:
 - (1) §343.452 and §343.644 of this title if the room or cell is in a single-occupancy housing unit; or
 - (2) §343.474 and §343.656 of this title if the room or cell is in a multiple-occupancy housing unit.

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

- (c) The mattress may be temporarily removed from a specialized housing room or cell if the resident:
 - (1) is actively damaging or destroying the mattress;
 - (2) is using the mattress for an unintended purpose (e.g., obstructing a doorway or window, folding to use as a makeshift stepstool, etc.); or
 - (3) has exhibited a documented pattern of disruptive behavior in an effort to be assigned to specialized housing to avoid educational instruction.

§343.274. Resident Discipline Plan.

Effective Date:

- (a) Each facility shall develop and implement a written resident discipline plan that provides for the fair and consistent application of resident rules and sanctions.
- (b) The plan shall:
 - (1) categorize resident rule violations as minor violations and major violations and list the corresponding sanctions available for each violation. If the discipline plan allows for repeated minor rule violations to be considered a major rule violation, the discipline plan shall:
 - (A) specify how many minor rule violations constitute a major rule violation;
 - (B) define a repeated violation as one that occurs within the same calendar day as the first violation; and
 - (C) specify the sanctions available for repeated minor violations;
 - (2) require a referral to law enforcement for resident behaviors that constitute probable cause for a class B misdemeanor or above;
 - (3) prohibit the following:
 - (A) corporal punishment;
 - (B) humiliating punishment, including verbal harassment;
 - (C) allowing or directing one resident to sanction another resident;
 - (D) group punishment for the acts of individuals;
 - (E) deprivation or modification of required meals and snacks;
 - (F) deviation from normal food service procedures, except as allowed by §343.308 of this title;
 - (G) deprivation of clean and appropriate clothing;
 - (H) deprivation or intentional disruption of scheduled sleeping opportunities;
 - (I) deprivation or intentional delay of medical or mental health services;
 - (J) physical exercises imposed for compliance, intimidation, or discipline with the exception of practices allowed in §343.710 of this title; and
 - (K) denial of the following as a disciplinary sanction:
 - (i) the right to visitation as specified in §343.352(b) of this title;
 - (ii) the right to send mail as specified in §343.360(a) and §343.364 of this title;
 - (iii) the right to receive mail;
 - (iv) the right to participate in large muscle exercise as specified in §343.498(b)(1) and §343.680(b)(1) of this title;
 - (v) the right to receive required educational programming; and
 - (vi) the right to participate in religious services or to receive religious counseling;

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (4) require written notice of an alleged major rule violation to be provided to the resident no more than 24 hours after the violation;
 - (5) explain the process for conducting reviews of major rule violations and any ensuing appeals, as required by §§343.276, 343.280, and 343.282 of this title;
 - (6) not deny or restrict a formal disciplinary review or appeal when one is requested by a resident with eligible standing; and
 - (7) require an administrative review and closure of formal disciplinary reviews or appeals that are not resolved before the resident is released from the facility.
- (c) The resident discipline plan may also include an informal disciplinary review process to resolve rule violations. If used, the informal process shall include:
- (1) guidelines that describe how residents and staff use the process to review and resolve resident concerns;
 - (2) a requirement for the staff member conducting the informal review to allow the resident to be heard before a decision is made to impose a sanction; and
 - (3) a prohibition on issuing a sanction to or retaliating against a resident who chooses to forego the informal disciplinary review process in favor of a formal disciplinary review.

§343.276. Formal Disciplinary Reviews for Major Rule Violations.

Effective Date:

- (a) A resident shall receive a formal disciplinary review before disciplinary seclusion is imposed unless the review is waived in writing by the resident.
- (b) For sanctions other than disciplinary seclusion that result from a major rule violation, a formal disciplinary review shall be held if requested by the resident. Upon such a request, the review shall be held within five calendar days after the resident's request. Any delay beyond five calendar days must be supported by documented justification explaining why it was impossible, impractical, or inappropriate to hold the review within five calendar days.

§343.280. Formal Disciplinary Review Process.

Effective Date:

The formal disciplinary review process shall include the following elements:

- (1) The review shall be held by one or more neutral and impartial persons who were not directly involved in the alleged rule violation or the imposed sanction.
- (2) All evidence shall be disclosed to the resident unless:
 - (A) a law enforcement officer or prosecuting authority requests the facility to withhold certain evidence; or
 - (B) the facility administrator documents that certain evidence may create a breach of facility security or compromise the safety of a resident or others.
- (3) The resident shall have the opportunity to be heard in person and to present evidence.
- (4) The resident shall have the opportunity to present relevant witnesses.
- (5) A staff member and/or translator shall be appointed to assist the resident if:
 - (A) the resident is illiterate, limited English proficient, or otherwise unable to understand the nature of the proceedings; or
 - (B) the resident requests assistance.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (6) If the review determines that the resident did not commit a rule violation or that the sanction is not appropriate, facility staff shall:
 - (A) not impose the sanction; or
 - (B) if the sanction has already been imposed, restore or reinstate any denied or modified privileges or determine some form of appropriate relief, if available.
- (7) Once the review has been completed, the person(s) who held the review shall prepare a written statement indicating the evidence relied upon and the justification for the disposition. The statement shall be made available to the resident for review and a copy shall be retained in the resident's file.

§343.282. Resident Appeals.

Effective Date:

A resident may appeal the findings of a formal disciplinary review. The appeal process shall include the following elements.

- (1) The appeal shall be decided by one or more neutral and impartial persons who were not directly involved in the formal disciplinary review and not directly involved in the disciplinary process.
- (2) The resident shall be allowed to submit the request for an appeal within seven calendar days after a disposition is rendered in the formal disciplinary review.
- (3) The person(s) who decides the appeal shall prepare a written response to the resident's appeal that:
 - (A) indicates the evidence to be relied upon in making the appeal decision and the justification for the decision; and
 - (B) is completed within 10 ~~ten~~ calendar days after the date the resident requested the appeal. Any delay beyond 10 calendar days must be supported by documented justification explaining why it was impossible, impractical, or inappropriate to answer the appeal within ten calendar days.
- (4) If the appeal determines the resident did not commit the violation or that the sanction given was not appropriate, staff shall restore or reinstate any denied or modified privileges or determine some form of appropriate relief, if available.
- (5) The appeal response shall be made available to the resident for review and a copy shall be retained in the resident's file.

§343.284. Disciplinary Review Log.

Effective Date:

The facility shall maintain a log or other documentation that shows the names of the residents who have requested or received:

- (1) an informal disciplinary review;
- (2) a formal disciplinary review; and/or
- (3) an appeal of a formal disciplinary review.

§343.285. Disciplinary Seclusion.

Effective Date:

- (a) Disciplinary seclusion may be imposed only for a major rule violation proved in a formal disciplinary review.
- (b) Disciplinary seclusion shall not be issued to a resident with a known diagnosis of:
 - (1) a serious mental illness; or-
 - (2) severe or profound intellectual disability.

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

- (c) A mental health provider shall be consulted before disciplinary seclusion is imposed if the resident has a current designation as moderate or high risk for suicide.
- (d) Disciplinary seclusion shall be limited to 48 hours in duration. The time a resident spends in disciplinary seclusion shall be counted from the time he/she is placed in disciplinary seclusion until the time he/she is formally released from disciplinary seclusion. The time shall be continuous and include program and non-program hours.
- (e) The formal disciplinary review and appeal process as detailed in §§343.276, 343.280, and 343.282 of this ~~title chapter~~ shall apply to residents placed in disciplinary seclusion.
- (f) While a resident is in disciplinary seclusion, a juvenile supervision officer shall personally observe and record the resident's behavior at random intervals not to exceed 15 minutes unless supervision requirements in §343.348 or §343.350 of this title apply.

§343.286. Room Restriction.

Effective Date:

- (a) The facility shall maintain documentation of the reason for each room restriction.
- (b) While a resident is in room restriction, a juvenile supervision officer shall personally observe and record the resident's behavior at random intervals not to exceed 15 minutes unless supervision requirements in §343.348 or §343.350 of this title apply.
- (c) Room restriction assignments shall be in individual sleeping quarters or a room specifically designated for use in room restriction. If the room is not individual sleeping quarters, the room shall:
 - (1) be heated, cooled, and ventilated in accordance with §343.222 of this title;
 - (2) have a minimum ceiling height of 7.5 feet when measured from the floor to the lowest point of the ceiling; and
 - (3) be equipped with a viewing window that allows staff to observe the resident.

§343.287 Resident-Initiated Separation

Effective Date:

- (a) The facility shall maintain a written plan to address resident-initiated separation.
- (b) The plan shall include the following:
 - (1) a requirement to release the resident as soon as reasonably possible after the resident requests to be released, not to exceed 90 minutes after the resident's request;
 - (2) a requirement to document the time the resident requests to be released;
 - (3) a requirement for a staff review if the resident has not requested to be released within four hours; and
 - (4) procedures to address repeated resident-initiated separations by one resident, to include procedures for referral to a mental health provider when necessary.
- (c) The plan shall state which locations may be used for resident-initiated separation. If the plan allows for the use of a room other than individual resident sleeping quarters, the room shall:
 - (1) be heated, cooled, and ventilated in accordance with §343.222 of this title;
 - (2) have a minimum ceiling height of 7.5 feet when measured from the floor to the lowest point of the ceiling; and
 - (3) be equipped with a viewing window that allows staff to observe the resident.
- (d) A juvenile supervision officer shall personally observe and record the resident's behavior at random intervals not to exceed 15 minutes unless supervision requirements in §343.348 or §343.350 of this title apply.

37 TAC Chapter 343

Seclusion-Related Standards

Staff-recommended changes marked in red

§343.288. Safety-Based Seclusion.

Effective Date:

- (a) Safety-based seclusion may be used only when a reasonable belief exists, based on a resident's current behavior, that one or more of the following is true:
 - (1) the resident is a serious and probable escape risk;
 - (2) the resident is a serious and probable physical danger to others and staff cannot protect them except by placing the resident in safety-based seclusion;
 - (3) confinement is necessary to prevent probable and substantial damage to property;
 - (4) confinement is necessary to control behavior that disrupts programming to the extent that the current program cannot continue except by placing the resident in safety-based seclusion; or
 - (5) the resident is likely to interfere with a pending or ongoing investigation or a requested or scheduled disciplinary review hearing.
- (b) A written report that describes the resident's precipitating behavior and identifies the staff's response shall be:
 - (1) completed no later than the end of the shift on which the safety-based seclusion begins; and
 - (2) submitted immediately upon completion to the facility administrator for review.
- (c) A mental health provider shall be consulted before the end of the 24th hour of safety-based seclusion if the resident has a known diagnosis of a serious mental illness, a known diagnosis of severe or profound intellectual disability, and/or a current designation as high or moderate risk for suicide. If the seclusion occurs on a holiday or weekend and no mental health provider is available, the facility administrator or designee shall notify the mental health provider of the seclusion. The facility administrator or designee shall consult with the mental health provider as soon as possible after the notification.
- (d) While a resident is in safety-based seclusion, a juvenile supervision officer shall personally observe and record the resident's behavior at random intervals not to exceed 15 minutes unless supervision requirements in §343.348 or §343.350 of this title apply.
- (e) At any time before or after a safety-based seclusion review, the seclusion shall be immediately discontinued if the facility administrator or designee determines seclusion is no longer warranted.
- (f) The time a resident spends in safety-based seclusion shall be counted from the time he/she is placed in safety-based seclusion until the time he/she is formally released from safety-based seclusion. The time shall be continuous and include program and non-program hours.
- (g) Prior to the 72nd hour of safety-based seclusion, the facility shall prepare a written reintegration plan and review the plan with the resident. The plan shall include specific behaviors required for release from safety-based seclusion.
- (h) If a resident poses an imminent threat to facility safety or security and services required in §343.274(b)(3)(KJ) of this title are temporarily restricted, the facility shall maintain documentation of each restriction and the justification.

§343.289. Safety-Based Seclusion Reviews.

Effective Date:

- (a) **Safety-Based Seclusion beyond Four Hours.**
 - (1) An initial safety-based seclusion review shall be held no later than four hours after a resident is placed in safety-based seclusion. If the fourth hour of seclusion occurs during non-program hours, the review shall be held no later than two hours after the start of the ensuing day's program schedule.
 - (2) The initial safety-based seclusion review shall be held by the facility administrator or designee.

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (3) The initial safety-based seclusion review shall determine whether the alleged behavior meets criteria for safety-based seclusion as established in §343.288 of this title and whether continued seclusion is appropriate.
 - (A) If the review results in a finding that the alleged behavior does not meet criteria for placement in safety-based seclusion or that continued seclusion is not appropriate, the seclusion shall be immediately discontinued.
 - (B) If safety-based seclusion is continued, documentation shall be maintained that shows the resident was notified of the reason for continued seclusion.

(b) **Safety-Based Seclusion beyond 24 Hours.**

A safety-based seclusion review is required before the end of each 24-hour period of seclusion. If the 24th hour of seclusion occurs during non-program hours, the review shall be conducted no later than two hours after the start of the ensuing day's program schedule.

- (1) The review shall be held by a staff member who was not directly involved in the decision to place the resident in seclusion. The resident shall be present for the review.
- (2) The review shall determine if continued seclusion is warranted. Seclusion shall not be continued unless:
 - (A) there is a reasonable belief that the resident continues to meet criteria in §343.288(a) of this title; and
 - (B) the facility administrator approves the continued seclusion.
- (3) Documentation of each review shall be retained in the resident's file.

(c) **Safety-Based Seclusion beyond Five Days.**

- (1) A resident shall not be secluded beyond five consecutive calendar days unless:
 - (A) the chief administrative officer or administrative designee determines the resident continues to meet criteria in 343.288(a) of this title; and
 - (B) the placing agency, if different from the agency operating the facility, is notified of the resident's status.
- (2) The finding and notice requirements in paragraph (1) of this subsection apply to every 24-hour period beyond five calendar days.

§343.290. Protective Isolation.

Effective Date:

- (a) Protective isolation may be used as a last resort only when:
 - (1) a resident is physically threatened by a resident or a group of residents;
 - (2) less restrictive measures are inadequate to keep the resident safe; and
 - (3) the decision is approved in writing by the facility administrator.
- (b) Protective isolation may be used only until alternative means for keeping the resident safe can be arranged.
- (c) While a resident is in protective isolation, a juvenile supervision officer shall observe and record the resident's behavior at random intervals not to exceed 15 minutes, unless supervision requirements in §343.348 or §343.350 of this title apply.
- (d) If the protective isolation of a resident exceeds 24 hours, the facility administrator shall immediately conduct a documented review of the circumstances surrounding the level of threat faced by the resident and make a determination as to whether other less restrictive protective measures are appropriate and available. If continued protective isolation is approved, the facility administrator shall ensure that the review

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

document includes a plan to ensure the isolated resident is provided all required program services during the period of protective isolation.

- (e) Documentation that identifies the threat faced by the resident shall be placed in the resident's file.

§343.294. Separation Status Log.

Effective Date:

The facility shall maintain a log or other documentation that shows, in chronological order by date, the following information any time a resident is placed in disciplinary seclusion, safety-based seclusion, room restriction, resident-initiated separation, protective isolation, medical isolation, or assessment isolation:

- (1) resident's name;
- (2) type of separation;
- (3) date and time the separation began; and
- (4) date and time the separation ended.

§343.308. Mealtime Prohibitions.

Effective Date:

- (a) Residents shall not eat meals in their rooms unless:

- (1) the resident is in disciplinary seclusion, safety-based seclusion, resident-initiated separation, room restriction, medical isolation, or assessment isolation; or
- (2) it is necessary for facility safety and security (e.g., during a riot).

- (b) When a resident is required to eat meals in his or her room:

- (1) the resident shall be served meals that meet the same nutritional guidelines as meals served in the cafeteria, unless the resident is being served a medical or religious diet; and
- (2) meals shall be served following normal food service procedures, unless the resident poses a documented safety risk to himself/herself or others.

§343.486. Program Hours.

Effective Date:

Each facility shall have a written, daily program schedule that outlines the planned activities during program hours.

- (1) Except as noted in paragraph (2) of this section, each resident shall be provided at least ten total hours of structured and unstructured activities each day. Time a resident spends in individual sleeping quarters does not count toward the ten-hour minimum.
- (2) Residents who are in safety-based seclusion, disciplinary seclusion, room restriction, resident-initiated separation, protective isolation, medical isolation, or assessment isolation may receive modification to their program schedule.
- (3) The facility shall maintain documentation of any modification or deviation from the program schedule that results in the cancellation of an activity or deviation of one hour or more from the schedule.

§343.498. Recreation and Exercise.

Effective Date:

- (a) Recreational equipment and supplies shall be provided to the residents. All recreational equipment shall be maintained in working order to ensure the safety of all staff and residents in the facility.
- (b) The recreational schedule shall offer the following programming each day:
 - (1) at least one hour of large muscle exercise; and

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (2) at least one hour of open recreational activity.
- (c) Large muscle exercise shall take place outside of individual resident sleeping quarters or sleeping rooms.
- (d) If the facility provides an opportunity for residents to participate in scheduled physical recreation, the requirements of this standard are satisfied regardless of whether the resident chooses to participate.
- (e) A resident's recreational schedule may be altered under the following conditions:
 - (1) participation by the resident is contraindicated for medical reasons;
 - (2) the resident is in safety-based seclusion, disciplinary seclusion, room restriction, resident-initiated separation, protective isolation, medical isolation, or assessment isolation;
 - (3) the resident has a scheduled appointment;
 - (4) extenuating circumstances exist that impede the recreational schedule; or
 - (5) the resident presents an imminent danger to self or others.
- (f) A youth's recreational schedule may not be altered due to imminent danger to self or others without written approval from the facility administrator. The written approval shall be maintained.

§343.668. Program Hours.

Effective Date:

Each facility shall have a written, daily program schedule that outlines the planned activities during program hours.

- (1) Except as noted in paragraph (2) of this section, each resident shall be provided at least ten total hours of structured and unstructured activities each day. Time a resident spends in individual sleeping quarters does not count toward the ten-hour minimum.
- (2) Residents who are in safety-based seclusion, disciplinary seclusion, room restriction, resident-initiated separation, protective isolation, medical isolation, or assessment isolation may receive modification to their program schedule.
- (3) The facility shall maintain documentation of any modification or deviation from the program schedule that results in the cancellation of an activity or deviation of one hour or more from the schedule.

§343.680. Recreation and Exercise.

Effective Date:

- (a) Recreational equipment and supplies shall be provided for use by residents. All recreational equipment shall be maintained in working order to ensure the safety of all staff and residents in the facility.
- (b) The recreational schedule shall offer the following programming each day:
 - (1) at least one hour of large muscle exercise; and
 - (2) at least one hour of open recreational activity.
- (c) Large muscle exercise shall take place outside of the individual resident sleeping quarters or sleeping rooms.
- (d) If the facility provides an opportunity for residents to participate in scheduled physical recreation, the requirements of this standard are satisfied regardless of whether or not the resident chooses to participate.
- (e) A resident's recreational schedule may be altered under the following conditions:
 - (1) participation by the resident is contraindicated for medical reasons;
 - (2) the resident is in safety-based seclusion, disciplinary seclusion, room restriction, resident-initiated separation, protective isolation, medical isolation, or assessment isolation;
 - (3) the resident has a scheduled appointment;

37 TAC Chapter 343 Seclusion-Related Standards

Staff-recommended changes marked in red

- (4) extenuating circumstances exist that impede the recreational schedule; or
 - (5) the resident presents an imminent danger to self or others.
- (f) A youth's recreational schedule may not be altered due to imminent danger to self or others without written approval from the facility administrator. The written approval shall be maintained.

DRAFT

SUMMARY OF CHANGES
Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter A: Definitions and Applicability			
343.100	Definitions	Defines terms used throughout the chapter.	<ul style="list-style-type: none"> • Added definitions for Administrative Designee, Reasonable Belief, Resident-Initiated Separation, and Safety-Based Seclusion. • Clarified the definition of Major Rule Violation to reflect that repeated minor violations may constitute a major violation. • Narrowed the definition of Room Restriction to exclude resident-initiated separation. • Added rooms used for safety-based seclusion to the definition of Specialized Housing. • Added a requirement for a history of traumatic events to be included as part of any behavioral health assessment or psychological evaluation. • Added a definition for intellectual disability. • Added registered nurses to the list of medical professionals. Also clarified that medical treatment means medical care that is performed or ordered by anyone authorized by law to do so. • Clarified that the only licensing boards/programs within the Department of State Health Services (DSHS) whose licensees would be considered mental health providers for purposes of TJJJ rules are: <ul style="list-style-type: none"> ○ the Chemical Dependency Counselors Program; and ○ the Council on Sex Offender Treatment. • Clarified that the only licensing board within DSHS whose licensees would be considered healthcare professionals for the limited purposes of TJJJ rules is the State Board of Examiners for Speech-Language Pathology and Audiology. • Clarified that the <i>administrative rules</i> (rather than the “guidelines”) adopted by DSHS are what governs who is considered a “qualified mental health professional.” • Deleted “social workers licensed by the Texas Board of Social Worker Examiners” from the list of professionals. A separate listing for licensed social workers is not needed because mental health providers are already included in the list, and licensed social workers are included in the definition of mental health provider.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter B: Pre-Adjudication and Post-Adjudication Secure Facility Standards			
343.214	Data Collection	Establishes the statistics the facility administrator or chief administrative officer must maintain and report to TJJJ.	<ul style="list-style-type: none"> • Added a requirement for each department to report to TJJJ the total number of safety-based seclusions, broken down by duration. • Added a requirement for each department to break down the total number of disciplinary seclusions reported to TJJJ into the following categories: <ul style="list-style-type: none"> ○ 90 minutes up to 24 hours; and ○ 24 hours to 48 hours. <i>(Note: 48 hours is the new upper limit)</i> • Added a requirement for each department to report the following to TJJJ: <ul style="list-style-type: none"> ○ total number of residents in safety-based seclusion diagnosed with a serious mental illness; ○ total number of residents in safety-based seclusion diagnosed with severe or profound intellectual disability; ○ total number of residents in safety-based seclusion designated as high or moderate risk for suicide; and ○ total number of residents in disciplinary seclusion designated as high or moderate risk for suicide. • Clarified that the only staff injuries that must be reported to TJJJ are those that require medical treatment and result from resident assault or restraint.
343.230	Specialized Housing	Specifies equipment requirements for specialized housing.	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
343.274	Resident Discipline Plan	Requires facilities to have a resident discipline plan and specifies minimum plan components.	<ul style="list-style-type: none"> • Clarified that if a discipline plan allows for repeated minor violations to be considered a major violation, the plan must: <ul style="list-style-type: none"> ○ state how many minor violations equals a major violation; ○ define repeated violations as those occurring within the same calendar day; and ○ specify the sanctions available for repeated minor violations. • Clarified that <i>any</i> verbal harassment used as a disciplinary measure is prohibited, not just harassment of a sexual nature or harassment relating to sexual orientation or gender identity. • Added that deviation from normal meal procedures is prohibited as a disciplinary measure. • Added a list of resident rights that cannot be denied as a disciplinary measure. • Added a requirement for the informal disciplinary review process, if used, to allow the resident an opportunity to be heard before discipline is imposed.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.276	Formal Disciplinary Reviews for Major Rule Violations	Establishes that a resident receiving a major rule violation or sanction may request a formal disciplinary review. Sets the timeframe for the review.	<ul style="list-style-type: none"> • Added a requirement to hold a formal disciplinary review <i>before</i> disciplinary seclusion is imposed. • For all other disciplinary sanctions, shortened the deadline for holding the formal disciplinary review to <i>five calendar days</i> after the resident's request (rather than 10 calendar days). • Added a provision that allows the review to be held after five calendar days if there is documented justification showing why it was impossible, impractical, or inappropriate to hold the review within five calendar days.
343.278 (REPEAL)	Disciplinary Reviews for Residents in Disciplinary Seclusion	Requires a resident in disciplinary seclusion to receive due process reviews while in seclusion.	<ul style="list-style-type: none"> • Repealed entire standard. This topic is now addressed by §343.276.
343.280	Formal Disciplinary Review Process	Establishes minimum requirements for the formal disciplinary review process.	<ul style="list-style-type: none"> • Added the following exceptions to the requirement that all evidence relating to a rule violation must be disclosed to the resident: <ul style="list-style-type: none"> ○ when a law enforcement officer or prosecutor requests the information to be withheld; or ○ when the facility administrator documents that the evidence may create a breach of facility security or compromise the safety of others. • Added a requirement to provide a staff member or translator to assist the resident during the disciplinary review if the resident requests such assistance.
343.282	Resident Appeals	Permits residents to appeal disciplinary review findings and establishes minimum requirements for the facility's appeal process.	<ul style="list-style-type: none"> • Removed the requirement for the appeal process to include an in-person hearing with the resident present. • Reduced the deadline for deciding the appeal to <i>ten calendar days</i> after the resident's request (rather than 30 calendar days). • Clarified that the resident must be allowed up to seven calendar days to submit a request for an appeal. • Added a requirement to restore or reinstate any denied or modified privileges or determine some form of appropriate relief, if available, in cases where the appeal determines that the resident did not commit the violation or that the sanction was not appropriate.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.284	Disciplinary Review Log	Requires the facility to keep a log showing the residents who have requested an informal disciplinary review, a formal disciplinary review, or an appeal of a formal disciplinary review.	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
343.285 (REPEAL)	Seclusion/Isolation Log	Requires the facility to keep a log that lists all residents who have been placed in any type of seclusion or isolation and the start/end times.	<ul style="list-style-type: none"> • Repealed to allow for a new standard with the same number. • Information has been moved to §343.294.
343.285 (NEW)	Disciplinary Seclusion	Establishes requirements and limitations for the use of disciplinary seclusion.	<ul style="list-style-type: none"> • Information from §343.288 has been moved to this new section number. • Added a time limit of 48 hours for disciplinary seclusion. • Clarified that non-program hours are included when counting the time a resident has spent in disciplinary seclusion. • Added a prohibition on placing residents with serious mental illnesses in disciplinary seclusion. • Added a prohibition on placing residents with a known diagnosis of severe or profound intellectual disability in disciplinary seclusion. • Added a requirement to consult a mental health provider <i>before imposing any period of disciplinary seclusion</i> if the resident is designated as high or moderate risk for suicide (rather than before a period of seclusion more than 24 hours is authorized). There is no longer an allowance to delay the consultation requirement during times when a mental health provider may be unavailable, such as weekends or holidays.
343.286	Room Restriction	Establishes requirements and limitations for the use of room restriction.	<ul style="list-style-type: none"> • Clarified that the facility must document the reason for each room restriction. • Clarified that if rooms other than individual sleeping quarters are used for room restriction, the room must: <ul style="list-style-type: none"> ○ be adequately heated, cooled, and ventilated; ○ have a ceiling height of at least 7.5 feet; and ○ have a viewing window that allows staff to observe the resident.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.287 (NEW)	Resident-Initiated Separation	Establishes requirements and limitations for the use of resident-initiated separation.	<ul style="list-style-type: none"> • Creates a new type of separation called Resident-Initiated Separation. This type of separation is used only when the resident requests to be removed from the group or refuses to leave his/her room and the staff is not requiring the resident to stay in the room. • Requires facilities to maintain a plan to address how resident-initiated separations will be handled. The plan must: <ul style="list-style-type: none"> ○ allow residents to be released within 90 minutes after requesting release; ○ require documentation of the time residents request to be released; ○ require a staff review if a resident has not requested release within four hours; and ○ include procedures to address repeated separations by one resident, including referral to a mental health provider when necessary. • Allows rooms other than individual sleeping quarters to be used for resident-initiated separations. If used, such rooms must: <ul style="list-style-type: none"> ○ be adequately heated, cooled, and ventilated; ○ have a ceiling height of at least 7.5 feet; and ○ have a viewing window that allows staff to observe the resident.
343.288 (REPEAL)	Disciplinary Seclusion	Establishes requirements and limitations for the use of disciplinary seclusion.	<ul style="list-style-type: none"> • Repealed to allow for a new standard with the same number. • Information has been moved to §343.285.
343.288 (NEW)	Safety-Based Seclusion	Establishes requirements and limitations for the use of safety-based seclusion.	<ul style="list-style-type: none"> • Creates a new type of seclusion called Safety-Based Seclusion. This type of seclusion is used only when separation from the group is immediately necessary for safety and security reasons. • Requires consultation with a mental health provider before the end of the 24th hour of safety-based seclusion if the resident has a serious mental illness, is designated as high or moderate risk for suicide, or has been diagnosed with a severe or profound intellectual disability. If a mental health provider is not available before the 24th hour, staff must notify the provider of the seclusion and consultation must occur as soon as possible after the notification. • Requires staff to prepare a written reintegration plan before the 72nd hour of safety-based seclusion. The plan must include specific behaviors required for release. • Requires the resident to be immediately released if the facility administrator or designee determines seclusion is no longer warranted. • Requires non-program hours to be included when counting the time a resident has spent in safety-based seclusion. • Allows certain resident rights to be temporarily restricted if the resident poses an imminent threat to facility safety or security. The justification for any such restriction must be documented.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.289 (NEW)	Safety-Based Seclusion Reviews	Establishes requirements for staff reviews of residents who are in safety-based seclusion.	<ul style="list-style-type: none"> • Requires an initial review by the facility administrator or designee no later than four hours after a resident is placed in safety-based seclusion. If seclusion is continued, the resident must be notified of the reason. • Requires a neutral staff member to conduct a review before the end of each 24-hour period of seclusion. The resident must be present for the review. The resident must be released unless he/she continues to meet criteria for seclusion and the facility administrator approves the continued seclusion. • Allows safety-based seclusion beyond five consecutive days only when the department’s chief administrative officer or administrative designee approves the continued seclusion. Such approval is required every 24 hours thereafter.
343.290	Protective Isolation	Establishes protective isolation requirements and limitations.	<ul style="list-style-type: none"> • Clarified that protective isolation may be used only: <ul style="list-style-type: none"> ○ as a last resort when other less restrictive measures are inadequate to keep the resident safe; and ○ until alternative means for keeping the resident safe can be arranged. • Reduced the deadline to 24 hours (rather than 72 hours) for the facility administrator to conduct a review of the circumstances requiring protective isolation and develop a plan for service delivery if protective isolation is continued. • Added a requirement to document the threat faced by the resident and place the documentation in the resident’s file. • Specified that duties assigned to the facility administrator concerning protective isolation may no longer be performed by a designee.
343.294 (NEW)	Separation Status Log	Requires the facility to keep a chronological list of all residents who have been placed in any type of seclusion or isolation and the start/end times.	<ul style="list-style-type: none"> • Information from §343.285 has been moved to this new section number • Added safety-based seclusion and resident-initiated separation to the types of separation that must be included in the facility’s list of residents who have been separated from the group. • Clarified that the required information must be documented in some manner, but not necessarily formatted as a log book.
343.308	Mealtime Prohibitions	Prohibits facility residents from eating meals in their rooms unless necessary for facility safety and security.	<ul style="list-style-type: none"> • Added safety-based seclusion, resident-initiated separation, and room restriction to the list of reasons a resident may be required to eat a meal in his/her room. • For meals served to residents in their rooms, added a requirement for meals to be served following normal food service procedures unless the resident poses a documented safety risk to himself/herself or others.

SUMMARY OF CHANGES
Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter C: Secure Pre-Adjudication Detention Facility Standards			
343.486	Program Hours	Requires each facility to have a daily written program schedule outlining the planned activities during program hours. Establishes minimum time requirements for structured and unstructured activities, exceptions, and documentation requirements.	<ul style="list-style-type: none"> Added safety-based seclusion and resident-initiated separation to the list of reasons a resident's program schedule may be modified.
343.498	Recreation and Exercise	Requires residents to be provided recreational programming and equipment. Specifies under what circumstances a resident's recreational schedule may be altered.	<ul style="list-style-type: none"> Added safety-based seclusion and resident-initiated separation to the list of reasons a resident's recreational schedule may be modified.
Subchapter D: Secure Post-Adjudication Correctional Facility Standards			
343.668	Program Hours	Requires each facility to have a daily written program schedule outlining the stated activities during program hours. Establishes minimum time requirements for structured and unstructured activities, exceptions, and documentation requirements.	<ul style="list-style-type: none"> Added safety-based seclusion and resident-initiated separation to the list of reasons a resident's program schedule may be modified.
343.680	Recreation and Exercise	Requires residents to be provided recreational programming and equipment. Specifies under what circumstances a resident's recreational schedule may be altered.	<ul style="list-style-type: none"> Added safety-based seclusion and resident-initiated separation to the list of reasons a resident's recreational schedule may be modified.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS WITHIN 37 TAC CHAPTER 343, RELATING TO
STANDARDS FOR SECLUDING RESIDENTS FROM THE GENERAL FACILITY POPULATION**

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Human Resources Code §221.002 requires the Board to adopt reasonable rules that provide minimum standards for juvenile pre-adjudication secure detention facilities and post-adjudication secure correctional facilities; and

WHEREAS, the Texas Juvenile Justice Board previously approved the following for publication in the *Texas Register* for a 30-day public comment period: proposed amendments to §§343.100, 343.214, 343.230, 343.274, 343.276, 343.280, 343.282, 343.284, 343.286, 343.290, 343.308, 343.486, 343.498, 343.668, and 343.680; proposed repeal of §§343.278, 343.285, and 343.288; and proposed new §§343.285, 343.287, 343.288, 343.289, and 343.294;

WHEREAS, the public comment period has ended and TJJD received public comments; and

WHEREAS, the TJJD staff drafted a proposed response to the public comments;

WHEREAS, the TJJD staff recommends several changes to the proposed text as a result of the public comments in §§343.100, 343.214, 343.285, and 343.288; and

WHEREAS, the TJJD staff recommends several additional changes unrelated to the public comments in §§343.100, 343.214, 343.274, 343.282, 343.285, 343.286, 343.287, 343.288, 343.289, and 343.308;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the agency’s response to the public comments and authorizes the adoption of the above-mentioned amendments, repeals, and new rules within Chapter 343 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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers- Default judgment orders (Action)

Date: August 13, 2015

The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of juvenile probation and detention officers; Texas Human Resources Code §222.053. The officer is entitled to a hearing before the State Office of Administrative Hearings if revocation or suspension is requested.

The Administrative Procedures Act (Tex. Gov. Code §2001.056) provides that cases may be disposed by default if agency rules allow it. TJJJ rules allow for a default order to be issued by the Texas Juvenile Justice Board upon the recommendation of the Executive Director if there is proof of proper notice to the certified officer when the officer fails to respond to the formal charges. The default order is to be based on the factual allegations and the sanctions recommended in the formal charges; 37 TAC §349.340.

Proper notice is notice sufficient to comply with Texas Government Code Section 2001.0054 and 37 TAC §349.320, which require TJJJ to provide the certified officer written notice that:

1. 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 TJJJ;
2. contained a statement of facts or conduct alleged to warrant an adverse certification action;
3. invited the certified officer to show compliance with all requirements of law for the retention of the certification;

4. 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;” and
5. stated that within 20 days of receipt of the notice, the certified officer shall file a written answer to the formal charge(s) that meets the requirements of 37 TAC §§349.340 and 349.370.

Notice is effective and service complete when the notice is sent by certified mail, return-receipt requested. Notice is presumed received three days after mailing if the wrapper containing the documents is not returned to the Department.

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

1. admitted all of the factual allegations in the formal charges;
2. waived the opportunity to show compliance with the law;
3. waived the opportunity for a hearing on the formal charges; and
4. waived objection to the sanction(s) recommended in the formal charges.

The Texas Juvenile Justice Board, after consideration of the case, may:

1. enter a default order under Texas Government Code §2001.056 or
2. order the matter set for a hearing at SOAH.

Having reviewed the affidavit of the TJJD staff attorney assigned to this mater, we respectfully request that the Board grant the Default Orders in the requested cases. Attached for your review is the Affidavit of Attorney for each case. The Affidavit explains the notice given, the lack of response, the alleged conduct and violations, and the requested sanction. A proposed Default Order for each case is also attached.

DOCKET NO. 15-24053-150072

IN THE MATTER OF	§	BEFORE THE
	§	
HIRAN EMIGDO CRUZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 24053	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 28, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJJ staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Hiran Emigdo Cruz (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board 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 or about November 8, 2014, and March 20, 2015, Respondent held a juvenile supervision officer certification with TJJJ.
2. On or about November 8, 2014, and March 20, 2015, Respondent was required to comply with all relevant TJJJ 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 or about November 8, 2014, and March 20, 2015, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJJ may initiate disciplinary action when TJJJ confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
6. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause emotional harm to a child served by the facility or program.

7. On or about November 8, 2014, Respondent engaged in an act meeting the definition of abuse, to wit: ridiculing R.N.'s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl's shirt and laughing at him; forcing him to put on three pair of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
9. On or about March 20, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile R.N.
10. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on May 13, 2015.
11. More than twenty days have elapsed since May 18, 2015, the date Respondent is presumed to have received notice of the formal charges.
12. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused R.N.
3. As evidenced by Findings of Fact 8-9, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
4. As evidenced by Findings of Fact 10-12, 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 Hiran Emigdo Cruz 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 28, 2015

AFFIDAVIT OF KACI SINGER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kaci Singer. 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 behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to **HIRAN EMIGDO CRUZ** was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 13, 2015, to the most recent address of record for **HIRAN EMIGDO CRUZ** as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper sent by certified mail was unclaimed.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on May 18, 2015.
5. The written notice indicated that on or about November 8, 2014, Respondent engaged in conduct meeting the definition of sexual abuse – non-contact in Texas Administrative Code, Title 37, Section 358.100(25)(E) and meeting the definition of abuse in Texas Family Code Section 261.401, to wit: ridiculing R.N.’s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl’s shirt and laughing at him; forcing him to put on three pairs of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
6. The written notice indicated that on or about March 20, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. 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.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since May 18, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”



Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, 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 30 of July, 2015.



Notary Signature



DOCKET NO. DH- 15-27102-130234

IN THE MATTER OF	§	BEFORE THE
	§	
RICARDO GONZALES	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 27102	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 28, 2015 the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJJ staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Ricardo Gonzales (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board 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 or about June 1, 2013, Respondent held a juvenile supervision officer certification with TJJJ.
2. On or about June 1, 2013, Respondent was required to comply with all relevant TJJJ 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 or about June 1, 2013 and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
5. Texas Family Code Section 261.401(a)(1) defines abuse to include an intentional, knowing, or reckless act or omission that causes or may cause physical injury to a child served by the facility or program.

6. On or about June 1, 2013, Respondent abused A.S., a juvenile, by intentionally or knowingly shoving A.S. in the side of the head and pulling the juvenile's leg irons and feet out from under his body.
7. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
8. On or about June 1, 2013, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile A.S.
9. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, on April 20, 2015.
10. More than twenty days have elapsed since April 23, 2015, the date Respondent is presumed to have received notice of the formal charges.
11. More than 20 days have elapsed since April 23, 2015, the date notice of formal charges were received by Ricardo Gonzales at 2420 Gonzales Street, Laredo, TX 78040, the last known address of respondent.
12. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact 1-3, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 4-6, Respondent abused A.S.
3. As evidenced by Findings of Fact 7-8, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
4. As evidenced by Findings of Fact 9-12, 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 Ricardo Gonzales 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 28, 2015

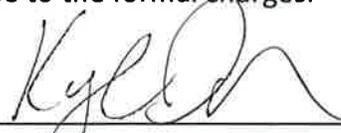
AFFIDAVIT OF KYLE DUFOUR

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kyle Dufour. 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 behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Ricardo Gonzales was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on April 20, 2015, to the most recent address of record for Ricardo Gonzales as registered with the Texas Juvenile Justice Department.
2. The wrapper sent by certified mail was delivered on April 23, 2015.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on April 23, 2015.
5. The written notice indicated that on or about June 1, 2013, Respondent abused A.S., a juvenile.
6. The written notice indicated that on or about June 1, 2013, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, and exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **revocation of Respondent’s certification as a juvenile supervision officer.**
8. 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.’**
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since April 23, 2015, the effective date of notice and Respondent has failed to file a written response to the formal charges."



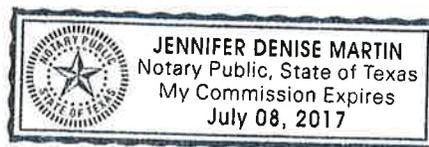
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, 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 16 of July, 2015.



Notary Signature



DOCKET NO. 15-29116-150072

IN THE MATTER OF	§	BEFORE THE
	§	
EDELMIRO SILVA LOPEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 29116	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 28, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJJ staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Edelmiro Silva Lopez (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board 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 or about November 8, 2014, and March 20, 2015, Respondent held a juvenile supervision officer certification with TJJJ.
2. On or about November 8, 2014, and March 20, 2015, Respondent was required to comply with all relevant TJJJ 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 or about November 8, 2014, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJJ may initiate disciplinary action when TJJJ confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
6. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause emotional harm to a child served by the facility or program.

7. On or about November 8, 2014, Respondent engaged in an act meeting the definition of abuse, to wit: ridiculing R.N.'s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl's shirt and laughing at him; forcing him to put on three pair of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
9. On or about March 20, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile R.N.
10. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, on May 13, 2015.
11. TJJD received a signed receipt, dated May 15, 2015, for the written notice sent to Respondent via certified mail, return receipt requested.
12. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused R.N.
3. As evidenced by Findings of Fact 8-9, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
4. As evidenced by Findings of Fact 10-12, 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 Edelmiro Silva Lopez 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 28, 2015

AFFIDAVIT OF KACI SINGER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kaci Singer. 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 behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Edelmiro Silva Lopez was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 13, 2015, to the most recent address of record for Edelmiro Silva Lopez as registered with the Texas Juvenile Justice Department.
2. The wrapper sent by certified mail was delivered on May 15, 2015.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on May 15, 2015.
5. The written notice indicated that on or about November 8, 2014, Respondent engaged in conduct meeting the definition of sexual abuse – non-contact in Texas Administrative Code, Title 37, Section 358.100(25)(E) and meeting the definition of abuse in Texas Family Code Section 261.401, to wit: ridiculing R.N.’s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl’s shirt and laughing at him; forcing him to put on three pairs of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
6. The written notice indicated that on or about March 20, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. 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.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since May 15, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”



Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, 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 30 of July, 2015.



Notary Signature



DOCKET NO. 15-28427-150072

IN THE MATTER OF	§	BEFORE THE
	§	
CARLOS SANCHEZ-CABALLERO	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 28427	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on August 28, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJD staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to **CARLOS SANCHEZ-CABALLERO** (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board 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 or about November 8, 2014, and March 20, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On or about November 8, 2014, and March 20, 2015, 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 or about November 8, 2014, and March 20, 2015, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
6. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause emotional harm to a child served by the facility or program.

7. On or about November 8, 2014, Respondent engaged in an act meeting the definition of abuse, to wit: ridiculing R.N.'s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl's shirt and laughing at him; forcing him to put on three pair of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
9. On or about March 20, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile R.N.
10. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested and via first class mail, on June 8, 2015.
11. More than twenty days have elapsed since June 11, 2015, the date Respondent is presumed to have received notice of the formal charges.
12. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused R.N.
3. As evidenced by Findings of Fact 8-9, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
4. As evidenced by Findings of Fact 10-12, 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 **CARLOS SANCHEZ-CABALLERO** 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 28, 2015

AFFIDAVIT OF KACI SINGER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kaci Singer. 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 behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to **CARLOS SANCHEZ-CABALLERO** was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on June 8, 2015, to the most recent address of record for **CARLOS SANCHEZ-CABALLERO** as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper sent by certified mail was unclaimed.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on June 11, 2015.
5. The written notice indicated that on or about November 8, 2014, Respondent engaged in conduct meeting the definition of sexual abuse – non-contact in Texas Administrative Code, Title 37, Section 358.100(25)(E) and meeting the definition of abuse in Texas Family Code Section 261.401, to wit: ridiculing R.N.’s shoes and clothing; telling him they attract gay people; rolling up his shirt to make it look like a girl’s shirt and laughing at him; forcing him to put on three pairs of pants and making fun of him; yelling at him; and forcing him to run and slide across the room.
6. The written notice indicated that on or about March 20, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. 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.’**
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

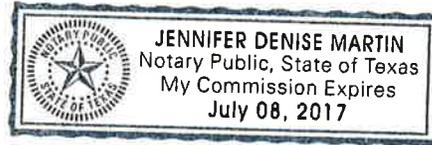
10. Twenty days have elapsed since June 11, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

Kaci Singer
Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, 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 30 of July, 2015.

Jennifer Martin
Notary Signature





**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 **28th day of August 2015**, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
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
15-24053-150072	Hiran Emigdo Cruz, 24053, Amador R Rodriguez Juvenile Boot Camp and Educational Center	Revocation of Certification	Cameron
15-27102-130234	Ricardo Gonzales, 27102, Solomon Casseb Jr. Webb County Youth Village	Revocation of Certification	Webb
15-29116-150072	Edelmiro Silva Lopez, 29116, Amador R Rodriguez Juvenile Boot Camp and Educational Center	Revocation of Certification	Cameron
15-28427-150072	Carlos Sanchez-Caballero, 28427, Amador R Rodriguez Juvenile Boot Camp and Educational Center	Revocation of Certification	Cameron

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 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed orders (Action)

Date: August 12, 2015

The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of a certified juvenile probation or 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 is requested. 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 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 certification, 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 rules allow a resolution to be negotiated informally between the certified officer and TJJJ through an agreed order. Attached for your review are the Agreed Orders and the Resolution for approval to issue a Final Agreed Order related to disciplinary cases of certified juvenile probation or supervision officers. TJJJ and the certified officer have agreed to the discipline indicated.

DOCKET NO. DH- 15-26900-130168

IN THE MATTER OF	§	BEFORE THE
	§	
MACARTHUR EAGLIN	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 26900	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on August 28, 2015, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of MacArthur Eaglin (Respondent).

This Agreed Order is executed pursuant to Texas Government Code, Section 2001.056, which authorizes the informal disposition of contested cases. In order to conclude this matter without further delay and expense, the Texas Juvenile Justice Department (TJJD) and Respondent agree to resolve this matter by this Agreed Order. The Respondent agrees to this disposition for the purpose of resolving this proceeding only and without admitting the Findings of Fact and Conclusions of Law set out in this Agreed Order.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order:

FINDINGS OF FACT

1. On April 1, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On April 1, 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 April 1, 2013, and required that certified juvenile probation and juvenile supervision officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on May 7, 2015, and Respondent was provided the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJD standards, rules, and regulations.
5. On or about April 1, 2013, Respondent intentionally subjected K.B., juvenile in the care of the Bexar County Juvenile Probation Department, to sexual harassment in violation of Texas Penal Code Section 39.03.

6. On or about April 1, 2013, Respondent compelled or encouraged K.B. to engage in sexual conduct and prostitution.
7. On or about December 16, 2014, Respondent was designated as a perpetrator in a TJJD abuse, neglect, and exploitation investigation.

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of TJJD and is required to comply with all TJJD standards, rules, and regulations including Texas Human Resources Code, Chapter 222, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. By his conduct described in Finding of Fact #5, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
4. By his conduct described in Finding of Fact #6, Respondent abused K.B.
5. As described in Finding of Fact #7, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).

ORDERING PROVISIONS

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

1. The certification of MacArthur Eaglin as a juvenile supervision officer is revoked. The terms of this Agreed Order will be published in the Final Orders and Decisions section of the TJJD website.
2. The Executive Director of TJJD is authorized to sign this order on behalf of the Board.
3. By signing this Agreed Order, Respondent agrees to its terms and acknowledges an understanding of them and waives the right to a formal hearing and any right to judicial review of this Agreed Order.

I, MacArthur Eaglin, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.

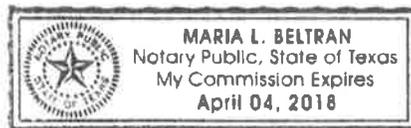
DATED: 6-11, 2015.

MacArthur Eaglin
Signature of Respondent

STATE OF TEXAS §
COUNTY OF Bexar §

Before me, the undersigned notary public on this day personally appeared MacArthur Eaglin known to me (or proved to me on the oath of _____, or through Military ID (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Maria L. Beltran
Notary Public



Approved by the duly authorized designee of the Texas Juvenile Justice Board on

August 5th, 2015.

David Reilly
David Reilly, Executive Director

DOCKET NO. DH- 15-27641-140300

IN THE MATTER OF	§	BEFORE THE
	§	
CHASITY MYLES	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 27641	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on ~~May 29~~ ^{August 28}, 2015, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Respondent Name **CHASITY MYLES** (Respondent).

This Agreed Order is executed pursuant to Texas Government Code, Section 2001.056, which authorizes the informal disposition of contested cases. In order to conclude this matter without further delay and expense, the Texas Juvenile Justice Department (TJJD) and Respondent agree to resolve this matter by this Agreed Order. The Respondent agrees to this disposition for the purpose of resolving this proceeding only and without admitting or denying the Findings of Fact and Conclusions of Law set out in this Agreed Order.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order:

FINDINGS OF FACT

1. On May 19, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On May 19, 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 Date of Offense May 19, 2014, and required that certified juvenile probation and 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 must not utilize unnecessary force or violence and must 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 May 19, 2014, Respondent abused N.R., a juvenile, by intentionally or knowingly placing leg restraints on N.R. while Ebony Beck engaged in pulling N.R. off his bed so that he was face down on the floor, stepping on his back, and pulling his arms up while they were cuffed behind his back, causing him to have trouble breathing and to suffer bruised and swollen wrists.
6. Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) provides that juvenile justice professionals must not falsify or make material omissions to governmental record.
7. On or about May 19, 2014, Respondent falsified an entry and made material omissions in a government record to conceal her interaction with N.R.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides that juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation, and neglect investigation conducted by TJJJ under Chapter 350 of this title and Texas Family Code Chapter 261.
9. On or about May 19, 2014, Respondent was designated as a perpetrator in a Texas Juvenile Justice Department abuse, neglect, or exploitation investigation.
10. A Petition for Disciplinary Action was mailed to Respondent on March 20, 2015, and Respondent was provided with the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJJ standards, rules, and regulations.
11. The Petition for Disciplinary Action alleged that on or about May 19, 2015, Respondent engaged in conduct in violation of TJJJ standards, rules, and regulations. Specifically, Respondent violated Texas Administrative Code, Title 37, Sections 345.310(c)(2)(J); 345.310(c)(2)(K); and 345.310(c)(2)(G).

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of TJJJ and is required to comply with all TJJJ standards, rules, and regulations including Texas Human Resources Code, Chapter 222, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJJ standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Administrative Code, Title 37, Sections Texas Administrative Code, Title 37, Sections 345.310(c)(2)(J); 345.310(c)(2)(K); and 345.310(c)(2)(G).

ORDERING PROVISIONS

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

1. The certification of **CHASITY MYLES** as a juvenile supervision officer is **Revoked**. The terms of this Agreed Order will be published in the Final Orders and Decisions section of the TJJJ website.
2. Upon approval of the Board, the Executive Director of TJJJ is authorized to sign this order on behalf of the Board.
3. By signing this Agreed Order, Respondent:

Agrees to its terms, acknowledges an understanding of them, and agrees that to satisfactorily comply with the mandates of this Agreed Order or be subject to appropriate disciplinary action by TJJJ; waives the right to a formal hearing and any right to judicial review of this Agreed Order; and agrees that if, during the period of this suspensions, violates TJJJ standards, rules, and regulations relating to certified juvenile probation or juvenile supervision officers included in Texas Human Resources Code, Section 222.053, and Chapters 341-359 of Texas Administrative Code, Title 37, the terms of this agreement are null and void and the officer certification will be immediately revoked.

**I, CHASITY MYLES, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING
AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION
ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I
UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND
THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.**

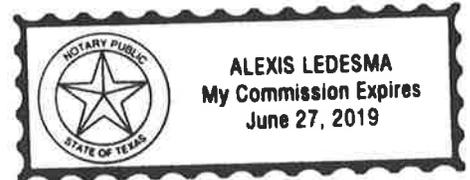
DATED: June 29, 2015.

STATE OF TEXAS §
COUNTY OF Tarrant §

Chasity Myles
Signature of Respondent

Before me, the undersigned notary public on this day personally appeared **CHASITY MYLES**, known to me (or proved to me on the oath of _____, or through TX driver license (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Alexis LeDesma
Notary Public



Approved by the duly authorized designee of the Texas Juvenile Justice Board on August 5th 2015.



David Reilly, Executive Director



**Texas Juvenile Justice Department
MASTER AGREED ORDER**

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

On this the 28th day of August 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

where, among other matters, came up for consideration and vote Request for Agreed Order in the following matter related to the discipline of certified juvenile probation or supervision officer:

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-26900-130168	MacArthur Eaglin, 26900, Bexar County Juvenile Detention Center	Revocation of Certification	Bexar
15-27641-140300	Chasity Myles, 27641, Gregg County Juvenile Detention Center	Revocation of Certification	Gregg

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 an Agreed Order under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

WHEREAS the Board considered the Agreed 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:

BOARD MEMBER	NAME OF OFFICER(S)

NOW, THEREFORE BE IT ORDERED THAT the Agreed 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 Agreed Order.

Signed this **28th day of August 2015.**

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs (Action)

Date: July 31, 2015

As part of TJJJ's rule review process, the Probation and Community Services Division proposed to repeal TAC Chapter 347 (Title IV-E Federal Foster Care Programs) in its entirety and to replace it with one new rule. This proposal was presented at the March 2015 board meeting. The board approved posting the changes and a rule review notice in the *Texas Register* for a 30-day public comment period.

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

The staff now requests the Board's approval to adopt the rule review, the repeal of the current rules, and the text of the new rule.

The reasons for these changes, which were included in the materials for the March 2015 board meeting, are provided below for reference.

Attached to this memo, please find the following documents:

- A table summarizing the changes to the rules
- A copy of the final rule text
- A resolution for board action

SUMMARY OF CHANGES PRESENTED AT MARCH BOARD MEETING

The proposal is to repeal the entire chapter and replace it with one new rule. The contents of the repealed rules will then be placed in the Grant E document, which is an addendum to the State Financial Assistance Contract that governs Title IV-E reimbursements. There are several reasons for this proposal:

- The TJJ board has no discretion to change the requirements for participation in the federal Title IV-E reimbursement program. These requirements are set by the federal Administration for Children and Families (ACF) and the Texas Department of Family and Protective Services (DFPS). TJJ serves as an intermediary between DFPS and juvenile probation departments.
- Many of the Title IV-E requirements for juvenile probation departments are currently found in the TJJ Grant E document. To avoid the need for departments to consult multiple sources, all relevant requirements will be placed in the Grant E document.
- TJJ will still be able to enforce the requirements of Grant E because it is incorporated by reference into the State Financial Assistance Contract, which is a binding, dual-party contract.

Texas Administrative Code Rule Review
37 TAC Chapter 347
Title IV-E Foster Care Programs

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Revisions	Status of Revisions
347.100	Title IV-E Federal Foster Care Reimbursement Program	Requires juvenile probation departments that seek Title IV-E reimbursement to comply with TJJD grant requirements and all federal and state laws and rules relating to Title IV-E	N/A – New Rule	<ul style="list-style-type: none"> This is a new rule that will replace all of Chapter 347. 	Ready for board adoption
347.1	Introduction	Explains how Title IV-E of the Social Security Act is administered in the Texas juvenile probation system.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.3	Definitions	Defines terms used in the chapter.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.5	Specific Language Required in Court Orders	Lists requirements for wording that must be contained in a court order for a child to be IV-E eligible.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.7	Screening and Eligibility of IV-E Juveniles	Requires the juvenile probation department to implement a process to screen juveniles placed outside the home for IV-E eligibility.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.9	Placement in IV-E Approved Facilities	Describes the types of facilities that are eligible to participate in the IV-E program.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.11	Eligibility Recertification	Requires the juvenile board and juvenile probation department to implement a process for recertifying the IV-E status of a child every twelve months from the date of placement.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.13	Family Reunification	Requires the juvenile probation department to help the family to resume custody and supervision of the child, if possible. If family reunification is not possible, the department must plan for another permanent placement for the child.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption
347.15	Case Plan and Review System	Requires the juvenile probation department to develop case plans that meet federal requirements, conduct periodic reviews of	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board adoption

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Revisions	Status of Revisions
		the status of each IV-E eligible child, and ensure permanency hearings are held as required. Requires the juvenile probation department to notify the entity responsible for initiating termination of parental rights when certain criteria are met.			
347.17	Information System	Lists the information the juvenile probation department must maintain for each child in substitute care. Requires the department to notify TJJD when certain changes occur.	No	<ul style="list-style-type: none"> • Repeal entire rule 	Ready for board adoption
347.19	Foster Care Assistance Payments	Establishes deadlines for the juvenile probation department to send certain information to TJJD relating to reimbursement for IV-E eligible expenses.	No	<ul style="list-style-type: none"> • Repeal entire rule 	Ready for board adoption
347.21	Program Monitoring	Requires the juvenile board to allow TJJD staff to review the IV-E systems and records maintained by the juvenile probation department. Establishes requirements for conducting these reviews and possible sanctions for non-compliance with IV-E requirements.	No	<ul style="list-style-type: none"> • Repeal entire rule 	Ready for board adoption

Texas Administrative Code

Title 37 **Public Safety and Corrections**
Part 11 **Texas Juvenile Justice Department**
Chapter 347 **Title IV-E Federal Foster Care Programs**

§347.100 Title IV-E Federal Foster Care Reimbursement Program

Effective Date:

Juvenile probation departments that seek reimbursement through Title IV-E of the Social Security Act (42 United States Code §670 et seq.) must comply with:

- (1) all grant requirements associated with the Title IV-E Federal Foster Care Reimbursement Program as documented in the Texas Juvenile Justice Department's state financial assistance contract; and
- (2) all federal and state laws and rules relating to Title IV-E reimbursement.

REPEALED RULES

(The text of these rules was included in the materials for the March 2015 board meeting)

- §347.1 Introduction
- §347.3 Definitions
- §347.5 Specific Language Required in Court Orders
- §347.7 Screening and Eligibility of IV-E Juveniles
- §347.9 Placement in IV-E Approved Facilities
- §347.11 Eligibility Recertification
- §347.13 Family Reunification
- §347.15 Case Plan and Review System
- §347.17 Information System
- §347.19 Foster Care Assistance Payments
- §347.21 Program Monitoring



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS AND RULE REVIEW FOR 37 TAC CHAPTER 347, RELATING TO TITLE IV-E FEDERAL FOSTER CARE PROGRAMS

On this **28th day of August 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of San Antonio, 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					
Carol Bush					
Becky Gregory					
Jane A. King					
Scott Matthew					
MaryLou Mendoza					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, Texas Human Resources Code §221.002(a) requires the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for various aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services; and

WHEREAS, Texas Government Code §2001.39 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 to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review for 37 TAC Chapter 347, the repeal of the existing text of Chapter 347 in its entirety, and the proposal of new §347.100 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, the TJJD staff does not recommend any additional changes;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review, the repeal of the existing text of Chapter 347, and the adoption of new §347.100 as proposed.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.
Signed this 28th day of August 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

THIS PAGE LEFT BLANK INTENTIONALLY



Texas Juvenile Justice Department
Trust Committee Meeting
11209 Metric Boulevard, Building H – Lone Star Conference Room
Austin, TX 78758
Thursday, May 28, 2015 – 11:00a.m.

COMMITTEE MEMBERS PRESENT:

The Honorable Jimmy Smith, Committee Chair
David "Scott" Matthew
Scott W. Fisher, Board Chairman

EXECUTIVE STAFF PRESENT:

Chelsea Buchholtz, Chief of Staff
Jill Mata, General Counsel
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Karen Kennedy, Deputy General Counsel
Kathryn Mattingly, Staff Attorney, Office of the General Counsel
Ken Ming, Director, Business Services & Contracts
Connie Booker, Contract Administration Manager, Finance Department
Vivian Cohn, Audit Manager, Internal Audit
Maria Tissing, Executive Assistant, Office of the General Counsel
Debbi McDaid, Legal Assistant, Office of the General Counsel
LuAnn Brown, Administrative Assistant, Office of the General Counsel
Jon Charles, Chief Professional Officer, Boys and Girls Club of Central Texas
Wallace Vernon, Board of Directors, Boys and Girls Club of Central Texas
Mark McAnally, Chief Appraiser, General Land Office

Call to Order

Committee Chairman Jimmy Smith called the meeting to order at 11:00 a.m.

Discussion, Consideration, and Possible Approval Regarding Excused Absences

Committee members present included Chairman Smith, Board Chairman Fisher and Scott Matthew, board member. Board member John Brieden was granted an excused absence.

Discussion, Consideration, and Possible Approval Regarding the March 26, 2015 Meeting Minutes

Board Chairman Fisher moved to approve the minutes of the March 26, 2015 meeting. Mr. Matthew seconded. The motion passed unanimously.

Discussion and possible approval to negotiate the terms of a Memorandum of Agreement (MOA) with the Texas Parks and Wildlife Foundation (the Foundation) for the preparation and implementation of a Wildlife Management Plan for the Parrie Haynes Ranch, utilizing funds from TXU Energy/Oncor Electric Delivery Company, LLC held by the Foundation and to delegate authority for final approval to the board chairman in his capacity as trustee of the Parrie Haynes Trust

Kathryn Mattingly, Staff Attorney, explained the item, emphasizing that if the resolution were approved the MOU would be negotiated and signed by the board chairman, but that staff would report on and seek board approval for major initiatives prior to implementation. Committee members agreed to bring the item before the board for their approval at the May 29, 2015 meeting.

Presentation on the Boys and Girls Club of Central Texas and discussion of their interest in a possible lease of the Parrie Haynes Ranch

Jill Mata, General Counsel, introduced Jon Charles, Chief Professional Officer for the Boys and Girls Club of Central Texas, (BG/CenTx) and Wallace Vernon, a member of the Board of Directors for the BG/CenTx, to provide information on the organization.

Mr. Charles summarized the major points of a hard copy presentation provided to committee members. BG/CenTx is comprised of 27 sites in Central Texas and serves approximately 11,629 members, many of them from families whose parent(s) are stationed at Fort Hood. The organization seeks to (1) keep kids in school through high school graduation and college; and (2) engage club participants in outdoor activities that promote conservation, sustainability, community leadership and service. BG/CenTx is

Trust Committee
May 28, 2015

very interested in entering into a direct and primary lease for the property with TJJ and expressed that their goals and purposes are aligned well with the intent and purpose of the Parrie Haynes Trust.

Beginning in late 2014, BG/CenTx began sub-leasing with C-5, the present lessee, to offer programs at Parrie Haynes that complemented those of C-5. The two organizations work well together and BG/CenTx is willing to continue working with C-5 if BG/CenTx becomes the primary lessee with TJJ. Mr. Vernon added that the two organizations could operate programs at the same time and that other civic groups in the area could also use the facilities. He said the organization would be agreeable to the current lease payment arrangement, but would prefer a longer term lease so that funding from foundations that support the group could be obtained to fund infrastructure improvements and staff to provide adequate supervision.

Board Chairman Fisher and Chairman Smith strongly emphasized the need to have protections in place to protect board members. Mr. Vernon agreed, saying that BG/CenTx recently underwent a risk management survey and implemented all of its recommendations.

There was general agreement among the committee members present that recommendations should be developed for board consideration at the August, 2015 meeting, but that the arrangement between C-5 and BG/CenTx appeared to be an agreeable and productive one.

Report on appraisal of Wende Trust properties

Kathryn Mattingly introduced Mark McAnally, Chief Appraiser for the General Land Office, (GLO) who provided information to committee members regarding the selection and supervision of a firm/individual that will appraise the two properties in Wende Trust under a Memorandum of Understanding with the GLO. Mr. McAnally announced that Paul Hornsby & Company, an Austin appraisal firm has been selected to prepare the appraisals. He also provided members with materials containing information on current properties under development in the central Austin business district, some of which are owned by the University of Texas (medical school), Permanent School Fund and others which are owned by governmental entities. This information indicates that the trust properties are located in an area of “renaissance” and “high synergy.”

Trust Committee
May 28, 2015

Mr. McAnally said that some changes to the property are needed before it can be considered as a desirable property for high-density development. He recommended that the board consider abandonment of the current access easement on the 1209 Barton Springs Road since the easement no longer serves that function and it is a significant detriment to both the use and value of the property. GLO has requested that the appraiser include values of the property with and without the easement.

The current McDonalds' lease provides for each party to secure an appraisal and then to negotiate the difference between the two. Since McDonalds' secured an appraisal in 2014, Mr. McAnally recommends that Mr. Hornsby be asked to provide testimony "if there are differences in appraised values obtained by the lessor (TJJD) and lessee (McDonald's). Testimony will be based on the needs of the GLO . . . who will direct the timing and duration of the testimony based on the progress of lease negotiations." The board has the authority to limit the costs on this item.

The third recommendation concerns the expiration of the leases in 2019. The lease for 1207 Barton Springs Road, site of Peter Pan Mini-Golf expires in March 2019 and there is no option to renew the lease. However, the McDonalds' lease, which expires in April 2019 has some extension periods. Since McDonalds' has expressed an interest in renegotiating the lease now, the terms dealing with the extension periods could be renegotiated as well.

Mr. McAnally said that GLO is asking the appraiser to perform a highest and best use study if the two properties were combined using the current zoning which allows for mixed-use, high-density development. The study would include a highest and best use analysis, comparable sales profiles, adjustment grids, etc., to support the final value conclusions. The appraisal and study are due to TJJD June 30, 2015. If there are unresolved issues with the appraisals, the contracts can be extended beyond August 31, 2015 (end of state fiscal year). Board Chairman Fisher asked if the board had to vote on the contract and Mr. McAnally said that the contract for the appraisal is between GLO and Mr. Hornsby, even though the funds are being provided by TJJD from Wende Trust funds.

Chairman Smith asked about the value of ground leases on high rise developments. Mr. McAnally responded that it was difficult to determine rates where retail space with a percentage ramp is involved, but they almost always have to be long-term (e.g., 75 years), but that GLO would attempt to find some examples for the committee members to review.

Trust Committee
May 28, 2015

Chairman Smith thanked Mr. McAnally for his testimony.

Chairman Fisher moved to adjourn the meeting and Mr. Matthew seconded the motion. There being no objection, the Chairman adjourned the meeting at 11:55 a.m.

THIS PAGE LEFT BLANK INTENTIONALLY



Texas Juvenile Justice Department
Finance and Audit Committee Meeting

11209 Metric Blvd., Building H, Suite A, Austin, Texas 78758
Thursday, May 28, 2015– 1:00 p.m.

BOARD MEMBERS PRESENT:

Calvin Stephens, Committee Chairman
Jane King
Scott W. Fisher, Board Chairman

BOARD MEMBERS ABSENT:

The Honorable John Brieden

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Elaine Mays, Chief Information & Technology Officer
Eleazar Garcia, Chief Auditor
Jeannette Cantu, Executive Assistant
Jill Mata, General Counsel
Mike Meyer, Chief Financial Officer
Terri Dollar, Director of Monitoring & Inspections
Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Art Hinojosa, TJJD
Deidre Hernandez, TJJD
Estela P. Medina, Travis County JDC
Jeannette Lepe, TJJD
Jim Southwell, TJJD
John Isle, TJJD
Karen Kennedy, TJJD

Kenneth I. Ming, TJJD
Kevin DuBose, TJJD
Kristy Almager, TJJD
Matthew Segura, TJJD
Rebecca Walters, TJJD
Steven Vargas, TJJD
Vivian Cohn, TJJD

Call To Order

Committee Chairman Calvin Stephens called the meeting to order at 1:08 p.m.

Excused Absences

Committee Chairman Calvin Stephens moved to excuse the absence of The Honorable John Brieden. Scott Fisher seconded. The motion passed.

March 26, 2015 Meeting Minutes

Mr. Stephens, called for a motion for the minutes to be approved, Jane King moved to approve. Scott Fisher seconded. The motion passed.

Updates from the Chief Information and Technology Officer

Elaine Mays, Chief Information & Technology Officer, presented this informational report. At the time of this report, 238 Counties and 155 departments have migrated to the Juvenile Correctional Management System (JCMS). The remaining 12 Counties, and 7 departments, are expected to migrate by the end of June 2015.

Phase 1, of the Radio Re-Banding initiative, is completed. Phase 2 of the initiative will begin in June 2015 and will involve reprogramming the cell towers.

Staff will continue to work on process improvements across the board. They are currently working on documentation to enhance and leverage any current in house tools, as well as resources, and will create a 5 year roadmap for the agency. The software audit has been completed and an approved published software list is available. Ms. Mays recognized Stephen Rehberg and the agency divisions for their support and effort with this report. The account management team continues to remain up-to-date with requests for adding, removing and transferring employees within the agency.

Malware detection information was also included. This information shows where staff tried to address incoming messages prior to them entering the agency. Ms. Mays recognized Jim Southwell and Emily Anderson for analyzing the Data Center Services bills the agency has paid in the past. This will enable staff to move forward to implement cost savings and leverage some of the initiatives of the Data Center Services.

Staff will review the initiatives, look at the servers currently being used that are end of life with some of the software, and look at how staff can leverage and migrate some of those in single platforms rather than have them spread across the agency.

Updates from the Chief Financial Officer

Mike Meyer, Chief Financial Officer, presented this informational report. TJJJ's residential population was below projections for the year but had shown a recent uptick. The use of contract beds remains higher than projected in the General Appropriations Act (GAA); use of institutions and halfway houses remains lower than projected. Agency expenditures through the end of April were well within expectations indicating some capacity to meet one-time end-of-year needs. Funds will be made available to departments for those types of purposes after the end of the third quarter.

TJJJ continues to be well within its budgeted and appropriated Full Time Employee (FTE) caps and continues to accommodate overtime expenditures through salaries from vacant positions. TJJJ has begun issuing notices to proceed for architecture and engineering services for projects funded by the 83rd legislature.

Preparation of the 2016 internal operating budget is underway. Over the course of the summer, budgets will be reconciled to appropriations, finalized, and presented for approval in August. Performance measure highlights are provided in the Board packet. The second group of measures includes those that fell outside of the 5% GAA target. In a number of cases, this is a result of population figures which are below target and corresponding cost-per-day figures above target.

The conference committee on HB1 adopted a budget structure, funding levels and policy riders for TJJJ. These incorporated a number of agency proposals. The committee also adopted funding to support regionalization of probation activities, irrespective of whether related legislation is enacted. Agency general revenue funding for 2016-2017 biennium is virtually flat with FY2014-FY2015 though funding was reallocated between program areas.

In response to a question asked by Mr. Stephens, Mr. Meyer stated there were two agency requests that were funded in the introduced version of HB1. These were headquarter operations overhead—including rent and janitorial services, etc., for the Austin Office—and the projected increase in data center services costs. These were both funded in the introduced bill. Through the committee process, initially, both committees removed funding as a result of population trends.

The Senate restored some of that funding in a few areas. One of those covered is the partial restoration in probation for targeted grants. Also added was funding for a pay raise for Juvenile Correctional Officers (JCOs) and Parole Officer's. Funding was also added for work force re-entry positions in Education, as well as a small amount of funding for fleet vehicle maintenance and desktop laptop refresh. Staff also received authority to repurpose \$1.7 million in bond proceeds that are currently sitting in an account that the agency does not have authority to spend. Those dollars will not show up in the actual appropriations act in the agency's total but that does represent \$1.7 million above what the agency currently has to address repair and rehabilitation needs.

Through the conference committee process there were not additional exceptional items funded however there were a lot of changes to the agency budget structure and how the funding was allocated. Funding was added for regionalization both on the grant side and for the expansion of the Independent Ombudsman's Office (OIO). TJJJ will continue to have that funding regardless of whether the legislation has enacted; however, the expansion funds for OIO will not have any impact if the legislation is not enacted. The intent of the legislature seems clear to fund TJJJ's core needs and keep the operational status quo over the next two years while regionalization of probation activities and long-term planning for state programs take place.

In response to a question asked by Mr. Stephens, Mr. Meyer stated he feels the results of this session reflected renewed confidence in TJJJ.

In response to a question asked by Mr. Stephens, Mr. Meyer stated there is only one place where the legislative change to increase the age of criminal responsibility is still alive, and that is an amendment to Senate Bill (SB) 1630. It would not be effective until FY 2018. Over the next two years it would not have a financial impact on TJJJ. During the next legislative cycle funding would be added. The way the fiscal note on that piece of the bill is calculated uses the high end estimate of what the cost could be and places the impact somewhere between \$80 and \$100 million dollars per year, based on Uniform Cost Report (UCR) figures. UCR figures include a proportionate share of everything the agency does, even those areas (such as indirect administration) that do not fluctuate with population. Next session there will be a more detailed discussion to determine what the agency really needs.

Ms. King pointed out that if we try and go to regionalization, and 17 year olds come in, the counties will use up a lot of beds that would otherwise be used for regionalization.

Mr. Meyer stated that point has been made and some have also argued starting regionalization and planning for the increase of age should happen simultaneously.

In response to a question asked by Ms. King, Mr. Meyer stated FY 2017 was the original legislation but the current version is State FY 2018.

An amendment was added to SB 1630 that says if the legislature does not appropriate funds to support the increase of increasing the age in jurisdiction the requirement would not go into effect.

Discussion, consideration and possible approval regarding the Residential Contract Care Audit (Action)

Eleazar Garcia, Chief Auditor, presented this action item. This year the audit was conducted a little differently. Instead of visiting a contract care facility, staff reviewed the internal controls at the Austin Office. The overall objective for this audit was to determine if the controls over the residential contract care operations are in place and operations comply with applicable requirements. Controls in the following areas are functioning as intended. Payments to residential contract care providers are supported and accurately coded. Serious incidents are reported to the TJJD incident reporting center.

Controls in the following areas could be enhanced:

- Improving controls over Medicaid referrals could ensure eligible students are assessed for medical coverage upon their release.
- Continued training and communications on contract requirements and expectations should improve controls over contract processing within the agency.
- A periodic comparison of information captured in the incident reporting center to the serious incident reports could ensure the accuracy and reliability of data.
- Establishing a periodic access review process for the juvenile Medicaid tracker would help the agency maintain the confidentiality and integrity of information.

Mr. Fisher moved to recommend approval by the full board. Ms. King seconded. The motion passed.

Discussion, consideration and possible approval regarding the Staff Development and Training Audit (Action)

Eleazar Garcia, Chief Auditor, presented this action item. Controls can be improved to ensure more consistent and effective practices and compliance in the following areas:

Finance and Audit Committee Meeting
May 28, 2015

- Developing the training curriculum to include human trafficking information for JCO's could ensure all training is being provided in accordance with regulatory requirements.
- A periodic review of the training tracking system could ensure employee records are up-to-date.
- Establishing a periodic access review process for the integrated certification information system.
This relates more to the County probation officers and supervisors.

As part of the audit, staff attended the Handle with Care annual block training course in Corsicana, Texas. Staff displayed a good job of reinforcing and applying training technics. The only concern is the time span for re-taking the training may be too long.

Mr. Fisher moved to recommend approval by the full board. Ms. King seconded. The motion passed.

Discussion regarding the Audit follow-up project

Eleazar Garcia, Chief Auditor, presented this informational item. On February 25, 2015 a snapshot of the recommendations database was taken. Based on that date, staff performed verification of any items noted as implemented by management 90 days, (November 25, 2014), prior to February 25, 2015. Verification was performed to confirm actions had been implemented for anything implemented prior to November 25, 2015. Staff followed up on 50 items. Out of those 50 items, 42 items were found to be fully implemented while the other 8 items require a little more work before fully implemented.

In response to a question asked by Mr. Stephens, Mr. Garcia stated 42 out of 50 is good. Audit and IT staff will continue to improve the recommendations/findings database so Audit can work with Senior Management as this is a divisional report. Management would like to make sure they have the correct access so they can go in and provide their input.

Mr. Stephens stated he is pleased to see staff working so well together.

Discussion regarding the summary of Audit consulting services to date

Eleazar Garcia, Chief Auditor, presented this informational item. This information is regarding the consulting activities staff conduct. Staff provided input concerning policy revisions or any other matters going on in the different divisions within TJJ. The most recent involvement is regarding a review of the youth in the McLennan Regional Treatment Center and work related to IT Governance.

Adjourn

The meeting was adjourned at 1:30 p.m.

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Elaine Mays, Chief Information Officer

Subject: Updates from the Chief Information Officer

Date: August 2015

This memo is for informational purposes; no formal Board action is required.

IT OPERATIONS & APPLICATIONS REPORT

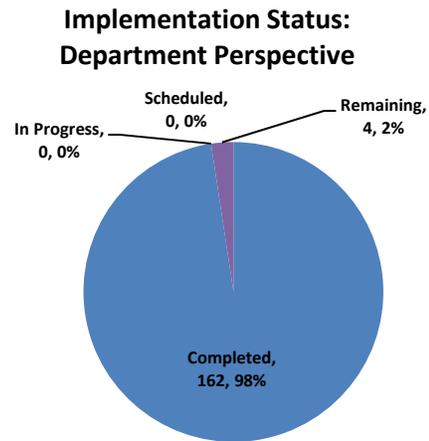
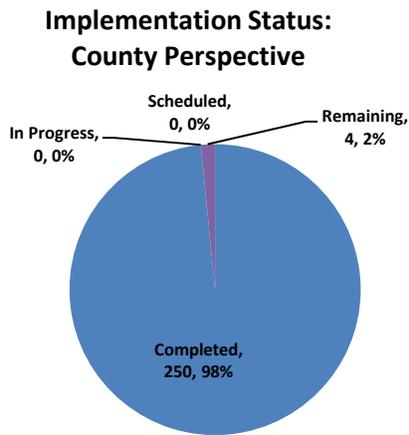
JCMS Implementation Status:

The JCMS implementation process has reached a final milestone. With the completion of the Go Live process at the end of July, we have completed the planned migrations of departments using the Caseworker system over to JCMS.Basic. There are now 162 juvenile departments representing 250 counties live in the JCMS application.

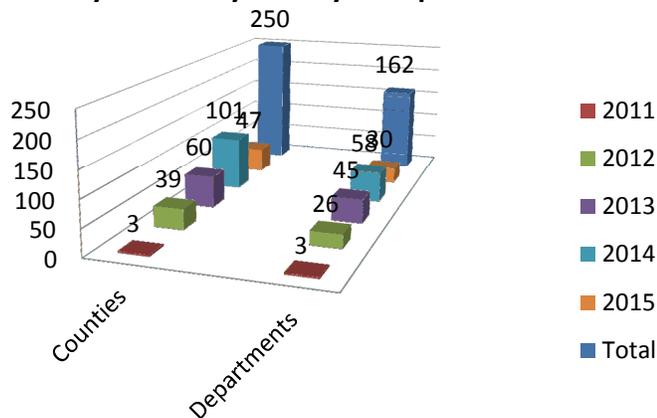
The implementation process has been completed ahead of schedule. It was initially targeted to be completed by the end of 2015, however that date was revised to August 31, 2015 to coincide with the end of the FY2014-2015 Biennium. The team has completed their implementation work ahead of even the revised schedule. The focus of this team will now shift to the operational support aspects of JCMS, including end-user training and developing enhanced data integrity processes on both the county and state side of the application.

The 33rd Judicial District (comprised of Burnet, Llano, San Saba, Gillespie and Blanco counties) was the final group to move from Caseworker to JCMS.Basic. Ninety-eight percent of the departments/counties across the state are now utilizing JCMS. Four departments remain on their legacy systems, 2 of which are Caseworker users. Due to the complexities of the technical environments in these counties and the tight integration they have between their various legacy applications, the migration of each will likely require the TechShare.Juvenile version of JCMS as opposed to JCMS.Basic and each will have to be handled separately should the department elect to convert to JCMS.

JCMS Implementation Summary Charts
(Through the end of July, 2015)



Yearly totals - by County & Department



Field IT Initiatives:

Radio Re-banding Initiative:

The radio re-banding project, which is reprogramming of the handheld radios and cell towers, is complete. A lot of work and team effort went into this project. A special thanks to Leonard Gray who worked hard to make the radio re-banding go smoothly, to Chris Simani for his effort to get the routing perfect and the entire field personnel.

Ron Jackson Fiber Installation:

Fiber installation is complete. This installation extends the agency's fiber network to the training building and the new training and transportation /HR buildings which have been connected over a wireless bridge. Due to the addition of people, computers and devices the current wireless bridge was unable to handle the heavier network traffic needs.

Live Scan Applicant submissions Update

DPS has requested that locations with live scan units have integrated cameras for records submissions. The agency continues to work with live scan vendor and DPS to determine when this new requirement will be active and what the agency needs to do to be compliant.

Houston District Office move / construction.

All technology is now working after construction. Special thanks to Mike Anderson and Mike Trdy for ensuring the Parole Officers were functional during and after renovation.

IT Operations:

Data Center Servers upgrades moving forward: The ongoing efforts to refresh the servers that make up the primary technical environment for TJJJ is moving into the next phase. Much of the effort to date has been on identification and planning, but the work of physically purchasing and deploying the hardware at both the TJJJ facilities and the state's Consolidated Data Center will now take center focus. Working closely with the Department of Information Resources and the providers of the Data Center Services environment, TJJJ has developed plans to refresh and replace the vast majority of our agency servers – both from a physical hardware perspective and a logical software environment. So far the agency has facilitated the needed refresh process within the existing Data Center Services funding.

The Telecommunications Team:

- Visiting all campuses to do system maintenance and introduce new staff.
- Reconfiguration of Austin Office Executive Area.

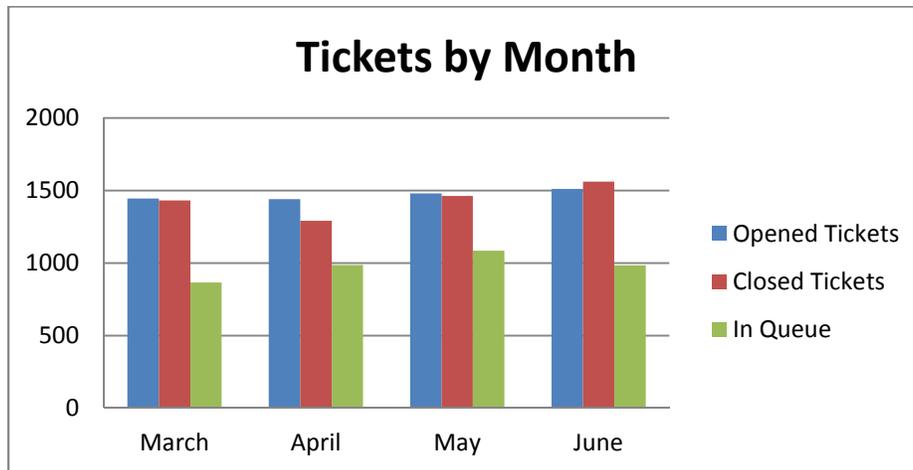
IT Applications:

The IT applications development group has released new applications and enhancements to existing applications, both of which provide increased benefits to agency staff. The following are highlights of the new functionality:

- Treatment Group Manager. Used by hundreds of caseworkers to track and report on youth specialized treatment therapy groups and lessons.
- Suicide Alert Database. Tracks and produces reports for youth suicide alert statuses.
- TCOOMMI Referrals System. Tracks and produces reports for youth referrals for TCOOMMI (Texas Correctional Office on Offenders with Medical or Mental Impairments) services.

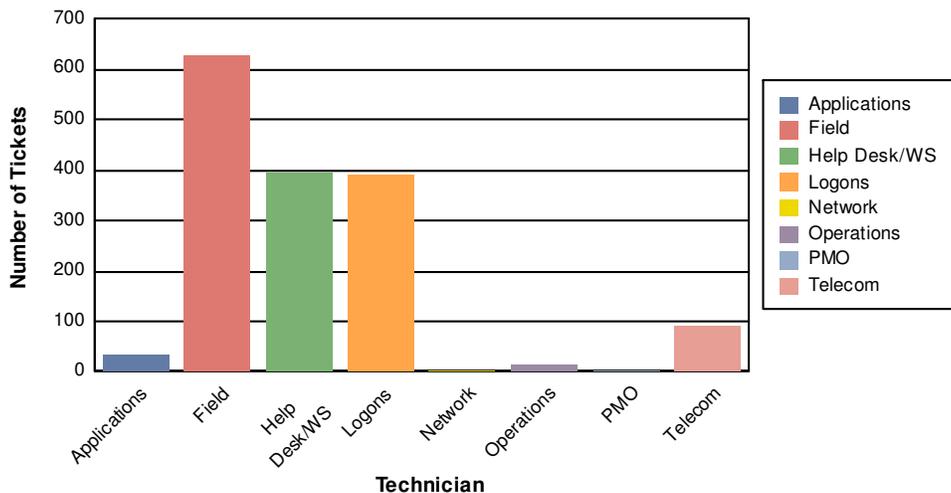
IT Staffing Changes: The Division continues to fill vacancies however progress has been slow over the past several months. We have filled some vacancies in our Field IT locations but still have a few positions to hire. Benjamin Brown has joined the team at Ron Jackson as part of IT support organization. Unfortunately, the end of the summer and fiscal year will bring the retirement of 3 senior IT developers: Ann MacEwan, Pearl Chang and Randy Martin will end their tenures as state employees on August 31, 2015. All have been long-term fixtures for the IT division and have made indelible marks on the organization. They will be greatly missed.

Help Desk Ticket Management:



Tickets Closed by Team

Month of June

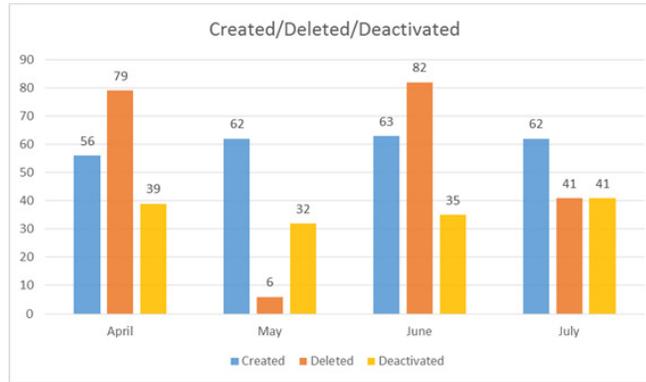


Information Technology Security Office:

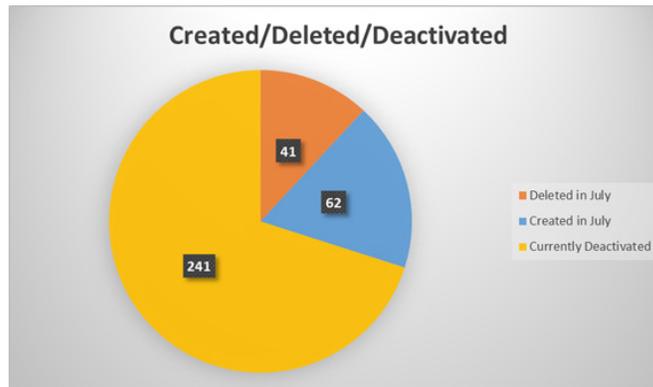
Account Management Team Highlights:

- Katrena Plummer continues to be essential in keeping the team caught up with logon / reactivation / deactivation requests.
- Terry Gaona continues to work diligently with mainframe database account cleanup effort. The M204 Student Banking database and Alleged Mistreatment (AIM) Old and New database cleanup has been completed, as well as the ICJ application accounts database. Terry has also completed an audit of active DCS admin accounts on the TJJ domain and removed all stale accounts.
- Sedric Taylor has begun implementing employee roles based on position using assigned access and data collected from the Access Control Matrix. Sedric also continues to work on a new combined logon request form using the Access Control Matrix data. He has also built a test identity management server based on an open-platform enterprise application.

Automatically Disabled Due to Inactivity vs Requests to Reactivate Disabled Accounts

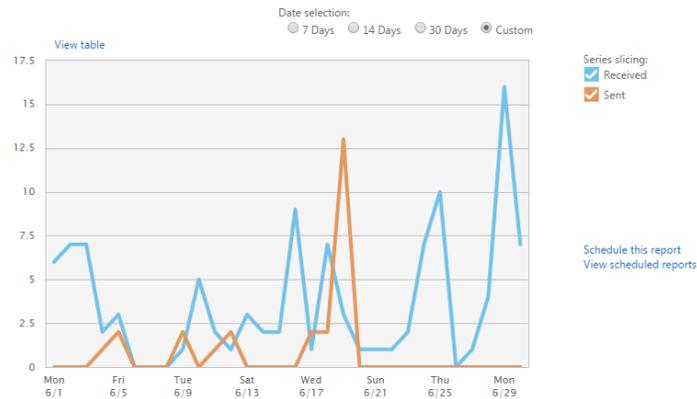


User Accounts Created VS User Accounts Deleted



Total Daily Malware Detections (June)

malware detections [🔗](#)

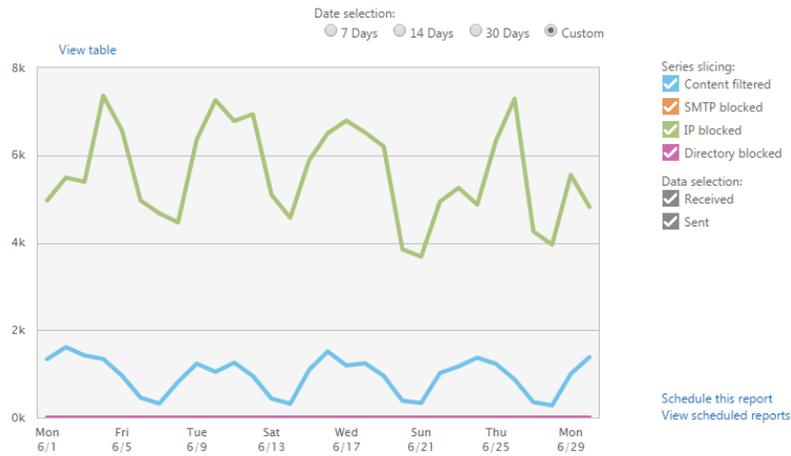


A peak of 16 emails received containing malware occurred on 6/29.

A peak of 13 outgoing emails was reported to contain malware on 6/19. All were found to be non-deliverable reports from the admin account back to external senders, and not originating from the internal network.

Total Daily Spam Detections (June)

spam detections [ⓘ]



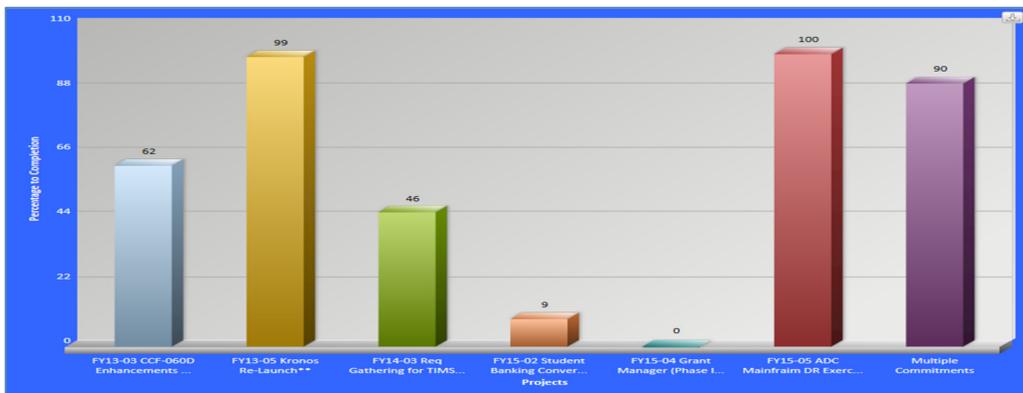
Green line = messages blocked based on IP addresses of known malware/spam identified by DIR and TJJD
Blue line = messages blocked based on rules matching email content

A peak of 7361 emails received from known bad IP addresses occurred 6/4.

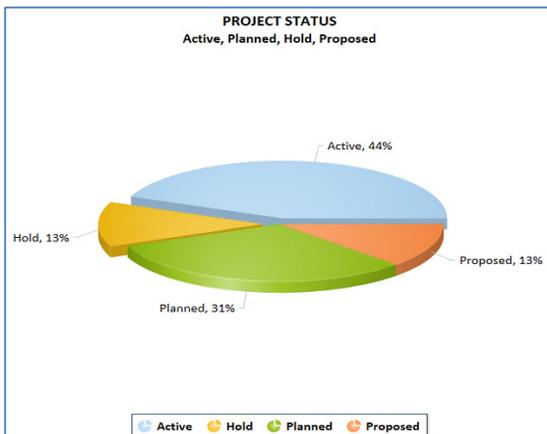
A peak of 1611 emails blocked due to content occurred 6/2.

Project Management:

Percentage to Completion of Active projects



Projects active, planned, proposed, and on hold



Active [44%] —7 projects

On Hold [13%] —2 projects

Planned [31%] —5 projects

Proposed [13%] —2 projects

Closed— 2 projects

Glossary

Information Systems/Technology Terms and Definitions

Applications Programmer: An individual who writes application programs in a user organization typically in one or more of the high level languages such as COBOL2, C++, CICS, DB2, FORTRAN, IDMS, Oracle CASE, Visual Basic, etc. Contrast with Systems Programming. Applications Programming does not include writing basic queries, macros or formulas for standard personal computer office support products (see Personal Computer Software).

Architecture: Refers to distinct aspects of the information systems environment, which are usually identified as (1) applications, (2) data, (3) organization or (4) technology.

Artificial Intelligence (AI): Refers to a subfield of computer science aimed at pursuing the possibility that a computer can be made to behave in ways humans recognize as “intelligent” (reasoning; learning).

CAD/CAM: Computer Assisted Design/Computer Assisted Modeling

CASE Tools: Computer Aided Software/Systems Engineering is a form of software that provides automated methods for designing and documenting traditional structured programming techniques.

Centralized Management Environment: A Majority of IT functions are located at one central location.

Client/Server: An information systems application which spans two or more platforms. Client/server applications have the following characteristics - the application is distributed into tasks, the tasks run on different computers and one of the computers is a programmable workstation.

Client: A type of information systems Customer. See information under “Customer” for more detail.

Complex: In the Information Systems (IS) occupational area, complicated and difficult work delineated by the variety of distinctive tools, applications, customers, platforms or other IS factors which an individual position has to comprehend and employ successfully to complete the assigned duties.

Compilers: A computer program that converts a higher level language to a machine language.

Customer: Refers to all entities which receive IS services. When used in the Information Systems Classification Specifications the term “customer” will include those persons or organizations which may also be called “client” and “user.” The terms “external” and “internal” may also be used to contract between customers inside and outside the work unit/division/agency.

Data Warehouse: The central repository where data from a number of productions systems and other sources is collected and stored for use in supporting information needs across an organization with a number of locations or offices.

Database Administration: The complete control of data by a Database Administrator, defining data via a Data Dictionary, and controlling the work flow through a data management system similar to IBM's Information Management System (IS).

DBMS: Database Management Systems.

Decentralized Management Environment: IT functions are distributed among functional or geographic units with only general guidance provided by a central authority.

Decision Support Systems: Systems that are designed to help managers evaluate and analyze complex situations.

DE: Electronic Data Interchange.

Environment: Environment is the framework or structure which includes all the elements that define an agency's information systems. These may include hardware, software, connectivity, data/information, procedures, standards, and/or people. Environment is the foundation on which architecture and technology rest in that order.

Expert Systems: A specialty within the field of Artificial Intelligence (AI). Computer programs, typically "rule based," that are intended to model the performance of a human expert in his or her specialized tasks.

External: For the purposes of these classification specifications, external means considerations outside of the work unit where a specific positions allocation is located.

4GL: Fourth generation language (e.g., Focus, Natural, Nomad).

GUI: Graphical User Interface.

High Level Language: For this specific definition, one source statement will generate one or more machine instructions and includes such languages as PASCAL, COBOL, PL/1, and FORTRAN. These languages are designed for problem solving without knowledge of the particular machine codes. Allows programmers to express operations in terms similar to a normal human language representation of a problem statement or procedures to be followed.

Information Systems (IS): The occupational area also referred to as Information Technology, which allows the acquisition, processing, storage, protection and dissemination of various types of information through computers. Positions in the Information Systems and Technology occupational area perform duties which require skills, techniques, and methodologies specifically linked to computer-based information systems.

Internal: For the purposes of these classification specifications, internal means considerations or contacts inside the work unit where a specific position is located.

Lead Worker: An individual who assigns and reviews the work of other positions as designated, but who is not assigned the full range of duties expected of a supervisor.

Local Area Network (LAN): A group of computers linked together so that they may communicate with one another and share resources. In this environment, users can access hard disk drives, printers and other peripherals and take advantage of special network services such as access to a mainframe system. All of these devices are shared and are available to anyone on the network.

Methodology: The detail as to how a particular operation or function is to be carried out. Methodology defines steps, processes, and linkages. Provides the information as to how the stages in a Systems Development Life Cycle will be carried out.

Network: The collection of communications hardware (wires, fiber optics, cables, routers, servers, hubs, boards, etc.); data communications software; workstations; printers and applications software connected together so that customers can access the same IS services and information from many locations. Networks come in many sizes and configurations.

New Technology: Technical innovations, changes, or additions which are not currently in general or wide-spread use. Technology which is not yet an industry standard.

On-line: Peripherals or terminals operating in direct interactive communication and under the control of the CPU via a communication channel.

Personal Computer (PC) Software: Personal Computer Software includes PC operating system software such as MS or PC-DOS, OS/2, Windows (Workgroups, NT, etc.). PC applications software includes standard office support products such as Word Processing (MS Word, WordPerfect, etc.), Spreadsheets (MS Excel, Lotus, Quattro Pro, etc.), Databases (MS Access, dBase III, etc.), Project Management (MS Project, TimeLine, etc.), Desktop Publishing (Pagemaker, Quark, etc.), Presentation (PowerPoint, Harvard Graphics, etc.), and Accounting (Peachtree, Quicken, etc.).

Platform: The computer layout including hardware, software, and interfaces through which information systems services are provided.

Procedures: The detailed steps in definite order used to accomplish a specific process.

Project: An approved, planned undertaking with IS staff assigned to meet a timeline for project completion with anticipated products and clearly defined goals and objectives. For example, a project may be implemented for the development of a new IS application with phases developed around the Systems Development Life Cycle.

Project Lead: The individual assigned as determined by workload requirements to provide oversight for a significant phase of an IS project with impacts outside of the agency or campus or of a specific IS project internal to the agency or campus. The Project Lead ensures time schedules are met and ensures work product uniformity among staff assigned to the project.

Project Manager: The individual appointed with the responsibility for coordinating the work of distinctive information systems team/s dedicated to specific IS project/s. The project manager, among other assigned duties, facilitates project

schedules, ensures technical uniformity and works with management to ensure adequate resources to meet project requirements and ensures the involvement of the appropriate IS customers.

Protocols: An agreed upon set of actions or rules that must be followed in order for a particular operation or function to occur. Protocols usually refer to a set of procedures for establishing and controlling data transmission. Protocols may be purchased.

Real-time: Transactions are processed as they occur rather than accumulating them and running them in batches. On-line processing is used for real-time systems; however, not all on-line processing is real-time.

Standards: Consistent ways of doing things or approved products throughout the IS environment, which are documented and followed, so that the outcome is uniform.

Systems Development Life Cycle (SDLC): The process used to establish a computer-based information system. Commonly divided into the following states: analysis, definition, design development, implementation, and evaluation.

Systems Software: The programs (electronic instructions) that are the principal support for all hardware, applications software, and people using the system. Systems software includes the operating system and other general-service programs and is distinctive from applications software.

Technology: Technology is one aspect of the IS environment. Technology includes the components of hardware, systems software, interfaces, and procedures which support the IS applications and data architectures and are supported by the organization's architecture.

Telecommunications: The electronic transfer of information from one location to another using analog and digital transmissions including data, voice and video.

Wide Area Network (WAN): A network which covers a broad geographic area. Data communications which link two or more geographically separated locations which may include at each node a Local Area Network (LAN).

Users: A type of 'customer.' See the definition for "customer" for more detail.

Walk Through: Usually refers to the review process which occurs between the information systems professional, management or customers at various points during the Systems Development Life Cycle (SDLC). Walk through may be used to describe a review process outside of the SDLC as well.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Mike Meyer, Chief Financial Officer

Subject: Updates from the Chief Financial Officer

Date: August 13, 2015

Division Updates. The following provides selected fiscal year (FY) 2015 highlights, accomplishments, and updates from each of the departments of the Finance Division.

All Departments

- TJJJ is completing a full year on the CAPPs Financials system. Now a veteran user, TJJJ staff are frequently contacted by employees from other agencies for advice and lessons learned.
- The Finance Division has undergone gradual restructuring of employee duties, with an emphasis on identifying efficiencies and opportunities for growth for existing staff. Several positions have been eliminated through attrition, with duties and salary redistributed across remaining employees.
- Through succession planning and cross training, the Division has reduced its significant staffing vulnerabilities from six to two.

Business Operations and Contracts

- All purchasers and contract specialists are now fully certified in their areas.
- By year end, staff will have processed over 10,000 requisitions and placed 9,000 purchase orders.
- Contract staff administer about 350 active contracts, including processing 170 renewals this summer.
- The staff has invested hundreds of hours to optimize the agency's use of the CAPPs system, making TJJJ a model user, as well as to assist and train staff across the agency.

Construction and Engineering

- TJJJ's long-time Construction Director, Art Hinojosa, retired at the end of June. The Finance Division is excited to welcome Steven Vargas to that post. The Department also welcomes Zachary Valdez in a construction project management role.
- The Construction staff was able to locate and address the source of a leak at the Corsicana campus, reducing the monthly water bill by 93.4 percent.
- All projects managed by the department in FY15 stayed within budget.
- Design work is in progress for projects supported by the agency's most recent bond appropriation.

Fiscal Affairs and Budget

- By year's end, Payroll will have processed over 13,000 personnel action related transactions totaling well over \$110 million, including accurately compensating approximately 2,500 employees each month.
- Accounts Payable provides timely and accurate accounting support to agency departments, including processing approximately 17,000 vouchers totaling over \$320 million.
- Budget was instrumental in the development and implementation of the CAPPs system, providing training and assistance throughout the transition. The group also succeeded in moving forward \$2.8 million in unexpended balances from FY14 to FY15, secured an indirect costs reimbursement rate for the first time in several years, and finished preparing FY16 budgets approximately two months earlier than was accomplished two years ago.

Research and Planning

- The department organized and hosted the 1.5 day Data Coordinators Conference for 230 participants from probation departments across the state, and separately trained 30 probation departments in community-based program development, implementation, and evaluation.
- Staff responded to over 300 requests for data and analysis from agency staff, advocates, the media, and the general public.
- The department provided data sets and technical assistance for eight major research projects, including three multi-year projects (the Traumatic Brain Injury project, Git Ready gang intervention programming evaluation, and the JJ-Trials project on substance abuse assessment and treatment).

Budget Workshop. At the end of July, TJJJ's Training Division organized and hosted the 2015 Post Legislative Conference and Budget Workshop in San Antonio. Topics ranged from the big picture policy direction of juvenile justice in Texas, to the impact of specific legislation, to the nitty-gritty of probation grants and data reporting for the upcoming biennium. Staff from across the agency helped plan, organize, carry out, present at, and attend the conference, making it a tremendous success of which all of TJJJ could be proud.

FY15 Expenditures and End-of-Year Funds. The Board will be provided with the July financial report no later than the meeting of the Finance and Audit Committee. Highlights from the report will be discussed at that meeting.

As a result of careful budget management by staff across the agency, Finance was able to identify available year-end funds to meet unbudgeted needs and to recognize staff with one-time merit pay. After accounting for needs in regular operations, allocations of additional funds were provided to Senior Directors for prioritization within their areas of responsibility, and a separate pool of funds was distributed by the Executive office to address agency-wide or cross-divisional needs.

Among the highlights, the agency was able to replace several youth transport vehicles that had become unsafe to operate, and to purchase the necessary equipment to expand the PAWS program across the agency. Several offices in Austin were reconfigured to accommodate staffing reorganization, and the agency purchased mobile computer equipment to assist the Administrative Investigations unit in doing field work. TJJJ purchased additional equipment for youth athletic teams, and 3-D printers for vocational education, and the agency was able to recognize the hard work of some of the lowest paid employees in the agency—such as food service, maintenance, and education support staff—through one-time merit pay.

Performance Measures. Third quarter output/efficiency measure highlights are presented at the end of this memo. Measures are grouped by those within 5 percent of the *General Appropriations Act* target, and those outside 5 percent of the target. Within each group, Probation measures appear first, followed by measures for State Programs and Facilities.

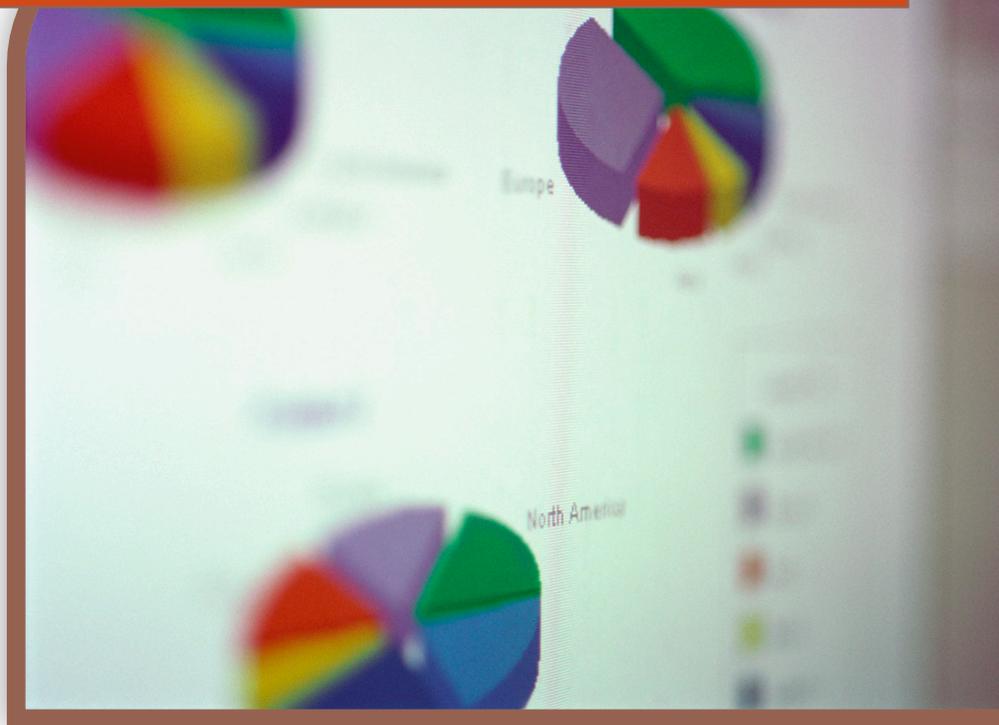
Additional updates will be provided at the meeting of the Finance and Audit Committee as they are available.

FY 2015 Third Quarter Performance Measure Highlights

Output/Efficiency Measures

Within 5% of the target:	Target	Actual	Pct of Target
ADP: Conditional Release	3,076	3,111.4	101.2%
ADP: Deferred Prosecution	6,758	6,773.2	100.2%
ADP: Court Ordered Probation	13,442	13,046.7	97.1%
ADP: State-Operated Corrections Facility	1,045.00	1,015.97	97.2%
ADA: JJD Operated Schools	1,030.00	982.02	95.3%
ADP: Gen Rehabilitation Treatment	1,110.00	1,157.78	104.3%
CPD: State-Operated Correctional Facility	\$201.00	\$200.41	99.7%
CPD: Health Care Services Cost	\$19.46	\$18.82	96.7%
CPD: Mental Health (PSYCH)	\$2.00	\$1.96	98.0%
Outside 5% of target			
ADP: Residential Placement	2,800.00	2,077.93	74.2%
ADP: Commitment Diversion Initiatives	2,800.00	1,462.50	52.2%
CPD: Basic Supervision	\$5.40	\$5.12	94.8%
CPD (State): Residential Placement	\$54.05	\$20.91	38.7%
CPD: Commitment Diversion	\$19.42	\$30.35	156.3%
ADP: Assessment/Orientation	100	79.97	80.0%
ADP: Halfway House Programs	196	127.93	65.3%
ADP: Specialized Treatment	1,000.00	883.77	88.4%
ADP: Contract Programs	78	93.86	120.3%
ADP: Parole	581	447.57	77.0%
CPD: Halfway Houses	\$131.73	\$191.62	145.5%
CPD: General Rehabilitation Treatment	\$16.79	\$18.34	109.2%
CPD: Specialized Treatment	\$15.68	\$14.34	91.5%
CPD: Contract Capacity	\$141.89	\$113.31	79.9%
CPD: Parole	\$18.34	\$21.91	119.5%

Texas Juvenile Justice Department Financial Report FY 2015 through July 2015





Texas Juvenile Justice Department

TJJD Budget Status Highlights FY 2015 through July 31, 2015

- ◆ **Population:** As of the end of July 2015, TJJD's institutional Average Daily Population (ADP) was as follows:

	GAA* Target	Close of Business, 7.31.2015			Fiscal Year-to-Date		
		Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	1,045	1,044	(1)	(0.1%)	1,020.8	(24.3)	(2.3%)
Halfway Houses	196	157	(39)	(19.9%)	133.0	(62.9)	(32.1%)
Contract Care	78	102	24	30.8%	94.5	16.5	21.1%
Total	1,319	1,303	(16)	(1.2%)	1,248.3	(70.7)	(5.4%)

These figures present a year-to-date total residential population that is below projections, and a current total that is below projections by a lesser margin. This is reflective of an increase in residential population in the second half of the year. These figures indicate limited remaining capacity in state facilities. With regard to halfway houses and contract care, the figures above show a greater use of contract beds than originally projected, and a lesser use of halfway house beds, though the use of halfway house beds has recently increased.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of July totaled \$291.9 million, including \$274.5 million in General Revenue. The following table shows how year-to-date expenditures compare to the agency's amended budget.

Expenditures as a Percentage of Amended Budget	All Goals	Goals B-E
General Revenue Only	93.0%	86.4%
All Methods of Finance	88.6%	82.7%

If monthly expenditures were even throughout the fiscal year we would expect the figures above to be 91.6 percent. Spending was below this threshold in all areas except for "All Goals" / General Revenue. This is because "All Goals" figures include probation grant distributions which are greater early in the fiscal year and predominately affect General Revenue. Looking at non-grant activities (Goals B-E), total expenditures were well within expectations. Expenditures are likely to uptick in August due to year end purchases, but will remain within available funds.

- ◆ **FTEs and Overtime:** TJJD's appropriated and budgeted full-time equivalent (FTE) caps are 2,855.1 and 2,831.1, respectively. Actual FTEs as July 31st were 2,439.43 which is 415.67 below the GAA* cap and 391.67 below the budgeted FTE cap. The agency expended \$3.3 million in overtime through the end of July, or 125.7 percent of the current budget for this purpose. Juvenile Correctional Officers accounted for 91.2 percent of overtime spent.
- ◆ **Construction Projects:** All appropriations from repair and rehabilitation funding provided by the 81st Legislature has been allocated to projects. TJJD staff is concluding negotiations for architecture and engineering services for \$5.5 million in new projects funded by the 83rd Legislature. The agency expects to begin construction on some projects before the end of the fiscal year.

* General Appropriations Act

Average Daily Population
Through July 31, 2015
FY 2015

Facility	Actual											
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
Corsicana State Home												
Evins Regional Center	132	131	129	130	132	130	126	125	130	129	136	
Gainesville State School	255	244	246	243	244	244	234	229	227	236	241	
Giddings State School	209	211	213	209	204	200	199	205	196	197	201	
McLennan County SJCF	256	262	250	253	248	239	245	249	256	273	269	
Ron Jackson Unit I	173	186	195	182	169	188	196	206	212	206	197	
Total, Institutions	1,025	1,034	1,033	1,018	997	1,000	1,000	1,014	1,021	1,041	1,044	
Halfway Houses	120	123	132	123	116	118	134	140	146	152	157	
Total, TJJJ Operated Facilities	1,145	1,157	1,165	1,141	1,113	1,118	1,134	1,154	1,167	1,193	1,201	
Contract Care ADP	94	95	97	97	93	92	94	93	90	92	102	
TOTAL BUDGETED ADP	1,239	1,253	1,262	1,238	1,206	1,210	1,228	1,247	1,257	1,285	1,303	
GAA Population Targets	1,319	1,319	1,319	1,319	1,319	1,319	1,319	1,319	1,319	1,319	1,319	
Over (Under)	-80	-66	-57	-81	-113	-109	-91	-72	-62	-34	-16	
Parole Services ADP	472	458	451	453	457	459	436	419	399	397	389	
GAA Population Targets	581	581	581	581	581	581	581	581	581	581	581	
Over (Under)	-109	-123	-130	-128	-124	-122	-145	-162	-182	-184	-192	

Executive Summary by Strategy
Through July 31, 2015
FY 2015

		General Appropriations Act	Amended Budget	Expended/ Disbursed ² YTD	% Expended
<u>Strategies:</u>					
A.1.1	Prevention and Intervention	3,092,556	3,029,424	2,738,595	90.4%
A.1.2	Basic Supervision	45,844,595	46,274,609	45,262,125	97.8%
A.1.3	Community Programs	13,096,891	12,843,805	8,299,378	64.6%
A.1.4	Pre and Post Adjudication Facilities	59,733,847	59,645,447	59,385,942	99.6%
A.1.5	Commitment Diversion Programs	19,846,054	19,803,262	19,792,845	99.9%
A.1.6	JJAEP	8,614,302	8,614,302	6,130,750	71.2%
A.1.7	Mental Health Services	12,804,748	12,729,643	12,669,161	99.5%
B.1.1	Assessment & Orientation	1,804,161	1,967,620	1,725,594	87.7%
B.1.2	Facility Operations	76,665,848	78,812,718	69,900,210	88.7%
B.1.3	Education	16,953,047	16,742,780	13,024,928	77.8%
B.1.4	Halfway House Operations	9,423,608	9,813,542	8,456,289	86.2%
B.1.5	Health Care	9,645,738	9,059,631	7,440,370	82.1%
B.1.6	Mental Health (Psychiatric) Care	989,150	917,136	741,595	80.9%
B.1.7	General Rehabilitation Treatment	6,802,468	8,310,849	7,290,005	87.7%
B.1.8	Specialized Rehabilitation Treatment	5,724,350	5,210,022	4,360,804	83.7%
B.1.9	Contract Capacity	4,039,750	4,482,760	3,562,879	79.5%
B.1.10	Parole Services	3,889,053	4,270,904	3,372,367	79.0%
B.2.1	Office of the Inspector General	2,022,196	2,271,874	2,004,410	88.2%
B.2.2	Health Care Oversight	1,124,604	1,034,613	792,830	76.6%
B.3.1	Construct & Renovate Facilities	-	5,500,000	1,204	0.0%
C.1.1	Office of the Independent Ombudsman	438,831	541,456	436,997	80.7%
D.1.1	Training and Certification	963,585	1,462,225	1,198,054	81.9%
D.1.2	Monitoring and Inspections	3,335,906	3,318,524	2,923,694	88.1%
D.1.3	Interstate Agreement	283,998	217,793	191,020	87.7%
E.1.1	Central Administration	6,735,362	6,899,708	5,935,381	86.0%
E.1.2	Information Resources	5,429,686	5,546,918	4,244,512	76.5%
TOTAL - Strategy Budget		\$319,304,334	\$329,321,565	\$291,881,939	88.6%
<u>Method of Finance:</u>					
	General Revenue	290,632,958	295,167,203	274,468,320	93.0%
	Federal Funds	13,196,661	13,429,643	6,744,983	50.2%
	Criminal Justice Grants	-	77,489	46,894	60.5%
	General Obligation Bonds	-	5,500,000	1,204	0.0%
	Appropriated Receipts	1,628,913	1,456,428	38,619	2.7%
	Interagency Contracts	13,845,802	13,690,802	10,581,919	77.3%
TOTAL - Method of Finance		\$319,304,334	\$329,321,565	\$291,881,939	88.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 91.6% for July.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas \geq (greater than or equal to) 96.3%.

Executive Summary by Strategy and Method of Finance
Through July 31, 2015
FY 2015

		General Appropriation Act	Amended Budget	Expended/ Disbursed/ YTD	% Expended
<u>Strategies:</u>					
A.1.1. Prevention and Intervention					
	General Revenue	3,092,556	3,029,424	2,738,595	
	Subtotal	3,092,556	3,029,424	2,738,595	90.4%
A.1.2. Basic Supervision					
	General Revenue	44,694,595	45,124,609	45,262,125	
	Appropriated Receipts	1,150,000	1,150,000	-	
	Subtotal	45,844,595	46,274,609	45,262,125	97.8%
A.1.3. Community Programs					
	General Revenue	6,096,891	5,943,891	5,937,209	
	Federal Funds	7,000,000	6,899,914	2,362,169	
	Subtotal	13,096,891	12,843,805	8,299,378	64.6%
A.1.4. Pre and Post Adjudication Facilities					
	General Revenue	59,733,847	59,645,447	59,385,942	
	Subtotal	59,733,847	59,645,447	59,385,942	99.6%
A.1.5. Commitment Diversion Initiatives					
	General Revenue	19,846,054	19,803,262	19,792,845	
	Subtotal	19,846,054	19,803,262	19,792,845	99.9%
A.1.6. JJAEP					
	Interagency Contracts	8,614,302	8,614,302	6,130,750	
	Subtotal	8,614,302	8,614,302	6,130,750	71.2%
A.1.7. Mental Health Services					
	General Revenue	12,804,748	12,729,643	12,669,161	
	Subtotal	12,804,748	12,729,643	12,669,161	99.5%
B.1.1. Assessment, Orientation, Placement					
	General Revenue	1,804,161	1,967,620	1,725,594	
	Subtotal	1,804,161	1,967,620	1,725,594	87.7%
B.1.2. State Operated Secure Operations					
	General Revenue	74,253,249	76,664,532	68,203,386	
	Federal Funds	2,028,686	2,028,686	1,661,652	
	Appropriated Receipts	383,913	119,500	35,172	
	Subtotal	76,665,848	78,812,718	69,900,210	88.7%
B.1.3. Education					
	General Revenue	10,402,547	9,388,137	7,601,496	
	Federal Funds	2,010,000	2,969,143	1,530,056	
	Interagency Contracts	4,540,500	4,385,500	3,893,376	
	Subtotal	16,953,047	16,742,780	13,024,928	77.8%

Executive Summary by Strategy and Method of Finance
Through July 31, 2015
FY 2015

<u>Strategies:</u>	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.4. Halfway House Operations				
General Revenue	9,023,633	9,403,167	8,276,487	
Federal Funds	399,975	399,975	176,355	
Appropriated Receipts		10,400	3,447	
Subtotal	9,423,608	9,813,542	8,456,289	86.2%
B.1.5. Health Care				
General Revenue	9,645,738	9,059,631	7,440,370	
Subtotal	9,645,738	9,059,631	7,440,370	82.1%
B.1.6. Mental Health (Psychiatric) Care				
General Revenue	989,150	917,136	741,595	
Subtotal	989,150	917,136	741,595	80.9%
B.1.7. General Rehabilitation Treatment				
General Revenue	6,802,468	8,288,152	7,272,762	
Federal Funds	-	22,697	17,243	
Subtotal	6,802,468	8,310,849	7,290,005	87.7%
B.1.8. Specialized Rehabilitation Treatment				
General Revenue	5,033,350	4,519,022	3,803,011	
Interagency Contracts	691,000	691,000	557,793	
Subtotal	5,724,350	5,210,022	4,360,804	83.7%
B.1.9. Contract Capacity				
General Revenue	2,281,750	3,539,466	2,813,681	
Federal Funds	1,758,000	943,294	749,198	
Subtotal	4,039,750	4,482,760	3,562,879	79.5%
B.1.10. Parole Services				
General Revenue	3,889,053	4,205,056	3,308,566	
Federal Funds	-	65,848	63,801	
Subtotal	3,889,053	4,270,904	3,372,367	79.0%
B.2.1. Office of the Inspector General				
General Revenue	2,022,196	2,271,874	2,004,410	
Subtotal	2,022,196	2,271,874	2,004,410	88.2%
B.2.2. Health Care Oversight				
General Revenue	1,124,604	1,034,613	792,830	
Subtotal	1,124,604	1,034,613	792,830	76.6%
B.3.1. Construct & Renovate Facilities				
General Obligation Bonds	-	5,500,000	1,204	
Subtotal	-	5,500,000	1,204	0.0%
C.1.1. Office of the Independent Ombudsman				
General Revenue	438,831	463,967	390,103	
Criminal Justice Grants	-	77,489	46,894	
Subtotal	438,831	541,456	436,997	80.7%

Executive Summary by Strategy and Method of Finance
Through July 31, 2015
FY 2015

		General Appropriation Act	Amended Budget	Expended/ Disbursed/ YTD	% Expended
<u>Strategies:</u>					
D.1.1. Training and Certification					
	General Revenue	868,585	1,285,697	1,198,054	
	Appropriated Receipts	95,000	176,528	-	
	Subtotal	963,585	1,462,225	1,198,054	81.9%
D.1.2. Monitoring and Inspections					
	General Revenue	3,335,906	3,218,438	2,739,185	
	Federal Funds	-	100,086	184,509	
	Subtotal	3,335,906	3,318,524	2,923,694	88.1%
D.1.3. Interstate Agreement					
	General Revenue	283,998	217,793	191,020	
	Subtotal	283,998	217,793	191,020	87.7%
E.1.1. Central Administration					
	General Revenue	6,735,362	6,899,708	5,935,381	
	Subtotal	6,735,362	6,899,708	5,935,381	86.0%
E.1.2. Information Resources					
	General Revenue	5,429,686	5,546,918	4,244,512	
	Subtotal	5,429,686	5,546,918	4,244,512	76.5%
	Total - Strategy Budget	319,304,334	329,321,565	291,881,939	88.6%
<u>Method of Finance:</u>					
	General Revenue	290,632,958	295,167,203	274,468,320	93.0%
	Federal Funds	13,196,661	13,429,643	6,744,983	50.2%
	Criminal Justice Grants	-	77,489	46,894	60.5%
	General Obligation Bonds	-	5,500,000	1,204	0.0%
	Appropriated Receipts	1,628,913	1,456,428	38,619	2.7%
	Interagency Contracts	13,845,802	13,690,802	10,581,919	77.3%
	Total - Method of Finance	319,304,334	329,321,565	\$291,881,939	88.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 91.6% for July.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas \geq (greater than or equal to) 96.3%.

Executive Summary by Location
Through July 31, 2015
FY 2015

<u>Location/Program:</u>	<u>Amended Budget</u>	<u>Expended/ Disbursed YTD</u>	<u>% Expended</u>
Ron Jackson State School	20,161,112	18,092,798	89.7%
Gainesville State School	18,672,312	16,521,471	88.5%
Giddings State School	20,074,695	17,909,448	89.2%
Evins Regional State School	15,147,993	13,420,530	88.6%
Corsicana State School	352,454	294,453	83.5%
McLennan Cnty State School	21,197,037	18,599,017	87.7%
McLennan Cnty State Treatment Center	7,100,670	6,409,589	90.3%
Phoenix Facility	1,842,978	1,681,996	91.3%
Subtotal - State-Operated Secure Facilities	\$104,549,251	\$92,929,302	88.9%
Halfway House Operations	10,924,680	9,530,900	87.2%
Contract Care	4,658,059	3,673,550	78.9%
Parole	3,992,190	3,217,051	80.6%
County Disbursements	161,606,694	153,472,148	95.0%
Austin Office ³	43,590,691	29,058,988	66.7%
TOTAL	\$329,321,565	\$291,881,939	88.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 91.6% for April.

2. Red represents areas \geq (greater than or equal to) 96.3%.

3. Central Office includes expenses related to direct and indirect administrative functions, construction and capital projects, closed facilities, and other statewide administrative costs such as unemployment, worker's compensation and contingency.

Executive Summary by Strategy and Program
Through July 31, 2015
FY 2015

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
A.1.1 Prevention and Intervention			
Grants	2,650,626	2,650,626	100.0%
Austin Office	96,468	85,714	88.9%
Contingency	279,147	-	0.0%
SORM / Unemployment	3,183	2,255	70.8%
Subtotal - Strategy	3,029,424	2,738,595	90.4%
A.1.2 Basic Supervision			
County Refunds	1,150,000	-	0.0%
Subtotal - Strategy	46,274,609	45,262,125	97.8%
A.1.3 Community Programs			
Title IV-E	6,899,914	2,362,169	34.2%
Subtotal - Strategy	12,843,805	8,299,378	64.6%
A.1.4 Pre and Post Adjudication Facilities			
JCMS	955,000	718,679	75.3%
Subtotal - Strategy	59,645,447	59,385,942	99.6%
A.1.5 Commitment Diversion Programs			
	19,803,262	19,792,845	99.9%
A.1.6 JJAEP			
County Grants	8,614,302	6,130,750	#DIV/0! 71.2%
Subtotal - Strategy	8,614,302	6,130,750	71.2%
A.1.7 Mental Health Services			
	12,729,643	12,669,161	99.5%
B.1.1 Assessment & Orientation			
Ron Jackson Unit Girls	122,427	106,908	87.3%
Ron Jackson Unit Boys	1,643,362	1,480,027	90.1%
Automated Assessment - Assessment.com	99,934	93,308	93.4%
Contingency	36,436	-	0.0%
SORM / Unemployment	65,461	45,351	69.3%
Subtotal - Strategy	1,967,620	1,725,594	87.7%
B.1.2 Facility Operations			
Ron Jackson Unit I	12,892,561	11,553,924	89.6%
Gainesville State School	13,120,204	11,749,265	89.6%
Giddings State School	14,312,093	12,903,949	90.2%
Evins Regional Juvenile Center	10,895,838	9,761,276	89.6%
Corsicana Treatment Center	352,454	294,453	83.5%
Mart Complex	14,582,801	13,153,259	90.2%
MTC	5,557,040	5,023,271	90.4%
Phoenix Program	1,420,539	1,299,705	91.5%
Austin Office	2,340,542	1,698,446	72.6%
Regions	323,741	285,990	88.3%
Riders	119,501	35,172	29.4%
Data Center Services	418,030	418,030	100.0%
Contingency	102,961	-	0.0%
SORM / Unemployment	2,374,413	1,723,470	72.6%
Subtotal - Strategy	78,812,718	69,900,210	88.7%

Executive Summary by Strategy and Program
Through July 31, 2015
FY 2015

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.3 Education			
Ron Jackson Unit I	1,900,916	1,651,287	86.9%
Gainesville State School	2,302,246	1,905,345	82.8%
Giddings State School	2,319,170	2,073,798	89.4%
Evins Regional Juvenile Center	1,735,693	1,537,737	88.6%
Mart Complex	2,054,005	1,827,495	89.0%
MTC	1,151,537	1,049,171	91.1%
Federal Education Grants	2,945,478	1,512,307	51.3%
Halfway House Services	132,798	114,546	86.3%
Phoenix Program	213,994	193,652	90.5%
Parole	123,414	108,779	88.1%
Austin Office	905,666	604,779	66.8%
Contingency	324,775		0.0%
SORM / Unemployment	633,088	446,032	70.5%
Subtotal - Strategy	16,742,780	13,024,928	77.8%
B.1.4 Halfway House Operations			
Halfway House Services	9,370,194	8,259,937	88.2%
Riders	10,400	3,447	33.1%
Contingency	175,403	-	0.0%
SORM / Unemployment	257,545	192,905	74.9%
Subtotal - Strategy	9,813,542	8,456,289	86.2%
B.1.5 Health Care			
Ron Jackson Unit I	1,990,789	1,895,379	95.2%
Gainesville State School	1,519,097	1,317,371	86.7%
Giddings State School	1,359,569	1,150,606	84.6%
Evins Regional Juvenile Center	1,343,514	1,071,802	79.8%
Mart Complex	2,490,180	1,755,589	70.5%
Halfway House Services	194,508	139,305	71.6%
Contract Care Services	161,974	110,318	68.1%
Subtotal - Strategy	9,059,631	7,440,370	82.1%
B.1.6 Mental Health (Psychiatric) Care			
Ron Jackson Unit I	175,001	156,761	89.6%
Gainesville State School	95,001	79,984	84.2%
Giddings State School	50,000	35,226	70.5%
Evins Regional Juvenile Center	43,861	25,844	58.9%
Mart Complex	344,101	317,147	92.2%
Halfway House Services	90,007	43,288	48.1%
Contract Care Services	118,853	83,345	70.1%
Contingency	312	-	0.0%
Subtotal - Strategy	917,136	741,595	80.9%
B.1.7 General Rehabilitation Treatment			
Ron Jackson Unit I	837,050	754,325	90.1%
Gainesville State School	1,344,363	1,206,607	89.8%
Giddings State School	1,119,694	993,042	88.7%
Evins Regional Juvenile Center	938,203	851,150	90.7%
Mart Complex	1,074,582	972,942	90.5%
MTC	369,800	337,147	91.2%
Phoenix Program	208,445	188,639	90.5%
Contract Care Services	842,136	674,544	80.1%
Halfway House Services	490,821	438,412	89.3%
HOGG	22,697	17,243	76.0%
Austin Office	747,481	667,789	89.3%
Contingency	53,357	-	0.0%
SORM / Unemployment	262,220	188,165	71.8%
Subtotal - Strategy	8,310,849	7,290,005	87.7%

Executive Summary by Strategy and Program
Through July 31, 2015
FY 2015

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.8 Specialized Rehabilitation Treatment			
Ron Jackson Unit I	462,636	400,879	86.7%
Gainesville State School	291,401	262,899	90.2%
Giddings State School	914,169	752,827	82.4%
Evins Regional Juvenile Center	190,884	172,721	90.5%
Mart Complex	651,368	572,585	87.9%
MTC	819,761	730,457	89.1%
Contract Care Services	22,293	-	0.0%
Halfway House Services	646,352	535,412	82.8%
Austin Office	285,016	254,396	89.3%
DSHS	691,000	557,793	80.7%
Contingency	60,881	-	0.0%
SORM / Unemployment	174,261	120,835	69.3%
	5,210,022	4,360,804	83.7%
B.1.9 Contract Capacity			
Contract Care Administration/Residential	3,512,803	2,805,343	79.9%
Title IV-E Contract Care	892,878	705,937	79.1%
Title IV-E - Austin Office	48,802	42,051	86.2%
Contingency	14,819	-	0.0%
SORM / Unemployment	13,458	9,548	70.9%
Subtotal - Strategy	4,482,760	3,562,879	79.5%
B.1.10 Parole Services			
Parole	3,868,776	3,108,272	80.3%
PBIS	169,351	138,986	82.1%
GitRedy Grant - OJJDP	65,848	63,801	96.9%
Contingency	80,458	-	0.0%
SORM / Unemployment	86,471	61,308	70.9%
Subtotal - Strategy	4,270,904	3,372,367	79.0%
B.2.1 Office of the Inspector General			
Office of Inspector General	2,206,848	1,958,887	88.8%
Contingency	850	-	0.0%
SORM / Unemployment	64,176	45,523	70.9%
Subtotal - Strategy	2,271,874	2,004,410	88.2%

Executive Summary by Strategy and Program
Through July 31, 2015
FY 2015

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.2.2 Health Care Oversight			
Austin Office	924,823	770,783	83.3%
Contingency	78,712	-	0.0%
SORM / Unemployment	31,078	22,047	70.9%
Subtotal - Strategy	1,034,613	792,830	76.6%
B.3.1 Construct & Renovate Facilities			
Repair and Rehab	5,500,000	1,204	0.0%
Subtotal - Strategy	5,500,000	1,204	0.0%
C.1.1 Office of the Independent Ombudsman			
Austin Office	449,713	380,374	84.6%
CJD - OIO Expanded Services	77,489	46,894	60.5%
Contingency	540	-	0.0%
SORM / Unemployment	13,714	9,729	70.9%
Subtotal - Strategy	541,456	436,997	80.7%
D.1.1 Training and Certification			
Training and Certification	1,423,357	1,171,436	82.3%
Contingency	1,341	-	0.0%
SORM / Unemployment	37,527	26,618	70.9%
Subtotal - Strategy	1,462,225	1,198,054	81.9%
D.1.2 Monitoring and Inspections			
Monitoring and Inspection	3,118,204	2,664,432	85.4%
Title IV-E	100,086	184,509	184.4%
Contingency	182	-	0.0%
SORM / Unemployment	100,052	74,753	74.7%
Subtotal - Strategy	3,318,524	2,923,694	88.1%
D.1.3 Interstate Agreement			
Interstate Compact	208,397	186,044	89.3%
Contingency	2,380	-	0.0%
SORM / Unemployment	7,016	4,976	70.9%
Subtotal - Strategy	217,793	191,020	87.7%
E.1.1 Central Administration			
Austin Office	6,687,634	5,787,634	86.5%
Contingency	13,417	-	0.0%
SORM / Unemployment	198,657	147,747	74.4%
Subtotal - Strategy	6,899,708	5,935,381	86.0%
E.1.2 Information Resources			
Management Information Resources	3,334,703	2,817,340	84.5%
Data Center Services	1,657,960	1,051,991	63.5%
JCMS	375,000	300,000	80.0%
Contingency	66,266	-	0.0%
SORM / Unemployment	112,989	75,181	66.5%
Subtotal - Strategy	5,546,918	4,244,512	76.5%
TOTAL - TJJD	329,321,565	291,881,939	88.6%

Executive Summary by Strategy and Program
Through July 31, 2015
FY 2015

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<i>Method of Finance:</i>			
General Revenue	295,167,203	274,468,320	93.0%
Federal Funds	13,429,643	6,744,983	50.2%
Criminal Justice Grants	77,489	46,894	60.5%
General Obligation Bonds	5,500,000	1,204	0.0%
Appropriated Receipts	1,456,428	38,619	2.7%
Interagency Contracts	13,690,802	10,581,919	77.3%
TOTAL - Method of Finance	329,321,565	\$291,881,939	88.6%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD *	% Expended
Goal A: Community Juvenile Justice	162,940,492	154,278,796	94.7%
Goal B: State Services and Facilities	148,394,449	122,673,485	82.7%
Goal C: Office of the Independent Ombudsman	541,456	436,997	80.7%
Goal D: Juvenile Justice System	4,998,542	4,312,768	86.3%
Goal E: Indirect Administration	12,446,626	10,179,893	81.8%
TOTAL - Goal Summary	329,321,565	291,881,939	88.6%

1. The normal range is +/- 5% of the straight-line projection of 91.6% for July.
2. Red represents areas greater than or equal to 70%

FTE/Staffing Report
Through July 31, 2015
FY 2015

Facility	JCOs			Case Managers			Education			All Other			TOTAL TJJD		
	USPS	Mon FTE	Vacant	USPS	Mon FTE	Vacant	USPS	Mon FTE	Vacant	USPS	Mon FTE	Vacant	USPS	Mon FTE	Vacant
Ron Jackson I	248.00	226.46	21.54	30.00	26.00	4.00	31.00	26.00	5.00	110.00	99.00	11.00	419.00	377.46	41.54
Al Price	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gainesville	250.60	206.67	43.93	29.00	26.22	2.78	43.00	34.00	9.00	85.00	76.33	8.67	407.60	343.22	64.38
Giddings	277.60	235.20	42.40	25.00	20.09	4.91	43.00	36.04	6.96	97.50	84.50	13.00	443.10	375.83	67.27
Evins	179.00	159.26	19.74	16.00	16.00	-	30.00	24.00	6.00	75.00	64.87	10.13	300.00	264.13	35.87
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corsicana	-	-	-	-	-	-	-	-	-	3.00	3.00	-	3.00	3.00	-
McLennan	407.00	337.00	70.00	43.00	40.00	3.00	64.00	54.00	10.00	141.00	122.99	18.01	655.00	553.99	101.01
Halfway Houses	129.00	119.00	10.00	21.00	18.00	3.00	-	-	-	63.00	51.00	12.00	213.00	188.00	25.00
Contract Care	-	-	-	-	-	-	-	-	-	8.00	5.00	3.00	8.00	5.00	3.00
Parole	-	-	-	-	-	-	-	-	-	56.00	47.00	9.00	56.00	47.00	9.00
Inspector General Regions	-	-	-	-	-	-	-	-	-	23.00	21.00	2.00	23.00	21.00	2.00
Central Office Regions	-	-	-	-	-	-	-	-	-	3.00	4.00	(1.00)	3.00	4.00	(1.00)
Central Office	-	-	-	-	-	-	1.00	1.00	-	297.30	255.80	41.50	298.30	256.80	41.50
TOTAL	1,491.20	1,283.59	207.61	164.00	146.31	17.69	212.00	175.04	36.96	961.80	834.49	127.31	2,829.00	2,439.43	389.57

Summary by Month:	USPS	Actual	Vacant
September	2,824.60	2,462.69	361.91
October	2,827.10	2,415.17	411.93
November	2,829.10	2,484.65	344.45
December	2,824.10	2,450.13	373.97
January	2,825.60	2,486.04	339.56
February	2,836.60	2,491.15	345.45
March	2,824.00	2,492.09	331.91
April	2,825.00	2,468.52	356.48
May	2,823.00	2,505.17	317.83
June	2,825.00	2,500.30	324.70
July	2,829.00	2,439.43	389.57
August			

General Appropriations Act (GAA) FTE CAP	2,855.10
Under/(Over) GAA FTE CAP	415.67
Budgeted FTE CAP	2,831.10
Under/(Over) Budgeted FTE CAP	391.67

Overtime Budget and Expenditure
Through July 31, 2015
FY 2015

Facility	Original Budget	Budget Amendments	Amended Budget	Expended JCOs	Expended Non-JCOs	Total Expended	Balance	% Expended
Ron Jackson Unit I (21)	350,000	-	350,000	270,774	26,029	296,803	53,197	84.8%
Gainesville State School (24)	350,000	-	350,000	509,457	72,208	581,665	(231,665)	166.2%
Giddings State School (25)	500,000	-	500,000	458,210	44,110	502,320	(2,320)	100.5%
Evins Regional Juvenile Center (27)	500,000	-	500,000	777,786	49,011	826,797	(326,797)	165.4%
Corsicana Treatment Center (31)	-	-	-	-	739	739	(739)	
McLennan Cnty State Juv Corr Facility (34)	800,000	-	800,000	968,329	58,737	1,027,067	(227,067)	128.4%
Halfway Houses (51-61)	160,000	-	160,000	84,127	21,305	105,432	54,568	65.9%
Central Office (11)	-	-	-	-	12,498	12,498	(12,498)	
Service Regions (41-44)	-	-	-	-	7,962	7,962	(7,962)	
Office of Inspector General (Field)	15,000	-	15,000	-	2,195	2,195	12,805	14.6%
TOTAL	2,675,000	-	2,675,000	3,068,683	294,794	3,363,477	(688,477)	125.7%

NOTES:

1. The normal range is +/- 5% of the straight-line projection of 91.6% for July.
2. Red represents areas greater than or equal to 96.3%
3. Overtime does not count against FTE cap.

Construction Status Report Through July 31, 2015

Capital Construction Projects 80th Legislative Session

#1 - Repair and Rehabilitation of Existing Facilities, Fund 7628

Appropriation Authority - GAA, Art. IX, Sec. 19.70, Proposition 8
Expires August 31, 2014

TPFA Approval December 2007
BRB Approval January 2008
A&E Contracts June 2009 & February 2010

Construction Contract
Group I Contract date: 06/10 - 100% complete.
Group II Contract date: 03/11 - 100% complete.
Group III Contract date: 01/11 - 100% complete.

This fund was closed on 8/31/2014, fully expended.

	Operating Budget					Total	Expended & Enc.	Pending Projects	Balance
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012				
Budget									
Professional Fees - Design		389,561	421,299			810,860	810,860		0
Salaries & Personnel Costs				180,130		180,130	180,130		0
Travel				0		0			0
Construction Contracts	144,743	201,850	3,186,981	4,823,103	468,349	8,825,026	8,825,026		0
Total	144,743	591,411	3,608,280	5,003,233	468,349	9,816,016	9,816,016	0	0

#2 - Remodel Existing Dormitories in TYC Facilities, Fund 7628

Appropriation Authority - GAA, Art. IX, Sec. 19.70, Proposition 8
Expires August 31, 2014

TPFA Approval December 2007
BRB Approval January 2008
A&E Contract June 2007

Construction Contract
Phase I (large dorms) Contract date: 02/08. 100% complete.
Phase II (small dorms) Contract date: 06/12. 100% complete.

This fund was closed on 8/31/2014, fully expended.

	Operating Budget					Total	Expended & Enc.	Pending Projects	Balance
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012				
Budget									
Professional Fees - Design	45,496		163,869		320	209,685	209,685		0
Professional Fees - TDCJ Management	360,290					360,290	360,290		0
Salaries & Personnel Costs			126,726		8,023	134,749	134,749		0
Travel			1,895	6,285		8,180	8,180		0
Construction Contracts	15,973,132	522,371	34,236		2,757,357	19,287,096	19,287,096		0
Total	16,378,918	522,371	326,726	6,285	2,765,700	20,000,000	20,000,000	0	0

#3a - Construct New Recreation Building at Ron Jackson, Fund 7637

Appropriation Authority - GAA, Art. IX, Sec. 19.71, SJR 65, SB 2033
Expires August 31, 2014

TPFA Approval November 2008
BRB Approval November 2009
A&E Contract January 2010
Construction Contract Alternate A/E firm selected 11/10. On Hold. Project Cancelled.

	Operating Budget					Total	Expended & Enc.	Pending Projects	Balance
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012				
Budget									
Professional Fees - Design			6,300			6,300	6,300		0
Construction Contracts \$1,069,208 Budget transferred to McLennan on 8/16/12.						0			0
Total			6,300	0	0	6,300	6,300	0	0

Construction Status Report Through July 31, 2015

80th Legislative Session - continued

#3b - Construct Addition to Existing Recreation Building at McLennan, Fund 7637

Appropriation Authority - GAA, Art. IX, Sec. 19.71, SJR 65, SB 2033

Expires August 31, 2014

LBB Approval Letter received on August 16, 2012, regarding request to repurpose Ron Jackson budget for use at Mart.

TPFA Approval

BRB Approval

A&E Contract August 2012

Construction Contract August 2012

Budget

Professional Fees - Design Design was completed on 11/1/2012.

Construction Contracts Contract date: 08/12. 100% complete.

Total

This project was completed on 7/31/2014, fully expended.

		82,000		82,000	82,000		0
		987,208		987,208	987,208		0
		1,069,208		1,069,208	1,069,208		0

#4 - Construct New Education Building at Crockett, Fund 7637

Appropriation Authority - GAA, Art. IX, Sec. 19.71, SJR 65, SB 2033

Expires August 31, 2014

TPFA Approval November 2008

BRB Approval January 2009

A&E Contract January 2010

Construction Contract Alternate A/E firm selected 11/10. On Hold. Project Cancelled.

Budget

Professional Fees - Design

Construction Contracts \$1,777,020 Budget Lapsed on 8/29/12.

Total

We are awaiting a decision on repurposing the Crockett funds for use at the Corsicana facility.

		10,191		10,191	10,191		0
		1,714,301		1,714,301	1,714,301		1,714,301
		1,714,301		10,191	10,191		1,714,301

Capital Construction Projects

81st Legislative Session

#5 - Repair and Rehabilitation of Existing TYC Facilities, Fund 7645

Appropriation Authority - GAA, Art. IX, Sec. 17.11, Proposition 4

Expires August 31, 2015

TPFA Approval December 2009

BRB Approval January 2010

A&E Contract May 2010

Construction Contract Contracts combined 80th and 81st projects

Group I On-going.

Group II On-going.

Group III On-going.

Budget

Professional Fees - Design

Salaries & Personnel Costs

Travel

Construction Contracts - FEMA

Construction Contracts

Total

	Operating Budget						Total	Expended & Enc.	Pending Projects	Balance
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015				
Professional Fees - Design			19,834			4,811	286,159	286,159		0
Salaries & Personnel Costs			21,909				21,909	21,909		0
Travel							0			0
Construction Contracts - FEMA		43,632	20,514	78,936	452,441	293,078	888,601	833,237	43,000	12,364
Construction Contracts	500,909	2,369,636	635,633	629,652	527,875	892,946	5,556,651	5,315,985	202,800	37,866
Total	762,423	2,413,268	697,890	708,588	980,316	1,190,835	6,753,320	6,457,290	245,800	50,230

* Group I: Gainesville

Group II: Evins, Giddings, and Mart

Group III: Corsicana, and Ron Jackson

Construction Status Report Through July 31, 2015

Capital Construction Projects 83rd Legislative Session

[#6 - Repair and Rehabilitation of Existing Facilities, Fund 7663](#)

Appropriation Authority - GAA, Art. IX, Sec. 17.02.

Expires August 31, 2015 contingent on Rider UB authority

TPFA Approval June 2014

BRB Approval September 2014

A&E Contract pending

Construction Contract

Group I

Group II

Group III

Budget

Professional Fees - Design

TJJD Administration

Construction Contracts

DVR System Maintenance

Total

	Operating Budget					Total	Expended & Enc.	Pending Projects	Balance
	FY 2014	FY 2015	FY 2016	FY 2017					
Professional Fees - Design	374,500					374,500	43,840		330,660
TJJD Administration						0	1,204		-1,204
						0			0
Construction Contracts	4,125,500					4,125,500			4,125,500
DVR System Maintenance	1,000,000					1,000,000			1,000,000
Total	5,500,000	0	0	0	0	5,500,000	45,044	0	5,454,956



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Mike Meyer, Chief Financial Officer

Subject: Discussion regarding the FY 2016 Contracting Plan

Date: August 18, 2015

General Administrative Policy, GAP.385.1101, requires staff to provide the Agency's annual contract plan for review by the TJJJ Board. The policy requires the plan to contain an outline of the Agency's anticipated contracting actions for the fiscal year.

Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.15, requires state agencies to prepare a written business plan for the use of Historically Underutilized Businesses (HUBs) in purchasing, and in public works contracts in accordance with Government Code, §2161.123. Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.13, requires state agencies to establish their own HUB program goals for each procurement category, considering HUB availability, HUB utilization and scope of work, or other relevant factors.

The FY2016 Contract Plan, included in attachment one, combines these requirements to provide an outline of anticipated contracting actions for the next fiscal year with associated estimates of HUB participation. An explanation of the plan is also provided in the attachment. The FY 2016 Contract plan is presented to the board as an informational item.

Contract actions requiring Board approval will be presented under separate agenda items.

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

Origin/Department Category	FY15 Contracts or Purchase Orders as of 07/01/15	FY15 Contracts or Purchase Orders Amounts as of 07/01/15	FY16 Estimated Contracts or Purchase Orders	FY16 Anticipated Active Contracts/Purchase Orders Estimated Amount
Probation & Community Services	98	\$1,683,768.16	100	\$2,000,000.00
Probation & Community Services-Parole	19	\$579,110.00	20	\$700,000.00
General Counsel	48	\$48,625.80	50	\$75,000.00
Human Resources	20	\$115,590.00	20	\$125,000.00
Education	27	\$428,912.80	30	\$5,000,000.00
Office of Inspector General	3	\$500.00	10	\$1,500.00
Support Services	2	\$513,119.52	3	\$750,000.00
Fiscal Affairs	5	\$12,608.48	5	\$15,000.00
Integrated State Programs Services	27	\$21,926,133.00	30	\$25,000,000.00
Training & Organizational	7	\$48,200.00	10	\$100,000.00
Title IV-E	3	\$3,000.00	3	\$5,000.00
Internal Audit	1	\$2,200.00	1	\$2,500.00
Risk Management	3	\$4,013,067.17	3	\$5,000,000.00
Secure Facilities	9	\$625,944.00	10	\$700,000.00
Halfway Houses	16	\$625,944.00	16	\$700,000.00
Youth Services	15	\$9,405,110.00	15	\$10,000,000.00
Health Services	1	\$100,000.00	1	\$100,000.00
Construction & Engineering	15	\$2,375,550.00	15	\$3,000,000.00
Research & Planning	11	\$0.00	15	\$0.00
McFadden Ranch	1	\$0.00	1	\$0.00
State Programs	1	\$0.00	1	\$0.00
Total Contracts	332	-	359	-
Total Amount	-	\$48,138,529.71	-	\$55,074,000.00

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

Accomplishments for Business Operations:

- As of 07/01/15, Business Operations has issued 7,536 Purchase Orders
- The final total for FY15 will be in excess of 8,000 purchase orders agency wide
- **By Facility:**
 - Austin Office-**1,011**
 - Ayres Halfway House-**261**
 - Cottrell Halfway House-**182**
 - Evins Regional Juvenile Center-**894**
 - Gainesville State School-**1,113**
 - Giddings State School-**888**
 - McFadden Ranch-**251**
 - McLennan County Juvenile Justice Facility-**1,733**
 - Ron Jackson State Juvenile CorrectionaComplex-**777**
 - Schaeffer Halfway House-**95**
 - Tamayo Halfway House-**197**
 - Willoughby Halfway House-**134**
- State use reporting is utilizing the Centralized Accounting and Payroll/Personnel System (CAPPS) exclusively.
- Austin Office is currently processing 170 contract renewals.
- Austin Office administers 350 active contracts throughout the year which includes issuing amendments to change the scope, encumber funds and change term dates.

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

FY16 Active Contracts Over \$25,000 but less than \$100,000

Contract ID	Vendor Name	Description	Years in Term	Dollar Amount	Competitive/Non-Competitive
CON0000183	Epic Pediatric Services	Speech/Pathology/Occupy	3	\$25,000.00	Non-Competitive
CON0000189	Texas State University San Marcos	Interagency	2	\$27,348.00	Non-Competitive
CON0000289	Taylor Co Just of the Peace	Parole	5	\$27,375.00	Non-Competitive
CON0000326	People Need People	Specialized Treatment AOD	6	\$29,000.00	Non-Competitive
CON0000344	People Need People	Specialized Treatment Svcs.	2	\$29,000.00	Non-Competitive
CON0000266	Bexar County	lease San Antonio DO TJJD	2	\$30,000.00	Non-Competitive
CON0000173	Linda Mitchell	Specialized Treatment	4	\$31,100.00	Non-Competitive
CON0000335	Webb County	Parole Svcs.	6	\$33,000.00	Non-Competitive
CON0000291	36th Judicial Dist. Juv. Pro Det.	Parole	5	\$45,625.00	Non-Competitive
CON0000284	County of Gray	Parole	6	\$45,625.00	Non-Competitive
CON0000293	Dimmit Maverick & Zavala Counties	Parole	6	\$45,625.00	Non-Competitive
CON0000290	CEN-TEX Regional Juvenile Board	Parole	6	\$48,000.00	Non-Competitive
CON0000169	Deer Oaks EAP Services, LLC	EAP	5	\$50,000.00	Competitive
CON0000202	Applied Operations Security & Investigation	NA	1	\$50,000.00	Competitive
CON0000331	KGA Architecture	IDIQ Statewide A/E Design Svcs.	1	\$36,500.00	Competitive
CON0000157	Diagnostic & Counseling	Specialized Treatment	6	\$56,800.00	Non-Competitive
CON0000207	Northwest ISD	ISD	1	\$59,280.00	Non-Competitive
CON0000283	Lena Pope Home, Inc.	Family Functional Therapy Svcs.	5	\$59,500.00	Competitive
CON0000176	University Of Texas At Austin	Education Services	2	\$60,000.00	Non-Competitive
CON0000332	Arizpe Group Inc.	IDIQ Statewide A/E Design Svcs .	2	\$45,178.32	Competitive
CON0000319	City of Giddings	Water and Sewage	10	\$61,200.00	Non-Competitive
CON0000314	Texas General Land Office	AI Price Gas Utility Contract	6	\$65,000.00	Non-Competitive
CON0000315	Texas General Land Office	Gas Utility Contract	5	\$68,000.00	Non-Competitive
CON0000281	Jefferson County	Parole Svcs.	2	\$73,000.00	Non-Competitive
CON0000292	Brazos County	Parole	6	\$74,750.00	Non-Competitive

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

Contract ID	Vendor Name	Description	Years in Term	Dollar Amount	Competitive/Non-Competitive
CON0000264	Patterson Group Enterprises, LLC	Lease Ft. Worth Do RNWL	2	\$75,000.00	Competitive
CON0000329	Huitt-Zollars, INC.	IDIQ Statewide A/E Design Svcs	2	\$36,113.50	Competitive
CON0000340	Navarro College Bookstore	Distance Learning Program	1	\$85,000.00	Non-Competitive
CON0000330	Stanley Consultants, Inc	IDIQ Statewide A/E Design Svcs	2	\$43,840.00	Competitive
CON0000328	Halff Associates, Inc.	IDIQ Statewide A/E Design Svcs	2	\$78,197.10	Competitive
CON0000316	Texas General Land Office	Gas Utility Contract	5	\$93,500.00	Non-Competitive
CON0000312	UT Health Science Ctr. San Antonio	Psychiatric Oversight	7	\$100,000.00	Non-Competitive
CON0000188	Noble Software Group, LLC	Software License	2	\$107,000.00	Non-Competitive
CON0000180	Duncan & Associates	Psychological Svcs.	2	\$110,000.00	Non-Competitive
CON0000317	City of Mart	Amend 2 years to lock rate	2	\$110,400.00	Non-Competitive
CON0000068	SHI Government Solutions, Inc.	Kronos Maintenance	3	\$119,779.97	Non-Competitive
CON0000324	VISIONQUEST	Family Functional Therapy	4	\$120,000.00	Competitive
CON0000263	Neil Felder	Lease Dallas Do Renewal	15	\$140,165.19	Competitive
CON0000272	W O Davis Realty	Lease Willoughby HWH	10	\$142,771.81	Competitive
CON0000298	National Mentor HealthCare, LLC	Foster Care	4	\$174,817.00	Non-Competitive
CON0000278	Eckerd	Family Reunification Programs	4	\$191,625.00	Competitive
CON0000297	Safy of Texas	Foster Care	4	\$200,750.00	Non-Competitive
CON0000204	CANON Solutions America, Inc.	Canon Service and Maintenance	4	\$208,875.24	Competitive
CON0000273	DEVARY Durrill Foundation, INC.	Lease YORK HWH Renewal	14	\$315,222.80	Competitive
CON0000268	W O Davis Realty	Lease Cottrell HWHRNWL	15	\$329,341.92	Competitive
CON0000348	PEGASUS SCHOOLS INCORPORATED	Residential Non-secure Male	1	\$350,000.00	Competitive
CON0000271	Bill Burns	Lease TAMAYO HWH RNWL	18	\$355,203.00	Competitive
CON0000300	BYRD's Foster Group Home INC.	Residential Non-Secure Therapeutic Group Home	3	\$375,950.00	Competitive
CON0000296	Gulf Coast Trades Center	Residential Non-Secure Vocational Training	1	\$436,175.00	Competitive
CON0000311	Consolidated Telecom Inc.	Youth Phones- Blue Phones	2	\$507,378.00	Non-Competitive
CON0000265	Interra-Habitat Point West, LLC	Lease Houston DO Renewal Final	20	\$584,656.96	Competitive
CON0000308	Texas Conference of Urban Counties	Juvenile Case Management System - Basic	4	\$937,650.00	Non-Competitive

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

HUB Expenditures for 09/01/14 thru 03/31/15 and Initial FY16 HUB Goals

Procurement Category	FY15 Estimated Contracts	FY15 Amount Expended	FY15 Statewide HUB Goals	FY15 TJJD HUB Goals	FY15 Semi-Annual Actual	FT15 HUB Semi-Annual Actual	FY16 Statewide HUB Goals
Heavy Construction	0	0	11.20%	0%	0%	0	11.20%
Building Construction	7	\$124,704	21.10%	18.3%	13.38%	\$16,690	21.10%
Special Trade	64	\$110,909	32.90%	32.70%	34.36%	\$58,061	32.90%
Professional Services	47	\$103,580	23.70%	17.40%	5.07%	\$5,250	23.70%
Commodity Purchase	843	\$3,066,849	21.10%	21.0%	24.81%	\$760,752	21.10%
Other Services	344	\$2,187,531	26.00%	19.10%	13.87%	\$303,380	26.00%

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

CONTRACT PLAN STRUCTURE

1. **Procurement Categories:** These are procurement categories used by the Legislative Budget Board (LBB) and Comptroller of Public Accounts (CPA) to classify expenditures for reporting purposes.
2. **Estimated Number of Contracts:** This column contains the estimated number of contracts and purchase orders that will be executed during the fiscal year for each object category. This includes new contracts, renewals, and purchase orders.
3. **Contract and Purchase Order Amount Expended:** This column contains the contract and purchase order amounts expended for each object category from the FY 2015 Semi-Annual Report.
4. **HUB Goals %:** This column contains TJJJ's Annual HUB participation goals established by CPA. These goals are established for six categories:
 - a. Heavy construction other than building contracts;
 - b. All building construction, including general contractors and operative builders contracts;
 - c. All special trade construction contracts;
 - d. Professional services contracts;
 - e. All other services contracts; and
 - f. Commodities contracts
7. **TJJJ HUB Goals:** This column contains TJJJ's annual HUB goals stated as a percentage for that category.
8. **Actual HUB Percentage Reported in TJJJ's Semi-Annual Report for FY15:** This column contains the actual HUB participation percentage reported to the Comptroller HUB Group and published in the FY 2015 Semi-Annual Statewide HUB Report. Annual figures will not be published until sometime in September 2015.
9. **Actual HUB Dollars Reported in TJJJ's Semi-Annual Report for FY15:** This column contains the actual HUB participation dollars reported to the Comptroller HUB Group and published in the FY 2015 Semi-Annual Statewide HUB Report. Annual figures will not be published until sometime in September 2015.

PLANNED ACTIVITIES TO MEET HUB GOALS

TJJJ staff will engage in a number of activities in FY2015 to increase HUB participation. The following is a list of those activities:

1. Participate as an active member of the HUB Discussion Workgroup and SACC/Purchasing Subcommittee, actively participating in the ongoing monthly meetings, gaining knowledge of HUB rules, HUB events, and facilitating dissemination HUB information designed to increase HUB opportunity and participation.
2. Participate as an active member of the HUB Discussion Workgroup to regularly meet to discuss new legislation that affects the HUB rules and policies. The group also discusses and sponsors events to help increase HUB participation around the state.

**Texas Juvenile Justice Department
FY2016 Annual Contract Plan**

3. Conduct ongoing HUB Subcontracting Plan and Monthly Progress Report training with Prime Contractors for contracts to ensure compliance with their HUB Subcontracting Plan (HSP) and maximize opportunities for HUB's.
4. The Contracts Department will conduct regular Quarterly Procurement Training for agency procurement staff that included specific training on HUB procedures and participation in HUB activities.
5. Attend HHSC Annual HUB Conference in Beaumont in the fall to meet with HUB vendors and discuss business opportunities with TJJJ.
6. Attend the Annual Purchasing and HUB Connection forum in early 2015 sponsored by the Teacher Retirement System to network and provide business opportunities to HUB vendors by providing them information about doing business with our agency.
7. Attend the Annual HUB Vendor Show, to be held in early spring of 2015, sponsored by Texas Department of Motor Vehicles to network and provide business opportunities to HUB vendors by providing them information about doing business with our agency.
8. Participate in the 2015 Doing Business Texas Style- Spot Bid Fair sponsored every year by Senator Royce West. TJJJ attended this year's event and awarded over \$7,000.00 to HUB businesses as a result of the event. It is held every spring.
9. Co-sponsored TJJJ's first, HUB Vendor Education Expo with Health and Human Services. Along with other state agencies, professional organizations and trade associations in attendance, to encourage HUB participation and provide opportunities to those qualified HUB vendors.
10. Sponsored TJJJ's first In-house HUB Vendor Spotlight. HUB vendors are brought in house to do an informal presentation on the goods and/or services they provide and market to agency procurement and program staff. The agency intends to continue this process on a monthly basis as a part of our HUB vendor outreach program.
11. At all HUB events, and throughout the year, the Agency prepares and distributes, information on procurement procedures to HUBs in a manner that encourages participation in state contracts by all businesses (TAC, Title 34, Part 1, Subchapter B, rule 20.13).
12. Continue to provide direct hands on guidance to interested HUBs seeking information regarding opportunities with TJJJ. Provided one-on-one information sessions related to the Central Bidders List (CMBL), the Electronic State Business Daily (ESBD), and the National Institute of Governmental Purchasing (NIGP) codification system.
13. Currently the TJJJ HUB Program has a Mentor and Protégé agreement pending approval. This will be the first Mentor/Protégé agreement sponsored by the agency.



Texas Juvenile Justice Department

Safety & Security Committee Meeting

11209 Metric Boulevard, Building H - Lone Star Conference Room
Austin, Texas 78758
Thursday, January 29, 2015, 2:30 p.m.

BOARD MEMBERS PRESENT:

The Honorable Laura Parker, Committee Chairman
The Honorable Becky Gregory
Riley Shaw
The Honorable Judge John Brieden III (non-committee member)
The Honorable Jimmy Smith (non-committee member)

BOARD MEMBERS ABSENT:

EXECUTIVE STAFF PRESENT:

Roland Luna, Chief Inspector General
Teresa Stroud, Senior Director of State Programs and Facilities
James Williams, Senior Director of Probation and Community Services
Eleazar Garcia, Chief Auditor
Karen Kennedy, Deputy General Counsel

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Rod Venner, TJJD
Melanie Cleveland, TJJD
Kaci Singer, TJJD
Reni Johnson, TJJD
Vivian Cohn, TJJD
Karol Davidson, TJJD
Ashley Kintzer, TJJD

Call to Order

Chairman Laura Parker called the meeting to order at 2:30 p.m. Chairman Parker introduced Riley Shaw, the new appointee to the TJJ Board. Mr. Shaw works for Tarrant County District Attorney's Office. Chairman Parker stated that there was not a quorum present at this time and moved to item 3 on the agenda, the Report from the Office of the Inspector General (OIG).

Office of the Inspector General Update

Chief Roland Luna, Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) aggregates through the 1st Quarter of Fiscal Year 2015. Chief Luna stated there were 3,449 reports to the IRC. Of those reports, 216 were referred to the Administrative Investigations Division (AID), 359 to AID Probation, 434 retained by OIG, 1,438 to Youth Rights, 654 to State Programs, and 348 closed as either duplication or a directive to apprehend (DTA).

OIG submitted 96 criminal investigations to prosecution, which is a three percent (3%) decrease from last year. He stated that while criminal cases were up, cases referred to prosecution are down. Of those cases submitted to prosecution, 91 were in the assaultive category, 1 in the sexual assault category, which shows a decrease from last year, 2 in the property category, zero in the contraband category, and 2 in the other category. TJJ Active DTAs issued were 107 for the 1st Quarter of FY15. OIG completed 9 apprehensions and 72 apprehensions as a result of intelligence shared with other law enforcement agencies.

Chief Luna reviewed the numbers on the Investigative Life Chart. The average number of days to receive, evaluate and assign a case is one day. This remains steady from last fiscal year. Average number of investigative days is 35, compared to 74 days for the same date range last year. The average number of days for intake decision after a case is referred to SPU is stable and constant at 20 days, which is attributed to the partnership fostered with the Special Prosecution Unit (SPU). The average number of days for final disposition is stable as well with 80 days. The complete investigative life cycle is at a total of 136 days.

Other OIG activity includes 996 status checks which are the detainer checks performed by OIG when youth move from secured to non-secured facility. The Contraband Detection and Interception Division (CDID), which is the K9 division, has been with OIG for about a year, allowing OIG the ability to quantify what those search results have been. Chief Luna stated that the CDID has more than doubled their search efforts at 1,791 searches. He explained that there are four different types of searches that are conducted at secured

and non-secured facilities. These include searching the perimeter, gatehouse searches, open-air searches, and dorm searches. As a result of the increase in searches there has been less contraband at the facilities. He attributes this to more detection aspects, which are a deterrent.

Chief Luna reported that the Security Intelligence Officer (SIO) program has been fully implemented since December 1, 2014. The program is showing a lot of promise. The SIO program has completed an evaluation of 450 existing records. Chief Luna stated that the first Security Intelligence Report, which will be shared with the agency and all secured facilities, will be starting in February.

Chief Luna reminded the Committee of the installation of a Safety & Security Advisory Committee that was discussed at the previous committee meeting. He stated that the outcome thus far has been very good. The focus of the committee has been on structural improvements, policy development, training improvement, and personnel matters. In the four months since the inception of the committee there have been many process improvements throughout the agency. The committee is a cross-divisional representation; meaning OIG, AID, Executive Management, various departments within State Programs, Research and Planning, Medical and most all other departments are represented. During committee meetings issues are addressed and discussed in an effort to find solutions.

Administrative Investigations Update

Kevin DuBose, Director of Administrative Investigations Division, presented his division report. The County Investigations Unit summary comparison report from Fiscal Year 2014 to present shows a total of 748 complaints received on the county side, 94 of which have been classified as allegations of abuse, neglect or exploitation and have been assigned for investigation. In each category there is a slight increase in terms of the total numbers as compared to last year. Total cases closed to date for Fiscal Year 2015 are 101.

The State Investigators Unit, which has investigators assigned to each of the secure State facilities, reported a total of 317 total investigations opened and have closed 518 total investigations to date. Mr. DuBose explained that with each investigative report you could have multiple allegations involved. So, that number (518) does not necessarily represent reports but the total number of complaints that have been addressed and disposed of.

Chairman Parker questioned if Mr. DuBose means a multi-character incident. Mr. DuBose responded that that is not necessarily the case. It could also involve a multitude of rule violations by the same staff. Mr. DuBose confirmed for Chairman Parker the 518 cases closed represents complaints, not people.

Mr. DuBose completed his report by stating that of the 317 cases that have been opened to date, AID has closed 100 cases. All 100 have been closed within a 30 to 90-day timeframe, leaving 217 open cases that AID is continuing to work on diligently throughout the remainder of the year.

State Programs and Facilities Update

Teresa Stroud, Senior Director of State Programs and Facilities, presented the division report. The population report shows less than 1,000 youths in the facilities. This is the lowest amount in several years. As of this morning, it is around 980. There are a little less than 112 youths in halfway houses and 94 in contract care facilities to date.

The State Programs and Facilities division is working to ensure that the most accurate and easily interpreted data is reported. Ms. Stroud stated that they are hoping to convert the incident report to actual numbers of incidents incurred rather than calculating incidents per 100 youth. With reduced populations, this reporting can make incident rates overall sound inflated. In October and November of 2014 the agency experienced sharp downward trends in incidents at Gainesville, Evins and Mart long term, Mart RTC and the Phoenix Unit and the Ron Jackson long term unit housing female youth. Ms. Stroud indicated a modest downturn at the Ron Jackson O&A Unit and rates at Giddings held steady.

Ron Jackson continues to roll out the Positive Behavioral Supports and Interventions (PBIS) to the entire campus and Gainesville also began implementation of PBIS. Recently, the Education department arranged for a Birds of Prey exhibition as an incentive for youth who were eligible at each facility. The demonstrations were well received by youth and enjoyed by all who attended.

Ms. Stroud stated that our first facilities participating in PREA audits all passed successfully and were awarded certification in October 2014. The agency is moving forward with the next round of secure facilities and halfway houses with PREA audits scheduled in February 2015. Additionally, Garza County Juvenile

Correctional Facility in Post, Texas contracted independently for their PREA audit and successfully passed in late 2014, being our first contract vendor to obtain PREA certification.

Ms. Stroud discussed November and December workers' compensation numbers. They are both down a little from October. We certainly are not thrilled with the numbers we received. We're going to continue to address that through management and our accident review boards at the facilities.

Under the leadership of the State Programs and Facilities division and in cooperation with our agency Research Department, the agency is finalizing a Memorandum of Understanding to enter a long term research partnership with the Criminal Justice Department at Sam Houston State University (SHSU). The University and TJJD look forward to a meaningful partnership in which many issues facing juvenile justice practitioners may be researched and addressed, resulting in information sharing as well as continuous improvement of service delivery and treatment.

August 21, 2014 meeting minutes

Chairman Parker acknowledged the arrival of Becky Gregory and recognized a quorum is present. She moved to approve the minutes. The motion was seconded and the motion passed.

October 23, 2014 meeting minutes

Chairman Parker moved to approve the minutes. The motion was seconded and the motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9312 – 380-9317 and 380.9337, relating to youth rights and remedies, and §§380.9501 – 380.9503 and 380.9517 – 380.9535, relating to behavior management, in the Texas Register for a 30-day public comment period.

Ms. Stroud indicated that this agenda item involved the Youth Rights and Remedies and Behavior Management. Ms. Stroud would like Board approval to post this agenda item in the Texas Register for a 30-day public comment period. This is part of the ongoing rule review regarding visitation. Ms. Stroud highlighted portions of the rule revisions. Regarding visitation and the use of telephones, this rule revision would improve and clarify that the agency is meeting all youth's rights regarding the use of the telephone and ensuring that it is accessible for emergency calls to the OIG and the Office of the Independent

Ombudsman (OIO). The revision also clarifies immediate family, what numbers can be posted on the phone, and clarified youth mail as it pertains to special correspondence so youth mail is not opened and special force monitoring is involved. We also added to that our employees that are part of the TJJJ OIG and investigators from other departments.

The agency is proposing several changes to the behavior system overview. If a deteriorating dorm culture threatens youth/staff safety and is not considered disciplinary by safety and security measures, a dormitory restriction needs to be enacted. Disciplinary consequences cannot deny youth access to mental health services, educational services, or religious services. That has not been allowed in the past but is being clarified in the policy. Staff draws reference to use of force in upper management because use of force is not considered behavior management. In our youth privilege system staff made some changes that designed that policy more with the possible behavior interventions for those who were moving towards behavior management system. Staff removed the requirement for a youth to receive a daily behavior rating and for those ratings to be averaged for an overall weekly rating. Youth will receive daily feedback, but not a numerical daily behavior rating. Staff also added a provision that allows the executive director, or designee, to make exceptions to visitation rules in emergency situations in addition to a case-by-case basis.

Chairman Parker called for a motion to recommend publishing the proposed revisions and rule review in the Texas Register for a 30-day public comment period. The motion was made, seconded, and approved.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9504, relating to rules and consequences for youth on parole, in the Texas Register for a 30-day public comment period.

Chairman Parker invited James Williams, Senior Director for Probation and Community Services, to speak about this agenda item. Mr. Williams indicated that this agenda item involved cleaning up the language in 37 TAC §380.9504 to make it easier for youth to read and understand. Mr. Williams indicated that there was nothing of real substance that was changed. There is nothing controversial. Staff request permission to post the changes in the Texas Register for the 30-day public comment period.

Chairman Parker called for a motion to recommend publishing the proposed revisions and rule review in the Texas Register for a 30-day public comment period. The motion was made, seconded, and approved.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9301, 380.9311, 380.9331 – 980.9333, and 380.9353, relating to youth rights and remedies, and §§380.9550 – 380.9571, relating to due process hearings, in the Texas Register for a 30-day public comment period.

Chairman Parker invited Kaci Singer, Staff Attorney, to speak about this agenda item. Ms. Singer indicated that this agenda item involved revising several rights and remedies, behavior management, youth discipline, and due process as part of the regular rule review. Youth rights added sexual orientation and gender identification and a list of factors by which a youth may not be discriminated against. Some rights to free expression were clarified that includes speaking languages other than English with certain exceptions related to Safety & Security. It clarifies that a youth does have a right to participate in religious activities but the parent has a right to establish a religious preference for the minor child.

A provision was also added requiring calls to the attorneys and courts by youth to be made using staff phones and not charged to the youth's prepaid phone account. Items related to the due process hearings were clarified.

Another rule revision will allow youth's attorney to participate by phone in a rule revocation hearing that is being conducted by telephone. Clarifications were made to our hearing and procedures. Ms. Singer requested to publish the revisions in the Texas Register for a 30-day public comment period.

Chairman Parker called for a motion to recommend publishing the proposed revisions and rule review in the Texas Register for a 30-day public comment period. The motion was made, seconded, and approved.

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

Ms. Singer indicated that TJJD has the authority to issue discipline on certified officers, like Probation Officers and certified Supervision Officers provided that proper notice has been made. She presented a list of seven default judgments that staff are asking the Board to approve. The Office of General Counsel determined that

proof of proper notice and failure to respond exists in these cases. The Default Order explains the notices provided, the lack of response, the alleged conduct and violations, and the requested sanction.

Chairman Parker called for a motion to recommend the default judgments. The motion was made, seconded, and approved.

Adjourn

The meeting was adjourned at 2:55 p.m.

DRAFT



Texas Juvenile Justice Department
Safety & Security Committee Meeting

Thursday, March 26, 2015
11209 Metric Boulevard, Building H - Lone Star Conference Room
Austin, Texas 78758

BOARD MEMBERS PRESENT:

Riley Shaw, Acting Chairman
The Honorable Becky Gregory

BOARD MEMBERS ABSENT:

The Honorable Laura Parker
The Honorable Carol Bush

EXECUTIVE STAFF PRESENT:

Jill Mata, General Counsel
Carolyn Beck, Governmental Relations
Specialist
Roland Luna, Chief Inspector General
Teresa Stroud, Senior Director of State
Programs and Facilities

Eleazar Garcia, Chief Auditor
Karen Kennedy, Deputy General Counsel
Jeannette Cantu, Executive Assistant
James Williams, Senior Director of
Probation and Community Services

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Kaci Singer, TJJD
Steve Roman, TJJD
Ashley Kintzer, TJJD
Rebecca Walters, TJJD
Jorge Gonzalez, TJJD
Rod Venner, TJJD
Scott Friedman, TJJD
Paul Bartush, TJJD
Tom Brooks, Harris County Juvenile
Probation Department
Ron Quiros, Guadalupe County
Juvenile Services

Rebecca Thomas, TJJD
Lisa Colin, TJJD
Melanie Cleveland, TJJD
Rod Venner, TJJD
Terri Dollar, TJJD
Reni Johnson, TJJD
Fred Meinke, TJJD
Michael Turner, TJJD
Lisa Smith, TJJD
Sarah McCleary, TJJD

Safety & Security Committee
March 26, 2015

Called to Order

Riley Shaw, Acting Chairman, called the meeting to order at 2:37 p.m. Mr. Shaw stated that Judge Parker and Judge Bush would not be attending the committee meeting.

Office of the Inspector General Update

Chief Roland Luna, Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) fiscal year comparisons for the first two quarters through FY 2014 and 2015.

Chief Luna reviewed the numbers on the Investigative Life Cycle Chart. The average number of days under investigation last year at this time was 64 with the median case completion time this year being 40 days. The average number of days for an intake decision by the Special Prosecution Unit (SPU) or the local prosecutor is 22 days. The average number of days for final disposition once the intake decision has been made by the prosecution is 80 days. The total number of days for the life cycle is 143.

Chief Luna reported on new activities in the OIG division. The contraband, detection and interception team (K-nine unit) for this fiscal year-to-date through the second quarter shows 2,665 searches. There are four different categories of searches which include perimeter, open air, gate house and dorm searches.

The Security Officer program has been with OIG since the beginning of this fiscal year. There was full implementation of the program on December 1, 2014. A draft report has been finalized as of the day of this meeting. A comprehensive security intelligence report will be shared with each facility on a monthly basis. The comprehensive report will have all of the facilities listed.

Administrative Investigations Update

Kevin DuBose, Director of the Administrative Investigations Division, provided summary comparisons for FY 2015 as compared to FY 2014. The data is as of March 1, 2015. The total number of complaints has declined on the county side. There have been 168 cases assigned for this fiscal year. The total number of investigations completed for this fiscal year is 179. Calendar days to disposition include 14 cases closed in less than 30 days, 31 cases closed in 30 – 90 days and 134 cases closed in 90+ days. The State Investigations Unit report includes the total number of cases opened as compared to this time last year is

532. There were 632 last year. There were 13 investigations completed in less than 30 days for FY 2015. There were 248 cases completed with 30 to 90 days.

State Programs and Facilities Update

Teresa Stroud, Senior Director of State Programs and Facilities presented the division report. Ms. Stroud pointed out that on the tracking report it remains a little bit under budget at around 7%. There are 1125 kids in the residential programs today. Less than 1000 are in secure facilities, 135 in halfway houses and 96 in contract care. The programs that are most significantly under budget are the specialized programs such as the Residential Treatment Center and Orientation and Assessment Unit.

Ms. Stroud announced that in February, Donald Brooks, the Superintendent of the Evins facility passed away. He was a superintendent for a few years and had been with the agency for over 20 years. Ms. Stroud stated that he was a great asset to the agency and will be sorely missed. The interim acting superintendent is Eduardo Garza, the current Assistant Superintendent.

Ms. Stroud informed the committee a student from the PAWS program along with staff and a canine will be giving a demonstration at the Programs Committee meeting. Cris Burton, the Lead Treatment Specialist, is responsible for the inception of that program. Cris works very closely with the dorm supervisor, Holli Fenton, who has been with the program since the very beginning. It was noted that there is a lot of community support for this program.

Michael Turner was introduced as a new employee of the State Programs and Facilities division. Mike transferred from the Education division. He will be in charge of the Performance and Accountability Department within the State Programs division.

The facilities are in the second round of PREA audits. So far there have been successful completions. Schaeffer House was recently awarded their certification. Rebecca Walters, the Director of Integrated State Operated Programs and Teresa Stroud will be serving on the national Mental Health Committee for the American Correction Association for the next biennium.

The performance and tracking materials show an increase in the use of OC spray at the Evins facility. Data is being reviewed and a training plan is being developed to review the use of OC spray and policy. A 60-day plan is being developed to train all of the JCOs and any one authorized to carry it.

State Programs has been working with the Risk Management Division to monitor increases in the workman's compensation rate over the last few months. Someone from Risk Management is being assigned specifically to the secure facilities where most of the incidents occur. There has been an increase in injuries across the board related to staff assaults.

The tracking report now includes the actual number of major and minor incidents. The recent research regarding the Phoenix program is very promising. There have been 25 youth that have successfully completed the program returned to a main campus.

Review, discussion and possible action regarding the Brown County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Section 343.644 related to spatial requirements for single occupancy housing units.

Review, discussion, and possible action regarding the Brown County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Section 343.666 related to exercise and day room areas.

These two items were combined and presented by Scott Friedman who was representing the Monitoring and Inspections division. These applications were submitted on behalf of The Oaks facility which began operation in 2013. The variances were being sought to address discrepancies specific to resident room ceiling height and spatial requirements in resident day areas. Discussion followed and it was pointed out that there were no safety or fire code issues. There was no action taken.

Review, discussion, and possible action regarding the Harris County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Section 343.250 (related to external and perimeter security), Section 343.658 (relating to shower facilities), Section 343.660 (relating to toilet facilities), Section 343.662 (relating to washbasins), and section 343.664 (relating to drinking fountains).

This item was presented by Scott Friedman and the Harris County Chief Juvenile Probation Officer, Thomas Brooks. Harris County Youth Village is currently a non-secure co-ed facility that is seeking multiple variances to allow the facility to be re-designated/certified as a secure post-adjudication facility. Discussion followed regarding physical plant issues and no action was taken.

Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC 343.236 and 343.238, relating to secure storage areas and hazardous materials, in the *Texas Register* for a 30-day public comment period.

Mr. James Williams, Senior Director of Probation and Community Services, presented this request to publish this revision for public comment in the Texas Register. This revision would require that that hazardous materials be stored inside the facility rather than outside and that everyone who has access to the materials be properly trained. Brief discussion followed. There was no action taken.

Discussion, consideration, and possible approval regarding the discipline of certified officers default judgment order for Charles Ford, Certification #27432, Hays County.

Kaci Singer, Staff Attorney, recommended that a default order be issued by the board. Mr. Ford never responded to the notice of hearing. There was no action taken.

Discussion, consideration, and possible approval to set aside the default order revoking the certification of juvenile supervision officer Stanley Sneed, #12773, in cause #DH665-11-8451, heard by the TJJD Board on January 20, 2012.

Kaci Singer, Staff Attorney, recommended that the default order be set aside due to the notice of hearing being sent to the wrong address. Mr. Sneed never received notice. There was no action was taken.

Safety & Security Committee
March 26, 2015

Adjourn

The meeting was adjourned at 3:55 p.m.

DRAFT



Texas Juvenile Justice Department
Safety & Security Committee Meeting

Thursday, May 28, 2015
11209 Metric Boulevard, Building H, Ste. A - Lone Star Conference Room
Austin, Texas 78758

BOARD MEMBERS PRESENT:

The Honorable Laura Parker
Riley Shaw
Melissa Weiss (Non-committee member)

BOARD MEMBERS ABSENT:

The Honorable Becky Gregory
The Honorable Carol Bush

EXECUTIVE STAFF PRESENT:

Jill Mata, General Counsel
Roland Luna, Chief Inspector General
Eleazar Garcia, Chief Auditor
Chelsea Buchholtz, Chief of Staff
Royce Meyers, TJJD

Karen Kennedy, Deputy General Counsel
Jeannette Cantu, Executive Assistant
James Williams, Senior Director of
Probation and Community Services

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Kaci Singer, TJJD
Ashley Kintzer, TJJD
Rebecca Walters, TJJD
Reni Johnson, TJJD
Luther Taliaferro, TJJD
Rod Venner, TJJD
Karol Davidson, TJJD
Kyle Dufour, TJJD
Lesly Jacobs, TJJD

Melanie Cleveland, TJJD
Steve Roman, TJJD
Rod Venner, TJJD
Terri Dollar, TJJD
Fred Meinke, TJJD
Shawn Thompson, TJJD
Sarah McCleary, TJJD
Luann Brown, TJJD
Debbie McDavid, TJJD
Fred Meinke, TJJD

Call to Order

Judge Laura Parker, Chairwoman, called the meeting to order at 2:35 p.m. Judge Parker stated that the rule revisions and discipline of certified officers would not be heard today since there was not a quorum but instead would be considered by the full board the next day

Office of the Inspector General Update

Roland Luna, Chief Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) fiscal year comparisons for FY 2014 through April and FY 2015 through April. The IRC reports have decreased by 3 percent from the previous fiscal year. There were also substantial decreases in cases submitted to prosecution for sexual offenses and in TJJJ issued active directives to apprehend.

Chief Luna reviewed the numbers on the Investigative Life Cycle Chart. The average number of days under investigation last year at this time was 60 with the median case completion time this year being 39 days. This is a substantial decrease and improvement. The average number of days for an intake decision by the Special Prosecution Unit (SPU) or the local prosecutor is 22 days. The average number of days for final disposition once the intake decision has been made by the prosecution is 80 days. The total number of days for the life cycle is 142.

Chief Luna reported on newly created contraband, detection and Interception division, formally the K-nine division. There is more activity over the past year and half which has resulted in better safety. There were 3,650 searches this fiscal year through April.

Other OIG activities include partnering with State Programs and Facilities, General Counsel, Parole and Community Services and Halfway Houses to address GAP policies. Also, the Security Intelligence Program which is responsible for gang evaluations has received many compliments for the division structure, policies, reporting and coordination with outside agencies. The comprehensive safety and security intelligence report is shared with the facility superintendents on a monthly basis as well with Teresa Stroud, Thomas Adamski and Rebecca Walters. This tool will help address policy, personnel and training needs. This comprehensive report has been utilized for 2 months and after this month there will be a quarterly report. Also, The Safety and Security Advisory Committee met a few weeks ago and created a subcommittee to look at use of force improvement. The committee will focus on policy training and personnel matters. It will meet weekly to Safety & Security Committee

May 28, 2015

identify use of force situations and bring those recommendations back to the committee for a vote. In addition, the Critical Incident Review Board has expanded to include additional divisions to assist in identifying best practices to improve the agency overall.

Judge Parker asked what the main type of contraband found was and Chief Luna responded that of the 13 submitted for prosecution for the fiscal year, that 11 were for marijuana and cocaine and the other 2 were for weapons created in the facility.

Administrative Investigations Update

Kevin DuBose, Director of the Administrative Investigations Division, provided summary comparisons from September 1, 2014 through May 1, 2015. The County Investigations Unit complaints and investigations have declined. Mr. DuBose commented on a case that was mentioned in the previous committee meeting, stating that the sexual abuse investigation became a criminal case and an indictment had been issued.

Mr. DuBose reviewed The State Investigations Unit report stating it included the total number of cases opened and those numbers have decreased. He also noted that of the 456 total investigations closed in Fiscal year to date, that 389 were closed in 30-90 days and 35 in less than 30 days.

State Programs and Facilities Update

Rebecca Walters, Director of Integrated State Operated Programs and Services presented the division report in Ms. Stroud's absence. The overall population in secure state operated facilities today is 1018, 145 in Halfway Houses and 89 in Contract Care Programs for a total of 1252 residential beds. This is a continued uptick in the population trend that began back in February. There has been a 1% increase in commitments since February and this is up about 4% over last year with a small increase in the number of youthful offenders committed as well.

The division is very pleased to announce that the agency has moved to the next step in accreditation by the American Psychological Association. The agency APA self-study was approved and the next step will be a site visit. The accreditation process is a lengthy one which was started by Dr. Lori Robinson and is currently being led by the Director of Treatment, Dr. Madeleine Byrne. This will allow the agency to be recognized formally for the level of standard of clinical care. This will further improve the agency's ability to recruit and retain doctoral candidates working through internship to licensure, improving our pool of qualified PhD candidates.

Safety & Security Committee
May 28, 2015

The Gainesville State School has successfully completed their PREA certification audit and will be recognized for this significant accomplishment.

The State Programs & Facilities division reported a decrease in workman's compensation injuries from January to March with the most significant reduction at Evins. Reducing the incident rate through training, accident and use of force review is a continuing effort. The Risk Management division of Monitoring and Inspections is engaging with facility accident review teams to help identify problem areas which may further reduce incidents of injury.

A recent review of turnover trends has revealed improvements in several programs at the facility level. Gainesville has made significant improvements since FY 2013, McLennan and Ron Jackson continue to exceed expectations. Giddings is seeing significant improvement halfway into FY 2015. Halfway Houses on average remain below 10% turnover rate.

The State Programs and Facilities Division recently hosted Dr. Cay-Shea Hellervick from Minneapolis, MN. Dr. Hellervick is a retired psychologist who worked in Juvenile Justice in Hennepin County, Minnesota for more than 20 years. She is the author of *It's Not Your Fault*; A workbook for parents of children involved in juvenile justice. Dr. Hellervick and her husband are endowing a chair in the Psychology department at the University of Ohio. She accompanied staff to the Giddings and Mart facilities and was impressed with what the agency is doing. Dr. Byrne, Ms. Walters and Ms. Stroud have been invited to participate in a conference at the University next year speaking on the use of Cognitive Behavioral therapy in TJJD rehabilitation programs.

TJJD was once again selected by Youth Service America as a Texas Lead Agency for the 2015 Global Youth Service Day. This is an annual campaign that mobilizes millions of youth across the world to improve their communities through service-learning projects each April. The projects are listed in your Board materials.

Finally, representatives from our PAWS program at Ron Jackson presented at the Juvenile Justice Association of Texas in San Antonio in April, including demonstrations from a participating youth and canine. They had a very positive reception with a request from one probation department for consulting because they have interest in starting a program. The agency is also looking to expand the program internally.

Safety & Security Committee
May 28, 2015

Adjourn

The meeting was adjourned at 2:53 p.m.

DRAFT

THIS PAGE LEFT BLANK INTENTIONALLY



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Report from the State Programs and Facilities Division

Date: August 21, 2015

Population: (as of 8/13/15)

Programs	Budgeted	Actual	Female Pop	Over Under	Percent
Evins	136	138	*	2	1.5%
Gainesville	252	250	*	-2	(0.8%)
Giddings	205	201	*	-4	(2.0%)
Mart -LT	206	211	*	5	2.4%
Mart- RTC	50	48	*	-2	(4.0%)
Mart - Phoenix	16	10	*	-6	(38%)
Ron Jackson Youthful	20	6	*	-14	(70.0%)
Ron Jackson LT	96	105	104	9	9.4%
Ron Jackson O & A	92	78	8	-14	(15.2%)
Total Institutions	1073	1044	112	-26	(2.7%)

Halfway Houses	Budgeted	Actual	Female Pop	Over Under	Percent
Ayres House	20	21	*	1	5.0%
Brownwood House	6	7	7	1	16.7%
Cottrell House	16	17	*	1	6.3%
McFadden	48	37	*	-11	(22.9%)
Schaeffer House	12	21	*	9	75.0%
Tamayo House	16	23	*	7	43.8%
Willoughby House	12	12	*	0	---
York House	16	8	*	-8	(50%)
Total HWH's	146	146	7	0	---

Residential Programming

The overall population at state operated facilities is under budget by 2.7%. Commitment trends remained up through Spring and into Summer. The LBB projections continue to show the agency population going down and due to this, combined with the increases over the last six months, we will be above our budgeted population soon. The commitment of Sentenced Offenders in FY 16 from FY 15 is up by 58%. We believe this is due in part to a recent Court of Criminal Appeals decision related to certification of youth to stand trial as adults.

State Programs and Facilities honored four psychology interns on August 24th, the first intern graduates from our Psychology Internship Program. The graduates include Shannon Butts, Dawna Campbell, Amber Garcia and Vincent Rager. The program continues to move towards final accreditation by the American Psychological Association.

Workers' Compensation

State Programs & Facilities presents information issued by the TJJJ Human Resources office for the month ending June 30, 2015.

The following statistical information contained within this report is derived from the State Office of Risk Management (SORM), the workers' compensation insurance carrier for state agencies. The claims in this report are shown in the month filed with SORM, which may differ from the date they occurred.

- Number of claims in June: 47 (Averaging 43.1 per month)

- Due to industrial accidents: 8 (Averaging 8.3 per month)
- Due to youth aggression: 39 (Averaging 34.8 per month)
 - Due to an assault: 9
 - During a restraint: 30
- FY15 YTD Injury Frequency Rate: 20.34
 - FY14 IFR: 19.14
- FY15 YTD Expenditures: \$3,520,149.61 (72% from previous year claims)
 - Same period FY14: \$2,794,017.21
- FY15 YTD Cost per FTE: Projected to be \$1,665.03
 - FY14 Cost per FTE was \$1,308.62
- FY15 YTD Lost Days: 756
- FY15 YTD Restricted Days: 244

New and Good

Organizational changes in the division resulted in Rebecca Walters taking over supervision of residential contracts and reporting directly to Mr. Reilly. In her new role, Rebecca continues to supervise the Centralized Placement Unit for the agency in addition to other duties.

With support from Mr. Riley, we will begin work on the expansion of our PAWS program to other facilities in TJJD, beginning with Gainesville. Cris Burton, lead treatment specialist is also working on developing relationships which would allow the agency to expand PAWs in a partnership allowing our youth to foster and train service dogs for veterans with post-traumatic stress disorder. We are in the early development stages on this and will be reporting back as it develops.

In July the agency welcomed Jessica Cabrera as the new superintendent at Evins Regional Juvenile Justice Center. Ms. Cabrera is a native of the Rio Grande Valley, from Weslaco, Texas, and comes to join us from her current position as the assistant director of education and program Chair for the associate

degree program in Criminal Justice at Kaplan University. Ms. Cabrera helped organize, open, and administer this program at Kaplan University, since its inception in 2009.

Ms. Cabrera's previous positions in the juvenile justice community include 12 and half years as a Juvenile probation officer at the Judge Mario E. Ramirez Juvenile Justice Center, in Edinburg Texas, where she served in the court unit/field probation unit. Ms. Cabrera has also served in the Gray County Juvenile Probation Department, Pampa, Texas, where she supervised juvenile sex offenders. She has also served as drill instructor at the Hemphill Juvenile Boot Camp in Canadian, Texas.

In August, the State Programs and Facilities welcomed Dr. Gita Upreti as Coordinator of PBIS for the agency. Dr. Upreti brings doctorate and master's degrees in special education, with an emphasis in emotional and behavioral disorders. Most recently, she served as an assistant professor of special education at the University of Texas – El Paso, where she received the University of Texas System Regents' Award for Outstanding Teaching in 2014.

Previously, Dr. Upreti served as an evaluation coordinator for the PBIS Network in Illinois from 2009-2010, and as a research assistant and behavioral consultant with Positive Behavior Supports in Arizona (PBIS in Arizona) from 2004-2009. In addition, Dr. Upreti serves as an editorial board member for the *Journal of Positive Behavior Interventions* from Sage Publications. She has published many articles related to implementation of PBIS, and has delivered numerous trainings and presentations at professional conferences across the country. She comes with high accolades from the national experts with whom TJJD has worked since 2010 to implement PBIS in our school settings.

The work TJJD is doing to expand PBIS past the educational setting at our institutions and integrate it into daily living will be closely watched by Juvenile Justice, Educators and other Behavioral experts throughout the industry.

Following the recent retirement of Executive Assistant Debbie Houser from our division, we are pleased to announce that Melanie Cleveland has accepted the Executive Assistant Position in the division. Melanie has more than 15 years of experience working in state government. Melanie has worked in the Texas State Senate, Texas Department of Public Safety and Texas Department of Criminal Justice in a variety of positions including pardons and parole, victim services and crime records. Her experience also includes positions working with staff in multiple agencies at the executive level. Melanie earned a Bachelor's Degree in Organizational Communication and Political Science from Texas State University.

Melanie has been a valued TJJD employee for more than four years now and is already a crucial part of the State Programs and Facilities team. Her combination of education, experience and skills make her the perfect candidate for this very important job.

MAY	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	130	228	196	204	52	212
Releases on Stage Yes	75.0%	20.0%	0.0%	40.0%	-	0.0%
Other Releases	25.0%	80.0%	100.0%	60.0%	-	100.0%
Total Incidents	736	1519	845	1444	314	1350
Incidents per 100 ADP	567.42	667.36	430.56	708.40	605.35	637.47
Total Major Incidents	321	269	138	264	68	190
Major Incidents per 100 ADP	247.48	118.18	70.32	129.51	131.09	89.72
Total Minor Incidents	415	1250	707	1180	246	1160
Minor Incidents per 100 ADP	319.95	549.18	360.24	578.89	474.25	547.75
Total Uses of Force	219	111	102	106	50	163
Use of Force per 100 ADP	168.84	48.77	51.97	52.00	96.39	76.97
Total Uses of OC Spray	33	22	8	7	1	3
Use of OC Spray per 100 ADP	25.44	9.67	4.08	3.43	1.93	1.42
Youth Grievances Completed Timely	85.0%	91.7%	100.0%	66.9%	73.3%	98.5%
Staff						
Voluntary Turnover*	2.06%	1.38%	2.42%	2.01%	-	1.58%
Injury Frequency Rate (IFR)**	43.62	24.02	17.59	18.48	31.46	28.48
IFR Aggression**	34.61	17.92	12.18	16.67	28.23	24.58
IFR Industrial**	9.01	6.10	5.41	1.81	3.23	3.90
Employee Grievances Completed Timely	100.00	0.00%	100.00%	0.00%	33.33%	100.00%
Health Services						
Total Youth Injuries	45	58	91	194	69	98
Youth Injury Rate per 10 ADP	3.47	2.55	4.64	9.52	13.30	4.63
Total Self-Injuries	8	13	14	19	21	17
Self Injury Rate per 10 ADP	0.62	0.54	0.68	0.95	4.14	0.90
Medication Refusals	566	883	391	741	325	427
ER Visits	3	3	5	2	2	2
Hospitalizations	0	0	1	0	0	1
Off Campus Medical Trips	21	11	13	9	6	14
Finance						
Amended Budget***						
Expenses/Disbursed (YTD)***						
% Expended (YTD)***						
Volunteer Services						
Youth Matched to Mentor	3.10%	13.20%	14.00%	3.30%	4.10%	22.20%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	100.00%	100.00%	99.10%	100.00%	100.00%
Family Support						
Visitation within 60 Days of Placement	34.88%	36.70%	35.42%	34.63%	43.10%	24.32%

*For Voluntary Turnover the Corisciana population was combined with the Mart population as of 12/19/13

** IFR measures exclude Phoenix and Ron Jackson O&A.

***As of FY 2015, budgets figures are prepared quarterly

****As of 12/19/2013, MRTC volunteer services are no longer tracked independently. They are included as part of the Mart complex.

† Unless otherwise noted Phoenix population is included in 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 from a secure location to a non-secure location 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 and were/have not been released.

JUNE	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	129	236	197	217	55	206
Releases on Stage Yes	33.3%	55.6%	80.0%	50.0%	33.3%	20.0%
Other Releases	66.7%	44.4%	20.0%	50.0%	66.7%	80.0%
Total Incidents	710	1601	777	1525	272	1448
Incidents per 100 ADP	548.83	678.20	394.35	701.58	490.97	702.57
Total Major Incidents	271	250	102	275	61	202
Major Incidents per 100 ADP	209.48	105.90	51.77	127.43	110.11	98.01
Total Minor Incidents	439	1351	675	1250	211	1246
Minor Incidents per 100 ADP	339.35	572.30	342.58	574.15	380.87	604.56
Total Uses of Force	173	148	74	110	71	158
Use of Force per 100 ADP	133.73	62.69	37.56	50.61	128.16	76.66
Total Uses of OC Spray	35	20	2	16	1	4
Use of OC Spray per 100 ADP	27.05	8.47	1.02	7.36	1.81	1.94
Youth Grievances Completed Timely	93.9%	94.7%	100.0%	82.1%	83.9%	97.7%
Staff						
Voluntary Turnover*	2.44%	3.51%	2.70%	2.04%	-	1.05%
Injury Frequency Rate (IFR)**	44.11	24.22	17.61	18.54	30.3	30.11
IFR Aggression**	35.54	17.40	12.14	16.91	27.41	26.26
IFR Industrial**	8.57	6.82	5.47	1.63	2.89	3.85
Employee Grievances Completed Timely	0.00%	0.00%	100.00%	0.00%	66.67%	100.00%
Health Services						
Total Youth Injuries	34	58	84	193	79	117
Youth Injury Rate per 10 ADP	2.63	2.46	4.26	8.88	14.27	5.68
Total Self-Injuries	1	2	9	17	26	19
Self Injury Rate per 10 ADP	0.08	0.08	0.46	0.78	4.70	0.92
Medication Refusals	315	1005	330	1027	469	509
ER Visits	1	1	1	1	2	0
Hospitalizations	0	0	0	0	0	0
Off Campus Medical Trips	23	5	21	8	4	17
Finance						
Amended Budget***						
Expenses/Disbursed (YTD)***						
% Expended (YTD)***						
Volunteer Services						
Youth Matched to Mentor	5.40%	9.50%	12.30%	2.70%	9.10%	18.10%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	100.00%	99.50%	98.20%	100.00%	100.00%
Family Support						
Visitation within 60 Days of Placement	34.38%	38.70%	34.01%	34.42%	43.86%	26.61%

*For Voluntary Turnover the Corisciana population was combined with the Mart population as of 12/19/13

** IFR measures exclude Phoenix and Ron Jackson O&A.

***As of FY 2015, budgets figures are prepared quarterly

****As of 12/19/2013, MRTC volunteer services are no longer tracked independently. They are included as part of the Mart complex.

† Unless otherwise noted Phoenix population is included in 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 from a secure location to a non-secure location 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 and were/have not been released.



**Texas Juvenile Justice Department
Programs Committee Meeting**

11209 Metric Blvd., Building H, Austin, Texas 78758

Thursday, January 29, 2015– 4:00 p.m.

BOARD MEMBERS PRESENT:

Dr. Rene Olvera, Committee Chairman
The Honorable Jimmy Smith
Melissa Weiss
MaryLou Mendoza (arrived 4:16)

BOARD MEMBERS ABSENT:

Scott Matthew

EXECUTIVE STAFF PRESENT:

Chelsea Buchholtz, Chief of Staff
Dr. Tushar Desai, Medical Director
Eleazar Garcia, Chief Auditor
Amy Lopez, Senior Director of Educational Services
Teresa Stroud, Senior Director of State Programs & Facilities
James R Williams, Senior Director of Probation and Community Services
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Ben Bellomy, TJJD
Cris Burton, TJJD
Lane Cartwright, TJJD
Karol Davidson, TJJD
Kyle Dufour, TJJD
Holli Fenton, TJJD
Shirley Garcia, TJJD
Deidre Hernandez, TJJD
Tammy Holland, TJJD
John Isle, TJJD
Miki Jost, TJJD
Karen Kennedy, TJJD
April Jameson, TJJD
Troy Lowery, TJJD

Programs Committee Meeting
March 26, 2015

Ron Quiros, Guadalupe County Juvenile Services
Vicki Reasor, TJJJ
Steve Roman, TJJJ
Connie Simon, TJJJ
Kaci Singer, TJJJ
Nancy Slott, TJJJ
Dennis Smith, TJJJ
Beverly Sumners, TJJJ
Luther Taliaferro, TJJJ
Michael Turner, TJJJ
Cheryse White, TJJJ

Call to Order

Dr. Olvera called the meeting to order at 4:07 p.m.

Discussion, Consideration, and Possible Approval Regarding Excused Absences

Mr. Matthew was called away and unable to attend the meeting.

Approval of January 29, 2105 meeting minutes

The Honorable Jimmy Smith moved to approve the minutes of the January 29, 2015 meeting. Melissa Weiss seconded. The motion passed unanimously.

State Facilities Performance Tracking

Teresa Stroud, Senior Director of State Programs and Facilities, presented the performance tracking numbers for both December 2014 and January 2015. She highlighted a few areas including the addition of the “total number of incidents” which helps put the incident rate per hundred in context. She has also received feedback from the Safety and Security Committee regarding these reports and may tweak the format and information included slightly. At the end of twelve months her department will include a yearly tracking element.

Pairing Achievement with Service (PAWS) Program

Cris Burton, Lead Program Specialist and an 18-year veteran of TJJJ, introduced Holli Fenton, Troy Lowery, Cheryse White, Youth Miriam, and Baby Girl (the dog). The PAWS program started in 2010 with
Programs Committee Meeting
March 26, 2015

five dogs and five girls. The youth in this program learn how to develop healthy relationships, empathy and responsibility. The youth are responsible for their dogs including grooming, feeding, hygiene, and training. The training program is at least twelve weeks plus one week of working with a mentor prior to receiving a dog. Not all youth are appropriate to participate in this program, but many of the youth who do participate do have other specialized needs. All training is done with positive reinforcement.

TJJD staff shared some of the positive outcomes of the program including lower re-arrest rates, statistically better completion of their own programs within the minimum length of stay, decreased risk factors and increased protective factors.

Miriam and Baby Girl demonstrated some of what they had learned. Baby Girl was one day away from placement which is both a sad and a proud time for Miriam. She spoke compellingly about learning to deal with frustration and loneliness, while learning time management, responsibility, dependability, and communication skills. She has gained self-confidence and a marketable skill and interest.

Board members and audience members alike were impressed and were invited to visit Ron Jackson and see the program at any time.

TJJD Division of Education Leadership Development

Amy Lopez, Senior Director of Education Services, introduced Luther Taliaferro, Assistant Superintendent of Education. Mr. Taliaferro introduced three principals: Dennis Smith, Vikki Reasor, and Shirley Garcia. Each of the principals spoke about planning, leadership, and implementation of those plans. They develop an EXCEerator plan which is a one-page strategic plan. Their BHAG (big, hairy, audacious goal) is to have every youth leave with something they can take with them, whether it be a diploma, a GED, college credits, industry certifications, or an individualized graduation plan. From the BHAG they have a three day meeting and develop priorities and make changes. The principals spoke of the process and what they mean by consensus. Each campus plan targets the goals of the district plan. All requests to central office must include one of these goals which helps ensure accountability.

Leadership is not only at the principal level; all staff participate in staff development, either as part of a national conference or as groups within TJJD. The combination of staff development, leadership development, and comprehensive planning has proved successful at TJJD.

Student achievement drives everything at the schools.

Rule Review 37 TAC Chapter 347 regarding Title IV-E

James Williams, Senior Director of Probation and Community Services, outlined the proposed changes for Chapter 347. Staff recommends repealing the entire chapter and replacing it with one new rule. All of the repealed rules would then be placed in the Grant E document, which is an addendum to the State

Programs Committee Meeting
March 26, 2015

Financial Assistance Contract that governs the Title IV-E reimbursements. The committee had no questions.

Revisions to 37 TAC 380.8787 Relating to Sex Offender Risk Assessment

Karol Davidson, staff attorney, reported that the proposed revisions were posted to the *Texas Register* for a 30-day period, and no comments were received. The changes included a clarification to show that the sex offender risk assessment used by TJJ is a validated instrument, and clarification was added to show that staff must be trained by a qualified trainer, but there is no requirement for staff to be certified in administering the risk assessment instrument.

Revisions within 37 TAC Chapter 343 Relating to Standards for Secluding Residents from the General Facility

James Williams outlined the proposed changes and requested the board's approval to publish the changes in the *Texas Register* for a 30-day comment period. These changes are more than language clean-up and are a result of the work done by the advisory council, a diverse group of statewide stakeholders. Seclusion is an important topic and each change was painstakingly researched before proposed. The major changes include limiting disciplinary seclusion to 48 hours; prohibiting disciplinary seclusion for residents with serious mental illnesses; requiring consultation with a mental health provider before imposing such seclusion; requiring a formal disciplinary review before seclusion is imposed; reducing the deadline for review to five days after a resident's request; removing the requirement for appeals to include an in-person hearing; and creating two new categories of seclusion, "safety-based seclusion" and "resident-initiated separation."

Adjourn

The meeting adjourned at 5:35 pm.



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Medical Services

Overview of Medical Services

- ❖ **Administrative oversight of medical, psychiatric, and pharmacy services provided by UTMB – Correctional Managed Care.**
- ❖ **Ongoing quality assurance monitoring of health care delivery provided at secure facilities, halfway houses, and contract care residential services:**
 - ❖ **Access to care measures, risk assessment and cost effectiveness of health care delivery**
 - ❖ **Data collection and analysis of health care delivery**
 - ❖ **Quality improvement measures of health care delivery**
- ❖ **Collaborative meetings with UTMB to provide a framework for quality improvement, resource management, cost containment, and utilization review.**
- ❖ **Oversight of all aspects of food and nutrition services, including medical diets, food safety and sanitation, and food quality.**
- ❖ **Quality assurance monitoring of food service operations at secure facilities and halfway houses to ensure that the agency meets or exceeds all federal and state standards for child nutrition programs.**
- ❖ **The Nursing Services under the direction of TJJJ Medical Director and Director of Nursing Services, provides clinical and administrative oversight of medical, dental, and psychiatric services provided to youth in state-operated programs by the agency's contract health care provider, UTMB-Correctional Managed Care. Nursing Services collaborates with UTMB and other TJJJ departments to ensure that policies and procedures related to medical care are consistent with national guidelines and standards, protective of youth rights and consistent with the agency's mission.**

What's New at Medical Services Division?

- **New Medical Director**

Tushar Desai, M.D.

Child and Adolescent Psychiatrist

As of March 1, 2015

- **Tattoo Removal Clinic**

Initiation of Tattoo Removal

- ❖ Under the supervision of the TJJD Medical Director, certified TJJD staff will perform the tattoo removal procedure.
- ❖ Youth participation is voluntary and the procedure will only be performed on visible tattoos.
- ❖ This machine is less invasive than traditional tattoo removal machines and requires minimal wound care.
- ❖ This machine was purchased via the Second Chance Act: Juvenile Demonstration Project Grant thanks to Karen Lashbrook.
- ❖ We're still in the planning phase (i.e. – policy, training, and physical environment)
- ❖ Location: Giddings State School
- ❖ Estimated start date: September 2015

The Astanza Duality State-of-the-Art Tattoo Removal Machine



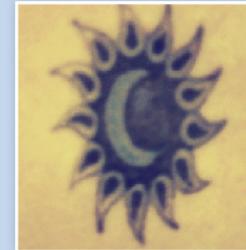
Results: Before and After Photos



Before



After 2 Tx



Before



After 5 Tx



Before



After 4 Tx



Before

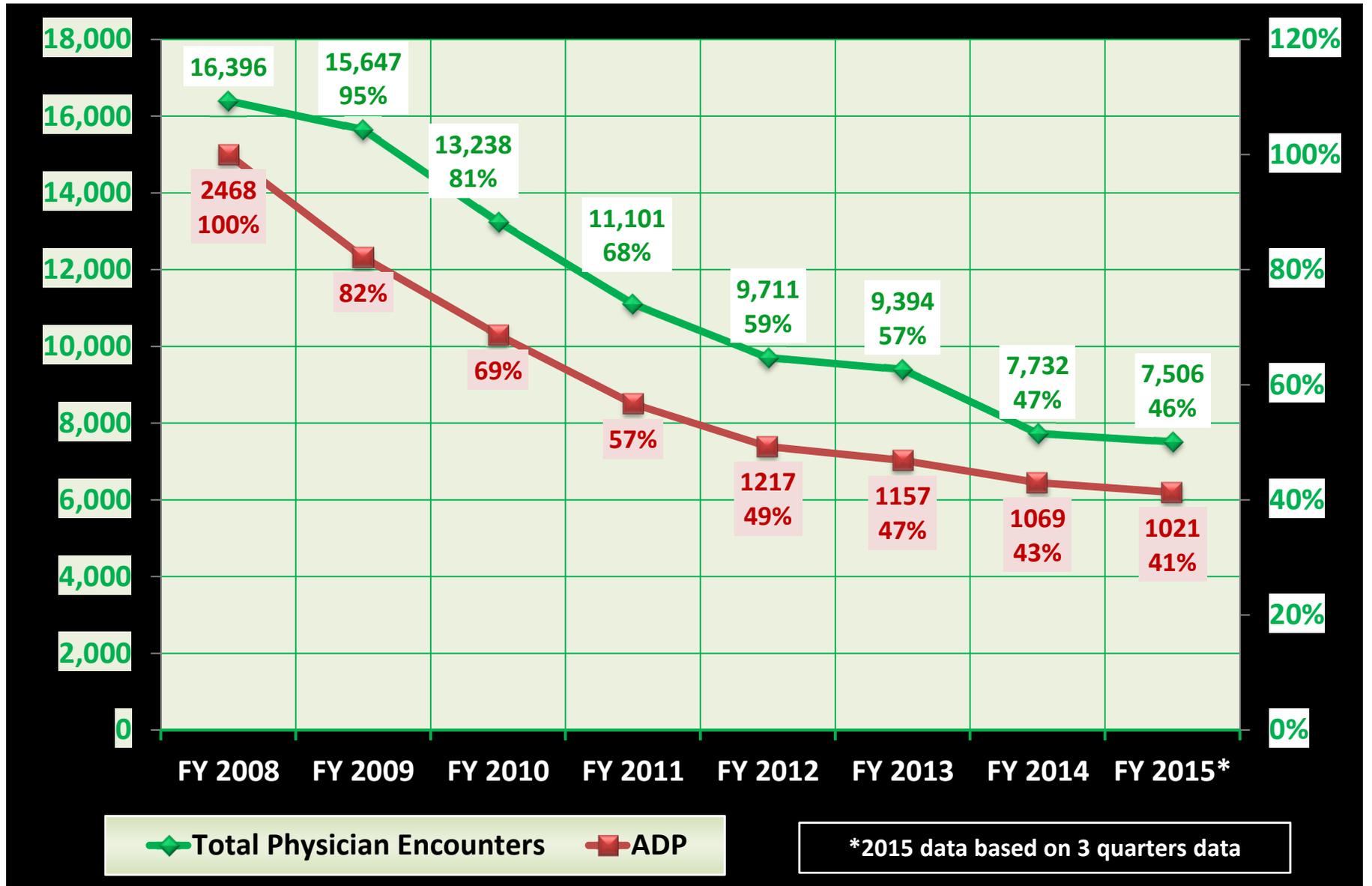


After 5 Tx

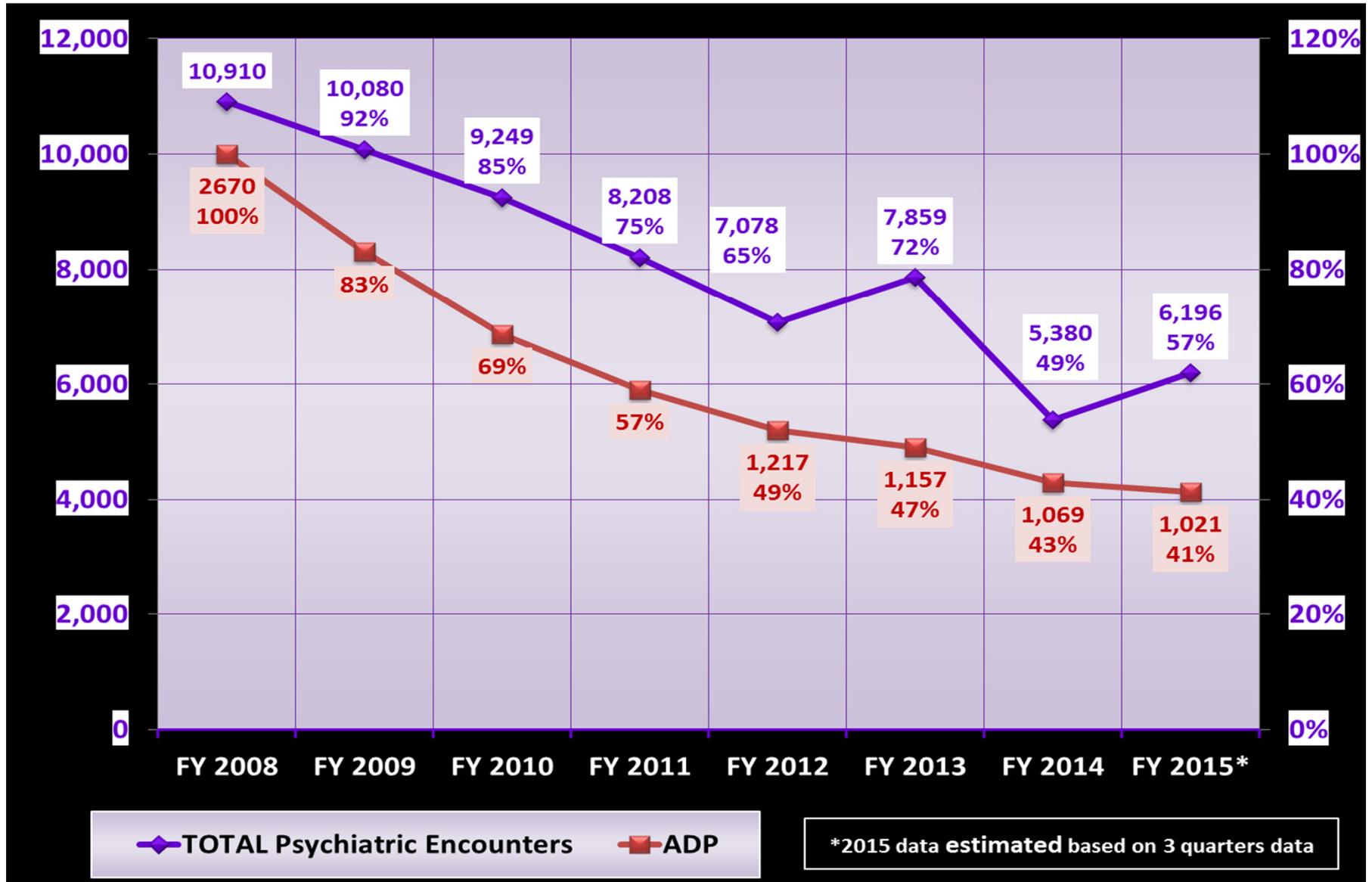
Overview of Health Care Delivery

On-Site Monitoring

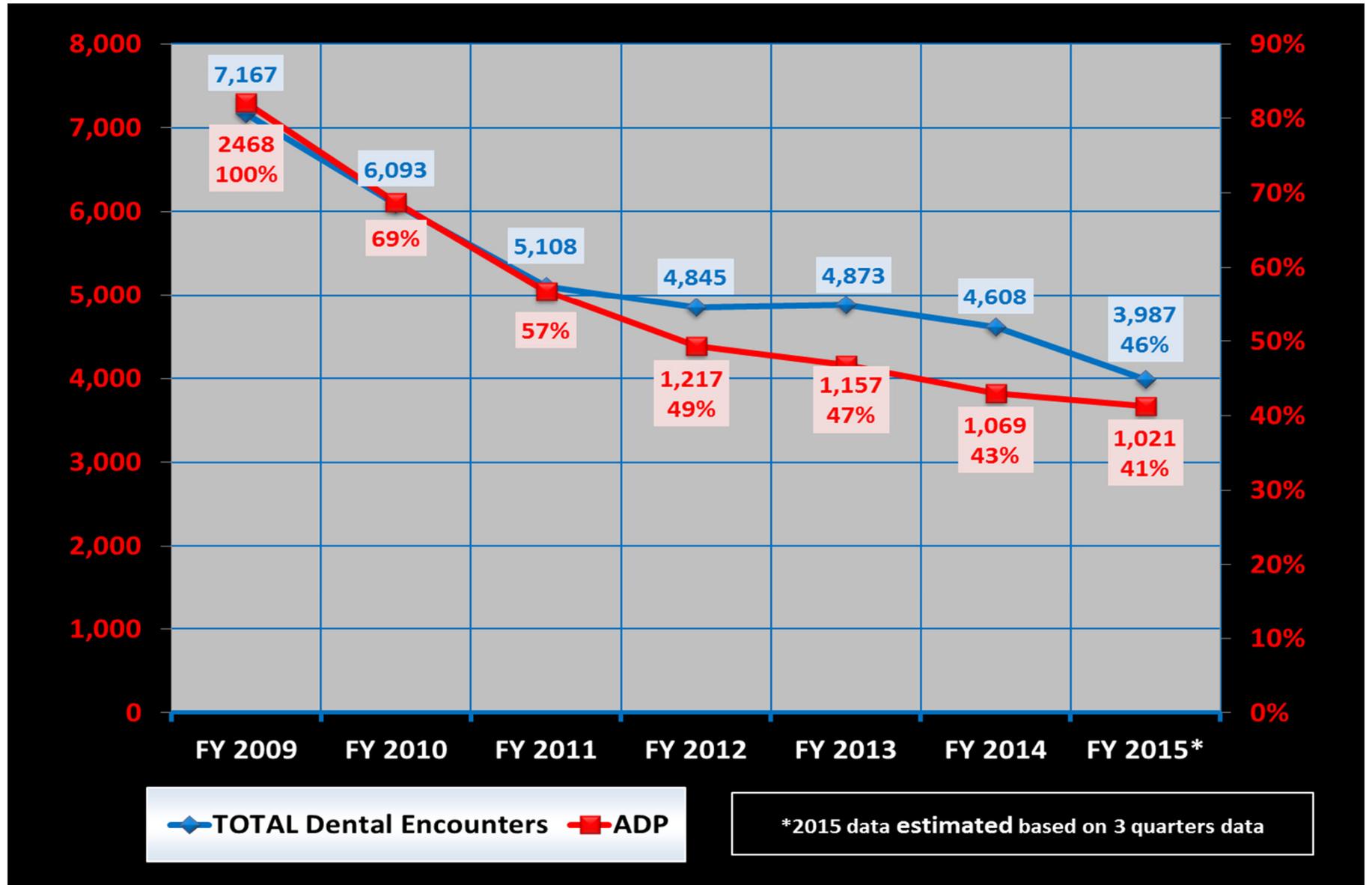
TOTAL Physician Encounters



TOTAL Psychiatric Encounters



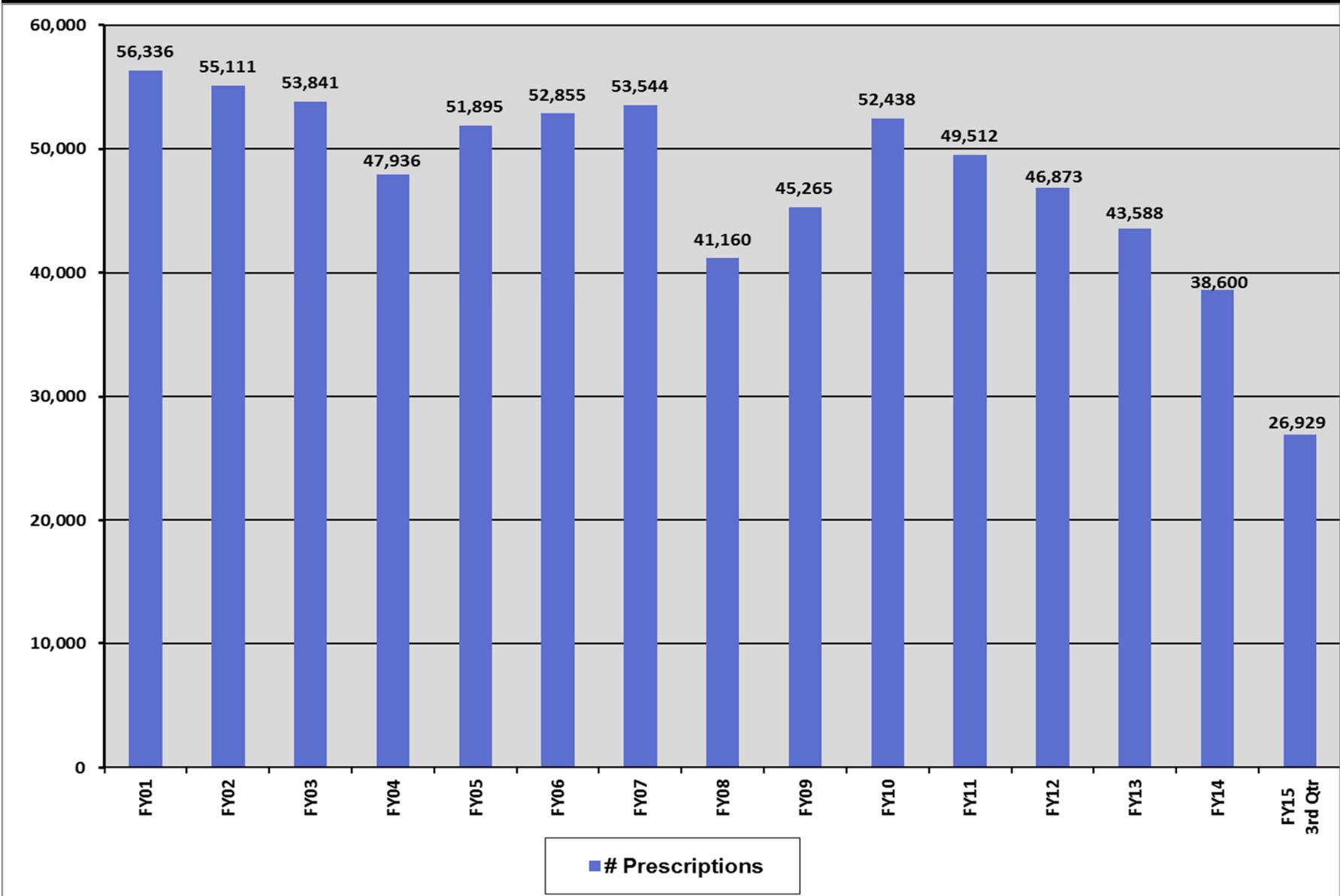
TOTAL Dental Encounters



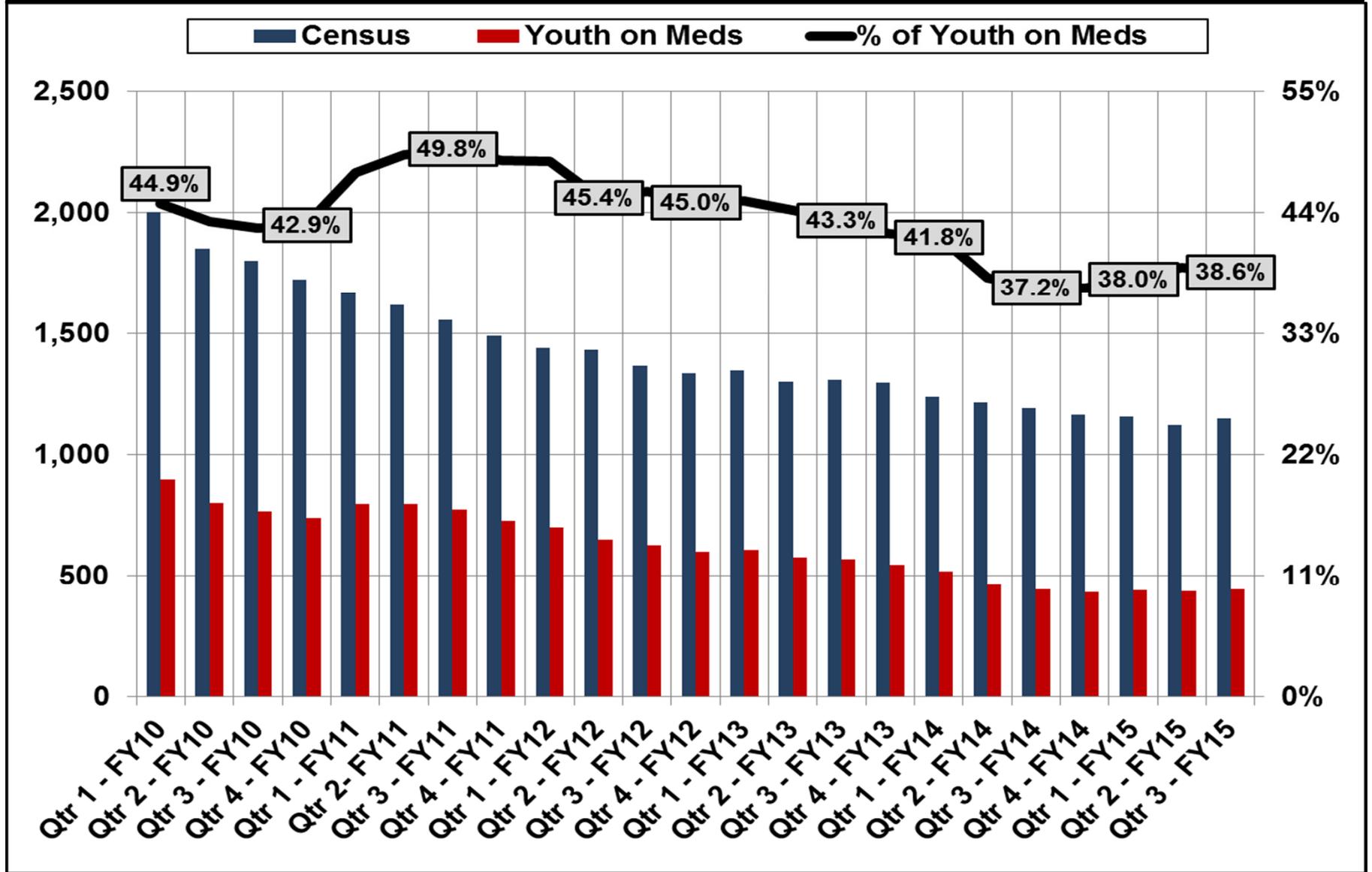
FY15 Pharmacy Service Statistics

Service Statistic as of 3rd Qtr	
Number of facilities at year end (5 institutions and 8 halfway houses)	13
Average number of patients per month	1,144
Number of prescriptions	26,929
Average number of prescriptions per month	2,992
Average number of prescriptions per day	146
Average cost per formulary prescription	\$5.99
Percent formulary medication prescribed	97.7%
Average cost per non-formulary prescription	\$26.58
Percent non-formulary medication prescribed	2.3%

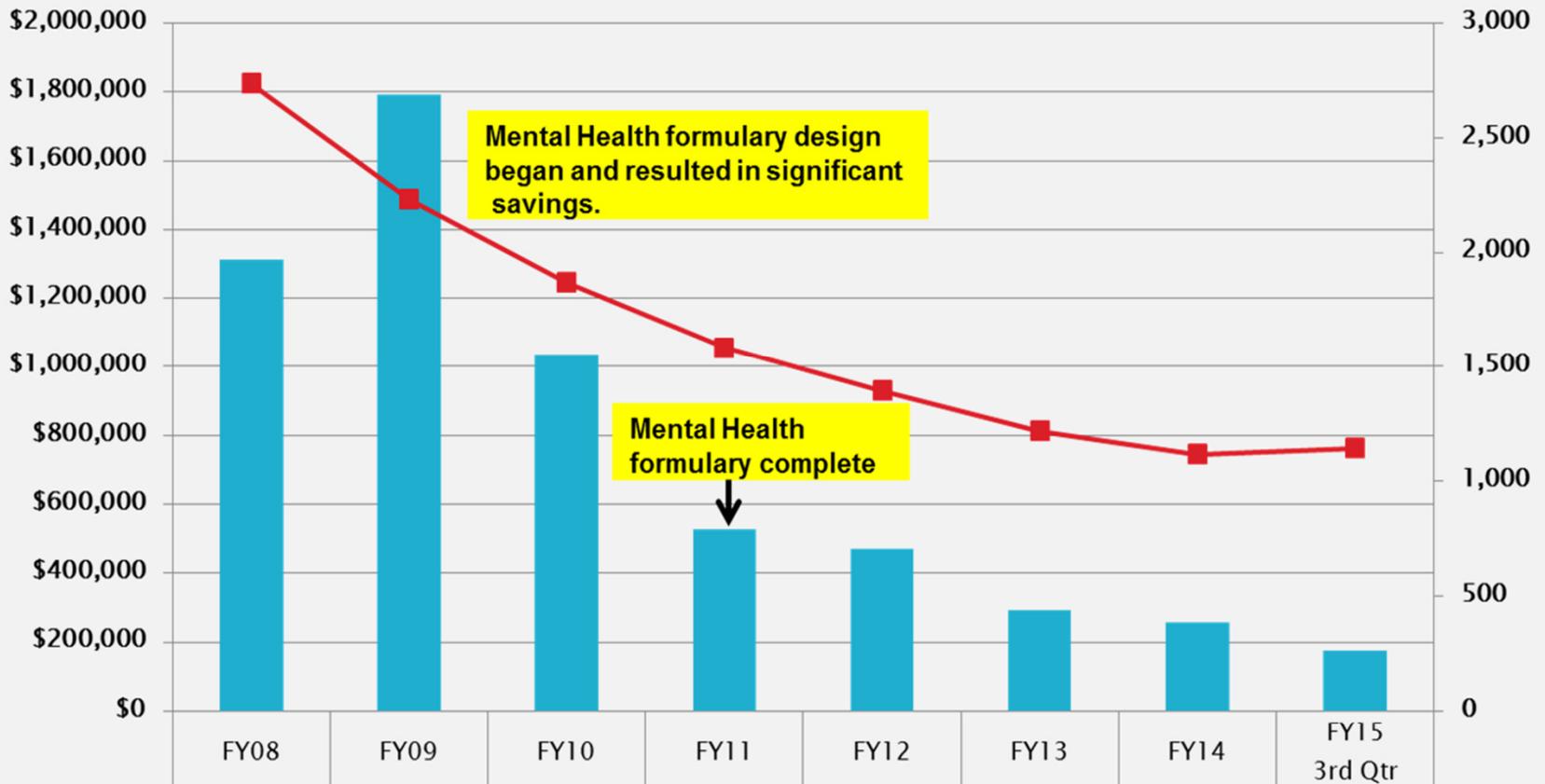
Trend in Number of Prescriptions



Trend in Percent of Youths on Psychotropic Medication (number of youths on meds per 100 ADP)

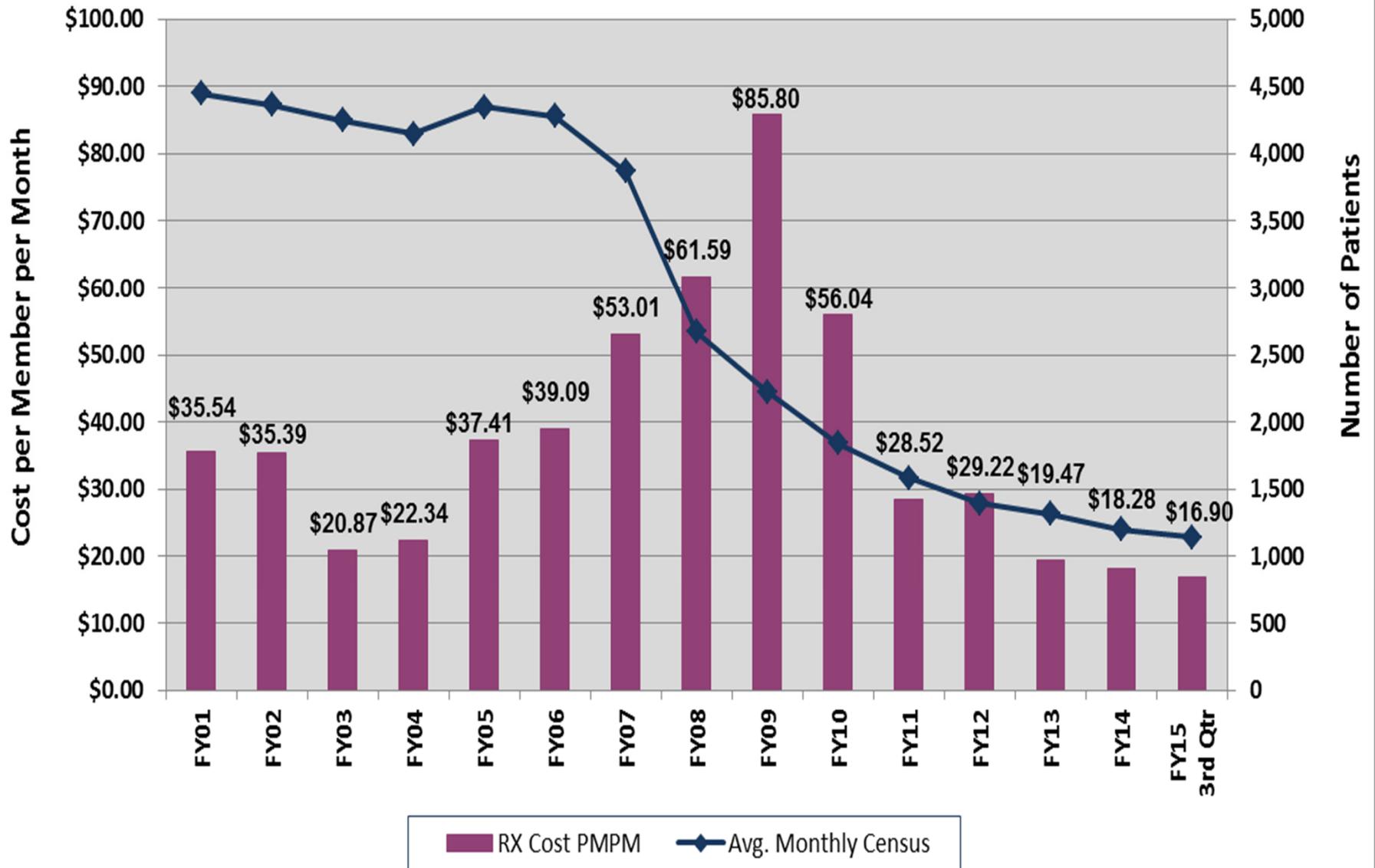


TJJD Pharmacy Costs FY08 – FY15

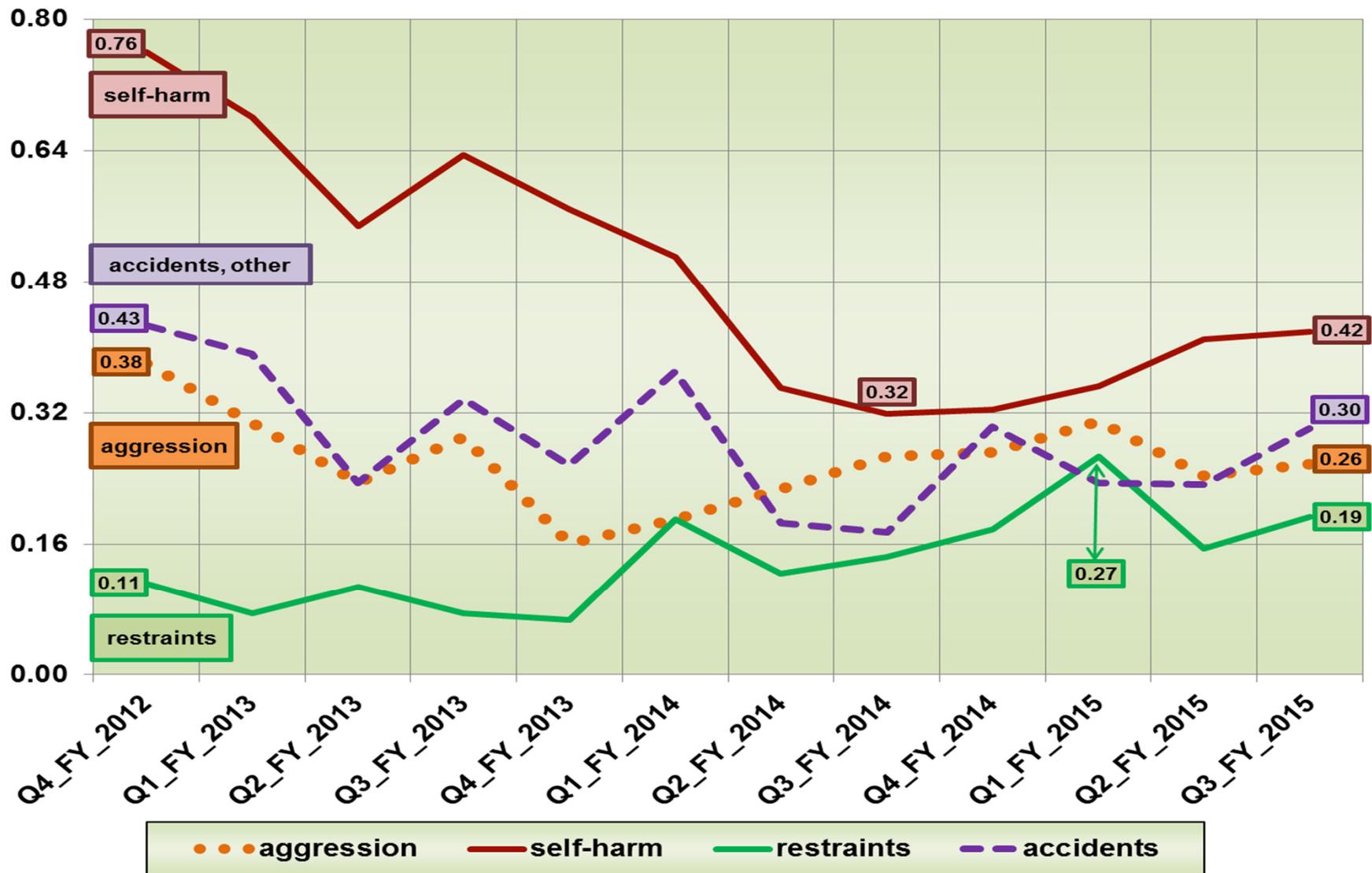


Pharmacy Costs	\$1,311,058	\$1,792,279	\$1,037,111	\$528,016	\$471,968	\$292,291	\$257,000	\$175,416
ADP	2,737	2,231	1,868	1,585	1,394	1,219	1,117	1,144

Pharmacy Cost per Member per Month

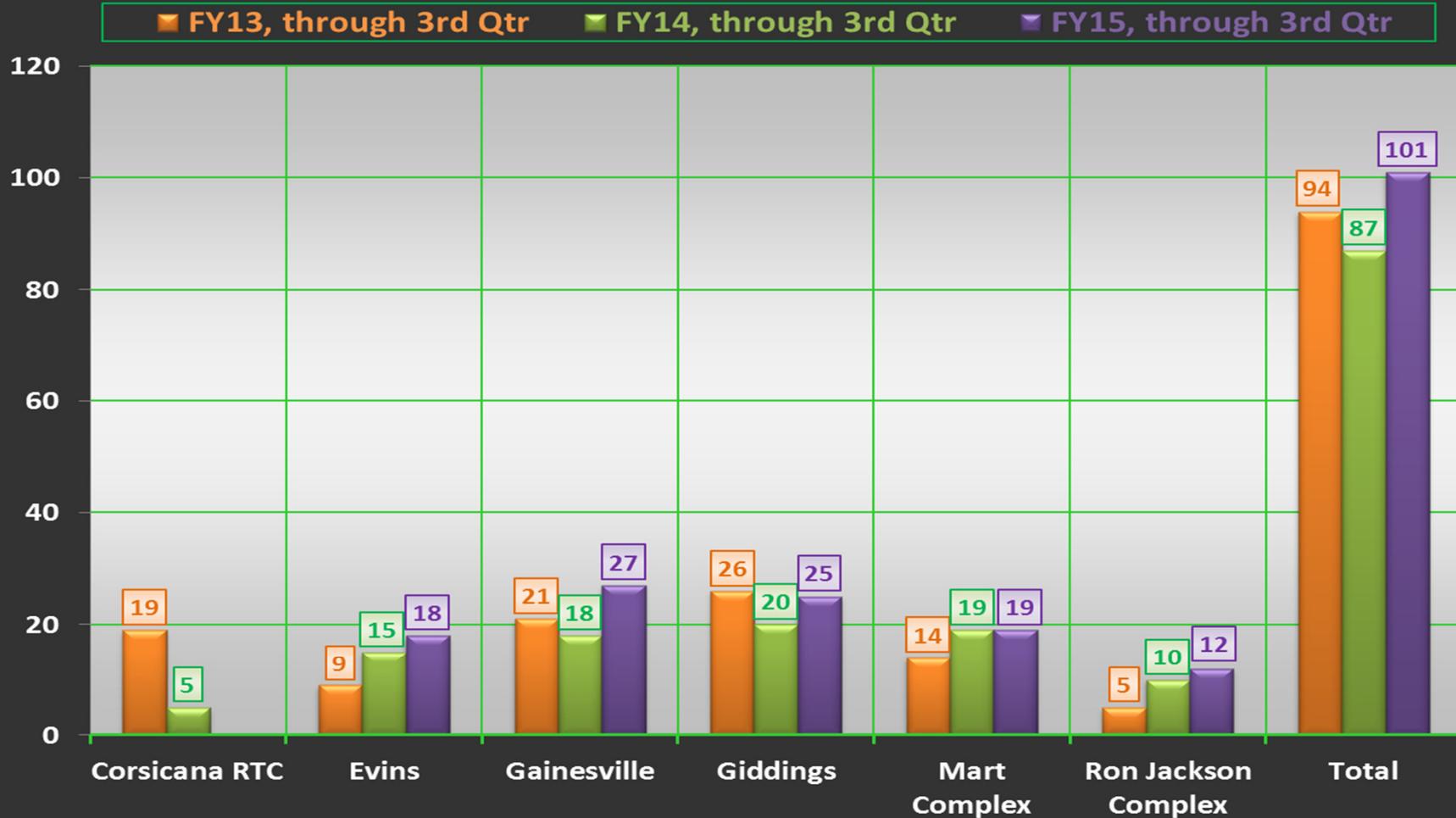


3-year trends in moderate and serious injury rates (average number of injuries per 1,000 youths per day)



Off-Site Monitoring

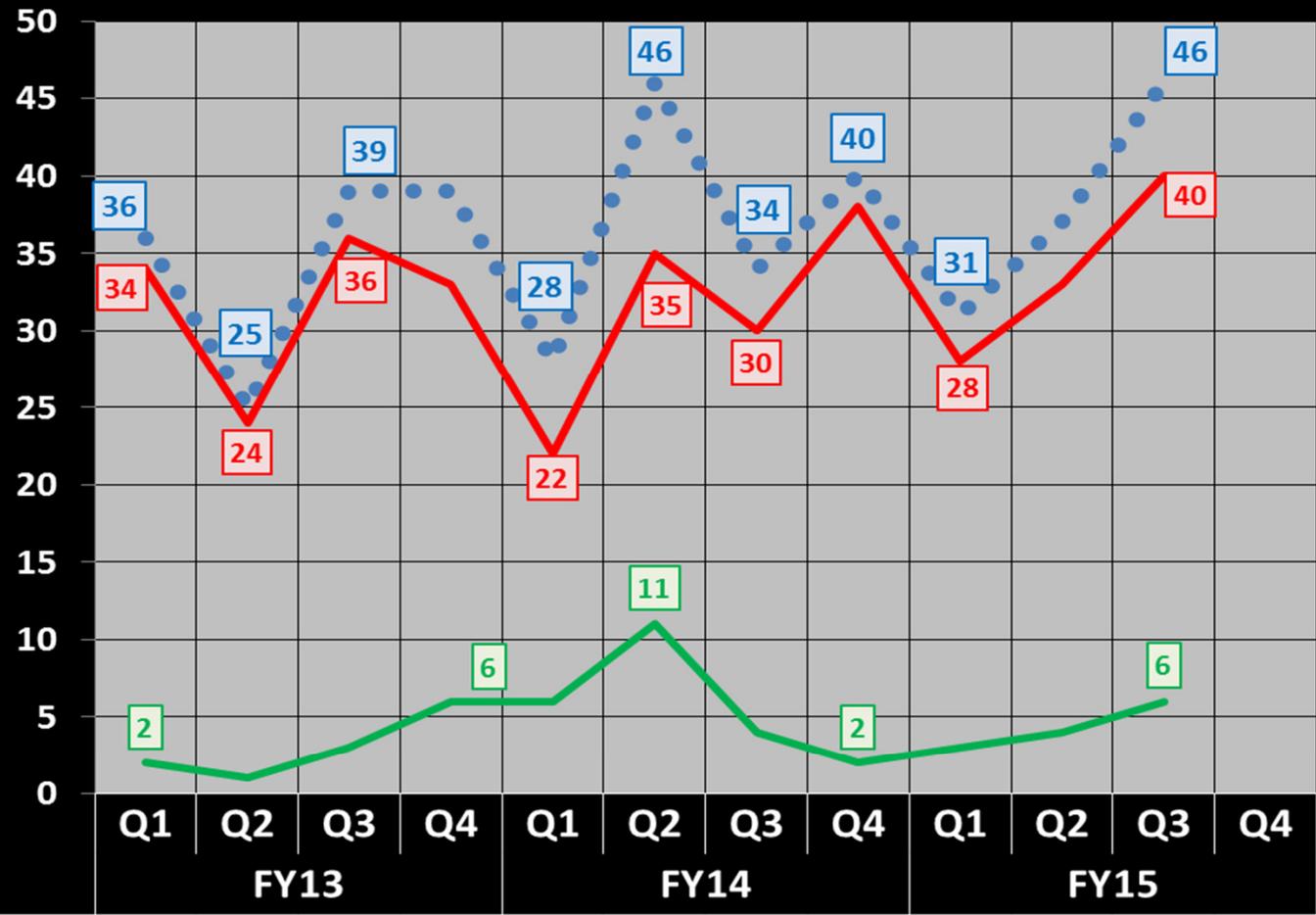
ER Visits FY13 – FY15, through 3rd Qtr by Institution



Corsicana Residential Treatment Center (RTC): closed in December 2013 (FY14)
 Mart Complex: RTC was moved from Corsicana to Mart in December 2013 (FY14)
 Ron Jackson Complex: Intake was moved from Mart to Ron Jackson in November 2013 (FY14)

ER Visits FY13 - FY15, Quarterly

(Institutions and Halfway Houses – excludes Contract Care)



••• Total ER Visits	36	25	39	39	28	46	34	40	31	37	46	
— Institution ER Visits	34	24	36	33	22	35	30	38	28	33	40	
— HWH ER Visits	2	1	3	6	6	11	4	2	3	4	6	

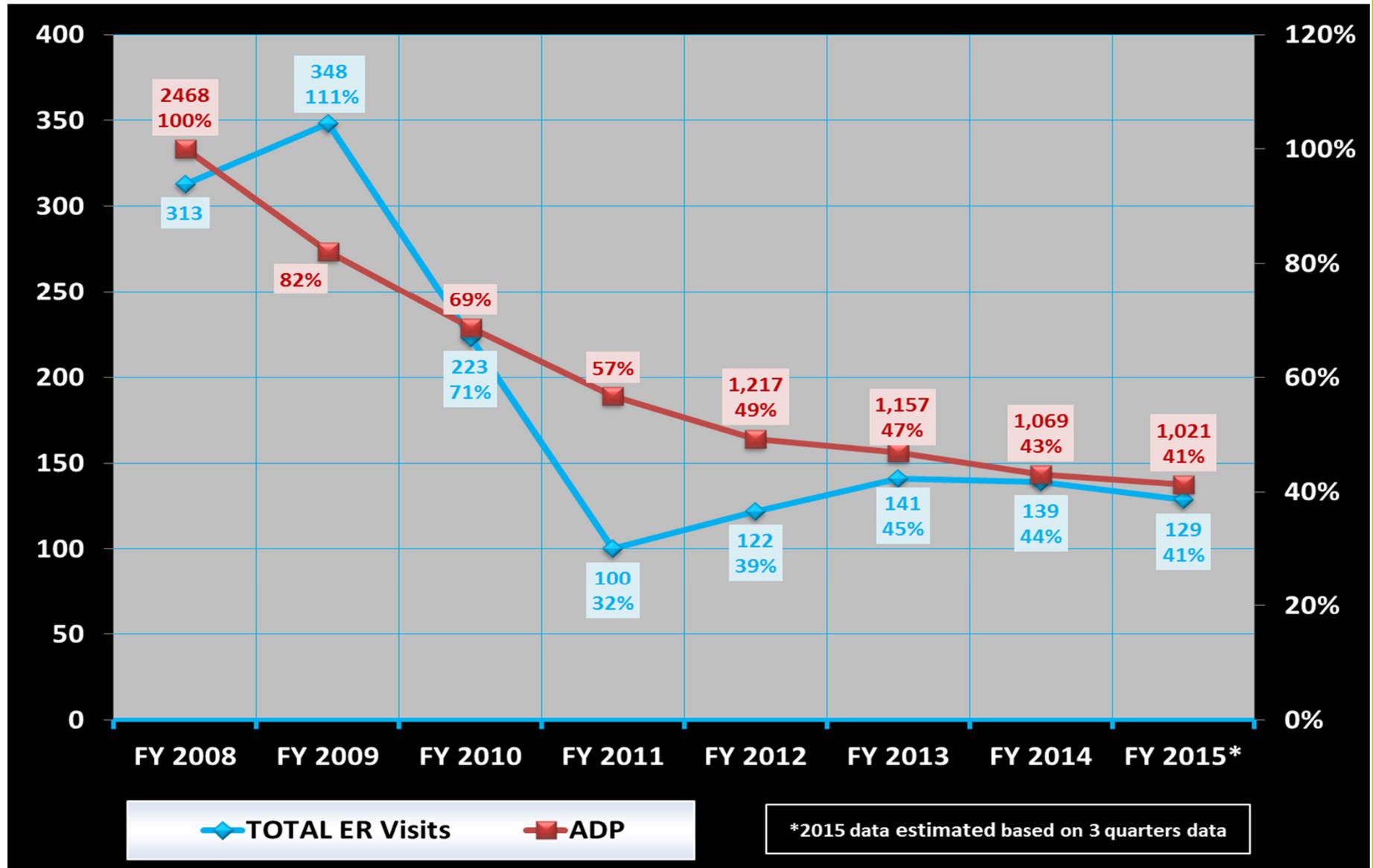
ER Visits FY13 – FY15, through 3rd Quarter, by Type of Incident

(Institutions and Halfway Houses - excludes Contract Care)



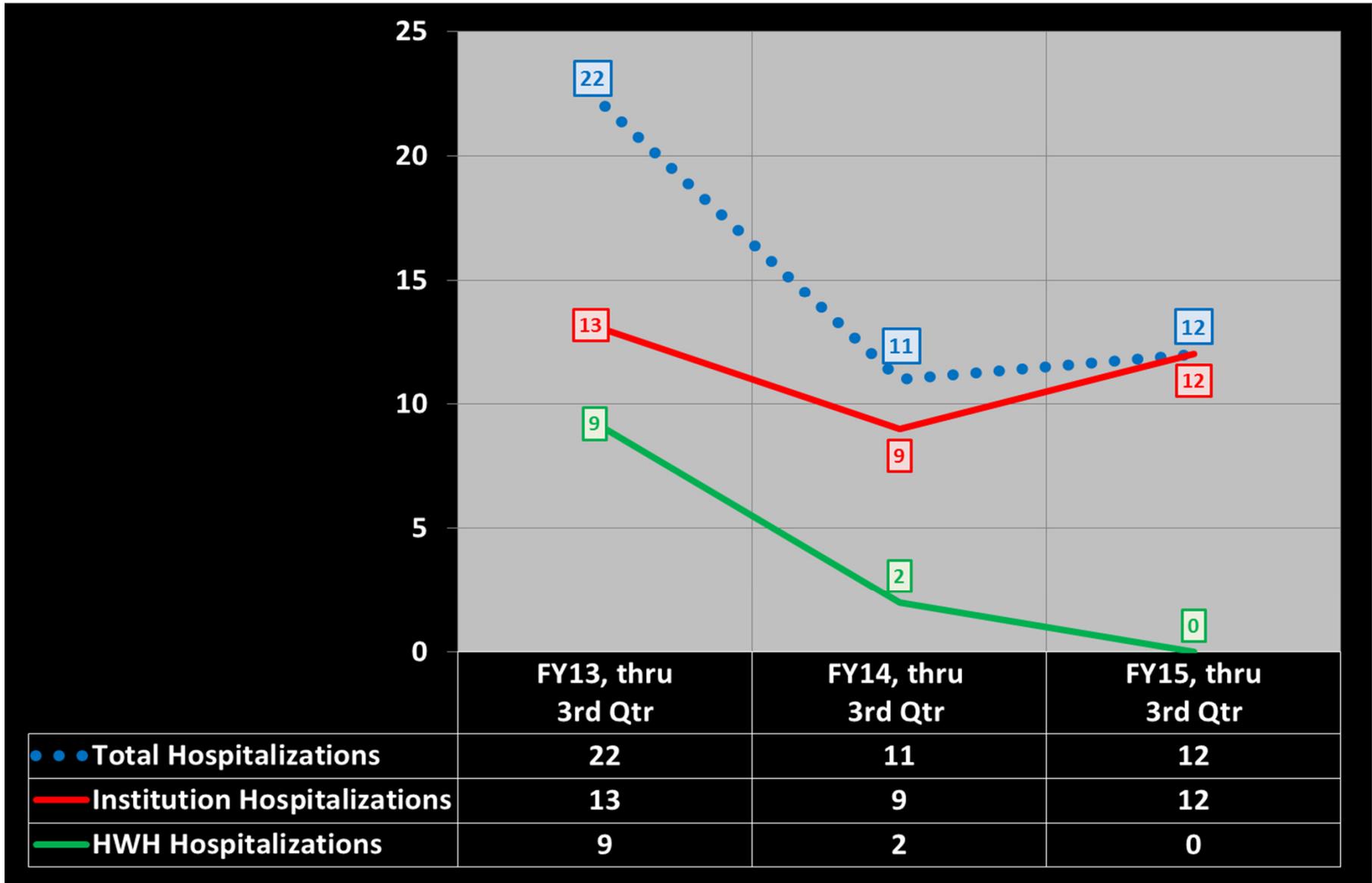
	FY13, thru 3rd Qtr	FY14, thru 3rd Qtr	FY15, thru 3rd Qtr
Injury	62	72	64
Illness	9	17	32
Mental Health	29	19	18
Total	100	108	114

TOTAL ER Visits



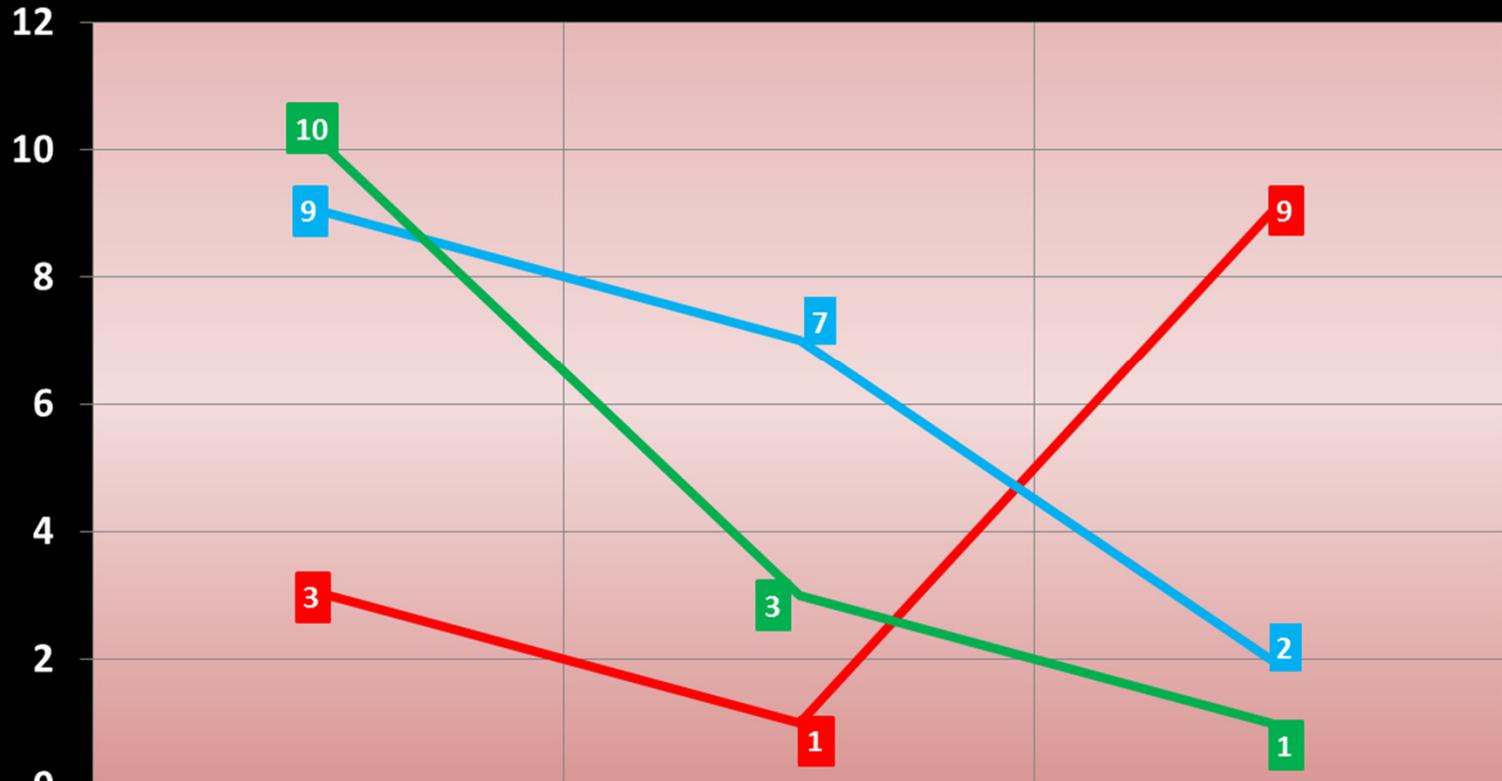
Hospitalizations FY13 - FY15, through 3rd Qtr

(Institutions and Halfway Houses – excludes Contract Care)



Hospitalizations FY13 – FY15, through 3rd Qtr, by Type of Incident

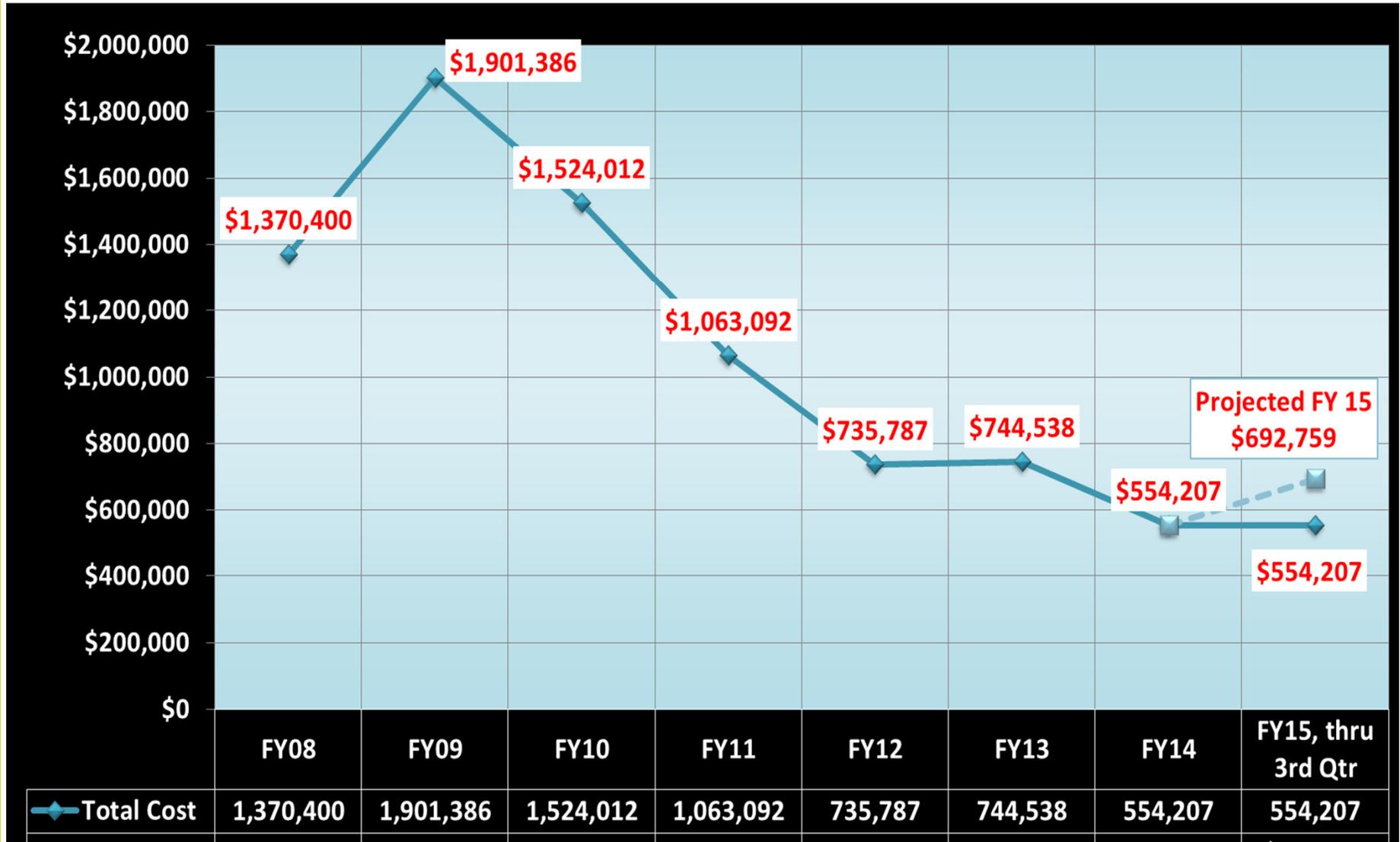
(Institutions and Halfway Houses - excludes Contract Care)



	FY13, thru 3rd Qtr	FY14, thru 3rd Qtr	FY15, thru 3rd Qtr
Injury	3	1	9
Illness	9	7	2
Mental Health	10	3	1
Total	22	11	12

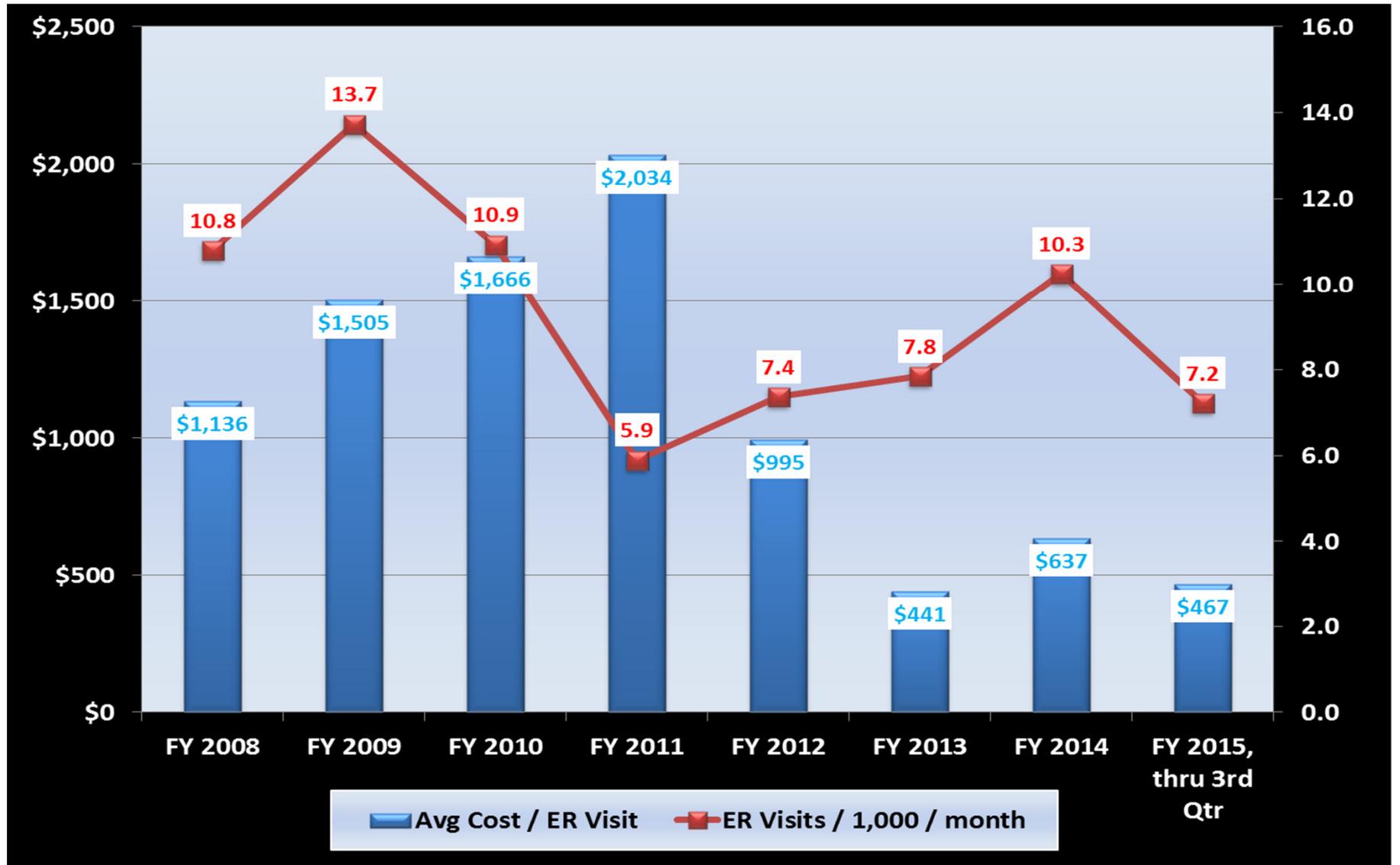
Financial Monitoring

Total Freeworld Care Costs FY 2008 - FY 2015



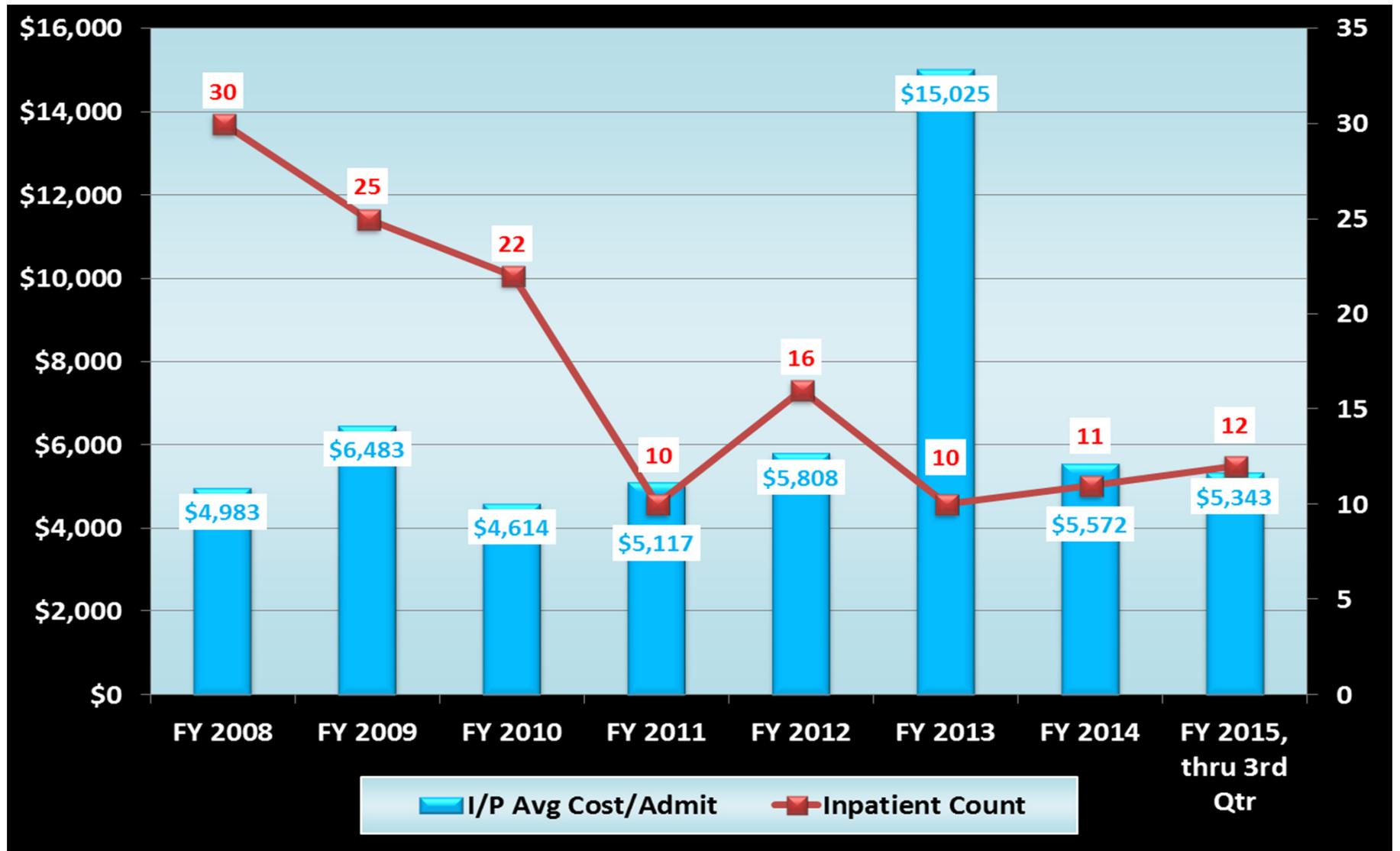
TJJD Freeworld Expenses

ER Visits / 1,000 / Month and Average Cost per ER Visit
FY 2008 - FY 2015

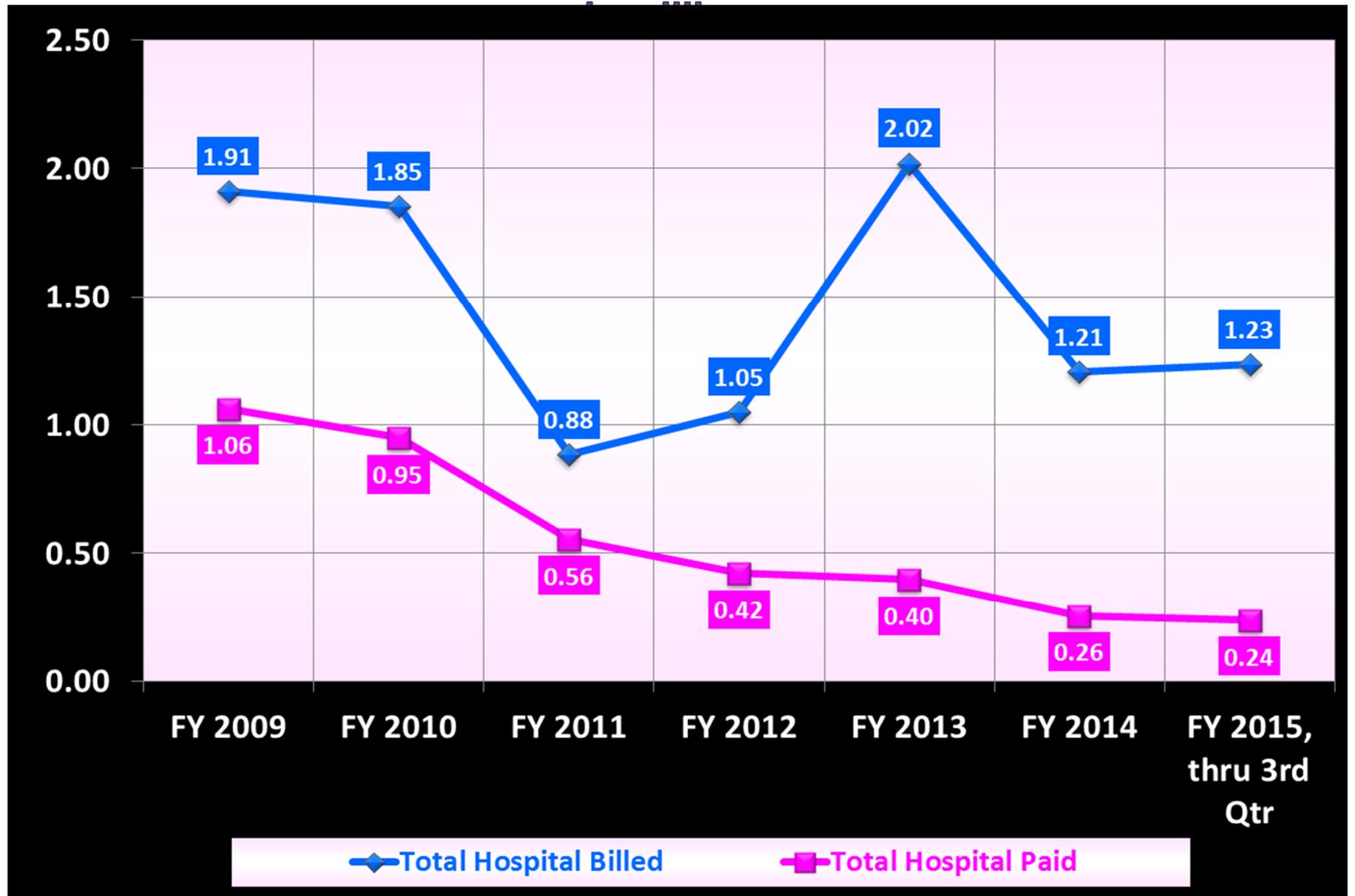


TJJD Freeworld Expenses

Inpatient Count and Average Cost per Admit FY 2008 - FY 2015

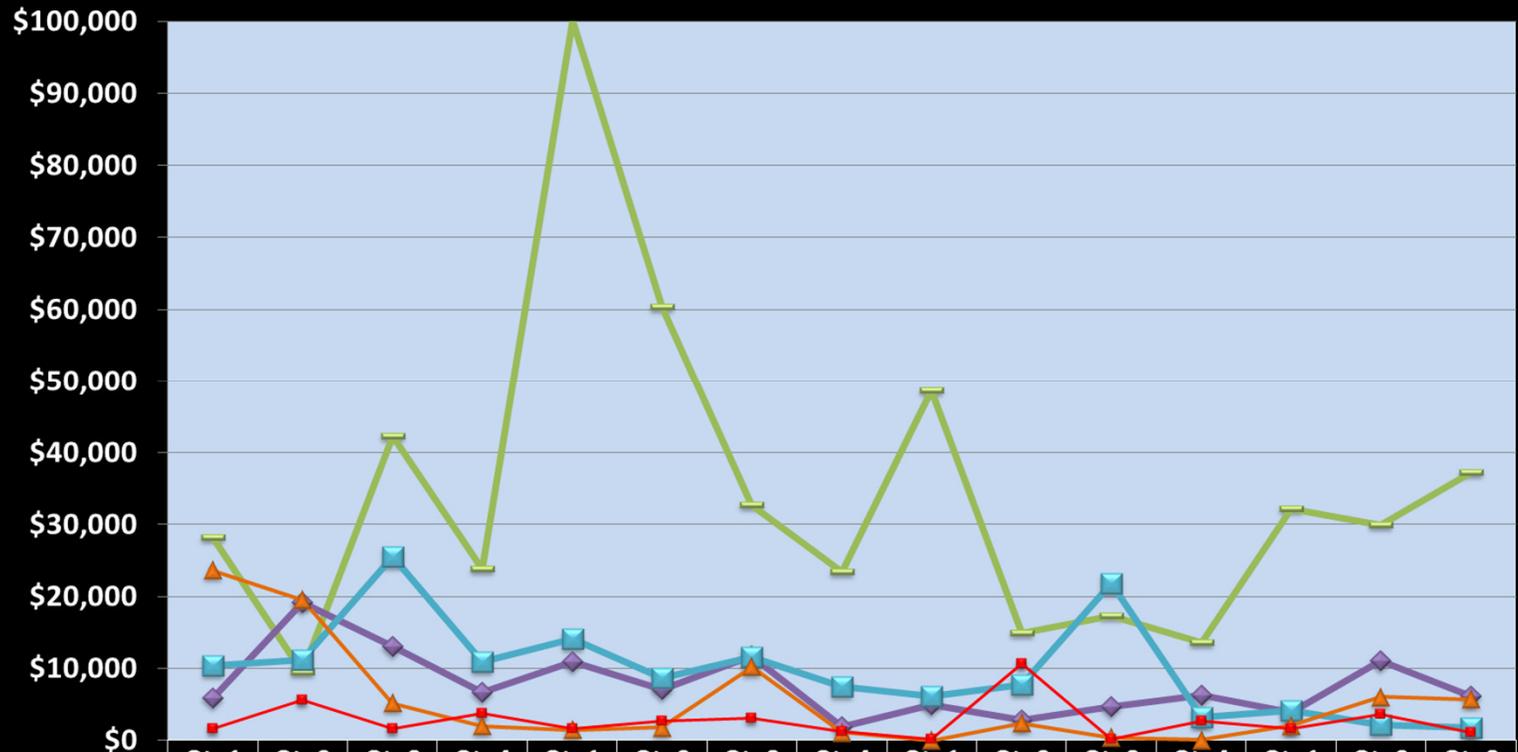


Total Billed vs. Total Paid – Hospital Only



Trauma & Injury Costs

FY 2012 - FY 2015



	Qtr 1 FY12	Qtr 2 FY12	Qtr 3 FY12	Qtr 4 FY12	Qtr 1 FY13	Qtr 2 FY13	Qtr 3 FY13	Qtr 4 FY13	Qtr 1 FY14	Qtr 2 FY14	Qtr 3 FY14	Qtr 4 FY14	Qtr 1 FY15	Qtr 2 FY15	Qtr 3 FY15
DISLOC./FRACTURES	28,130	9,446	42,216	23,838	100,121	60,300	32,672	23,397	48,643	14,945	17,269	13,526	32,187	29,958	37,257
CONTUSIONS & INJURIES	5,834	19,099	13,066	6,682	10,955	7,003	11,734	1,876	4,952	2,843	4,659	6,191	3,795	10,970	6,179
OPEN WOUNDS	10,360	11,218	25,546	10,964	14,132	8,675	11,546	7,456	6,078	7,709	21,771	3,226	4,134	2,134	1,741
SPRAIN AND STRAIN	23,614	19,489	5,178	1,947	1,447	1,769	10,192	1,099	-	2,339	344	66	2,001	6,045	5,694
STIFFNESS, SWELLING, & POISONING	1,619	5,520	1,651	3,714	1,545	2,648	3,049	1,150	134	10,698	202	2,603	1,588	3,532	1,015

Total - Trauma & Injury FY 2012: \$269,129

Total - Trauma & Injury FY 2013: \$312,765

Total - Trauma & Injury FY 2014: \$168,198

Total - Trauma & Injury FY 2015, through 3rd Qtr: \$148,229

THIS PAGE LEFT BLANK INTENTIONALLY

PRESENTATION TO BOARD OF DIRECTORS TEXAS JUVENILE JUSTICE DEPARTMENT

AUGUST, 2015

SPECIALIZED READING PROGRAM

EDUCATION DIVISION

INTRODUCTION BY LUTHER TALIAFERRO, INTERIM SUPERINTENDENT

BRIEF DISCUSSION

CATHY BERRYHILL, M.ED., DISTRICT READING SPECIALIST

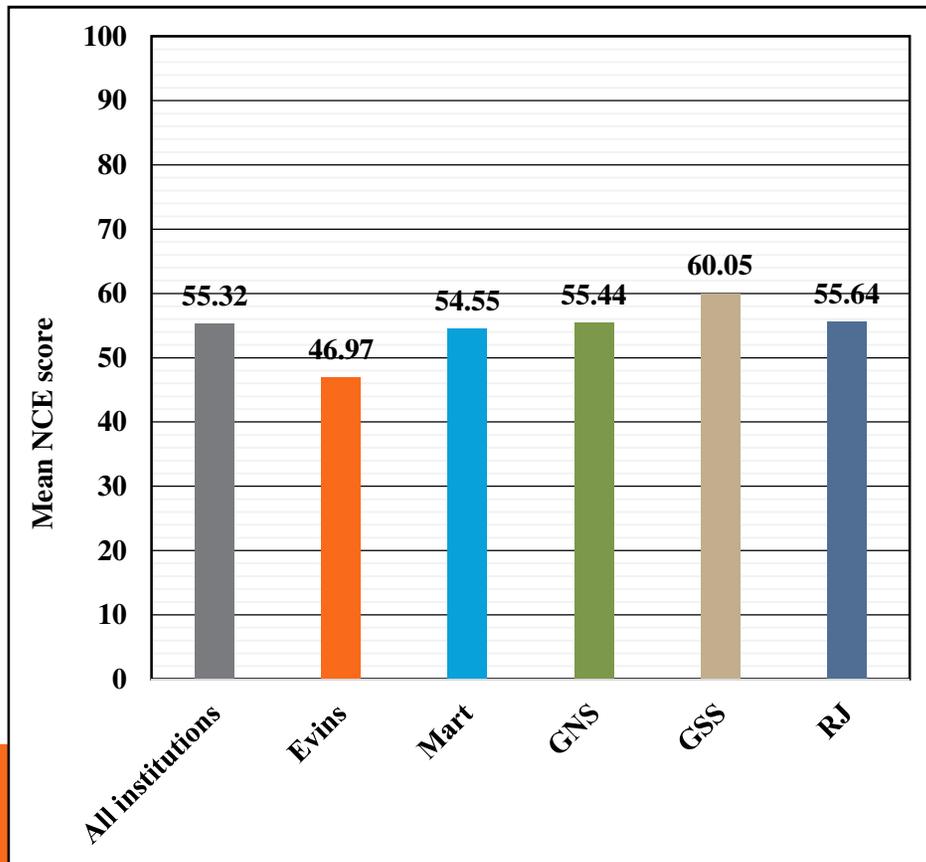
TJJD SPECIALIZED READING PROGRAM

TEC 30.106 addresses TYC (TJJD) Reading and Positive Behavior.

This statute requires agency schools to

- Provide a specialized reading program to all struggling readers**
- Partner with an institution of higher learning**
- Consider student participation in the reading program for release**

TABE PERFORMANCE OF TJJD STUDENTS AT TIME 1



- A single TABE score was provided for 1,368 students.
- TJJD obtained the scores between May 1, 2014 and April 02, 2015.

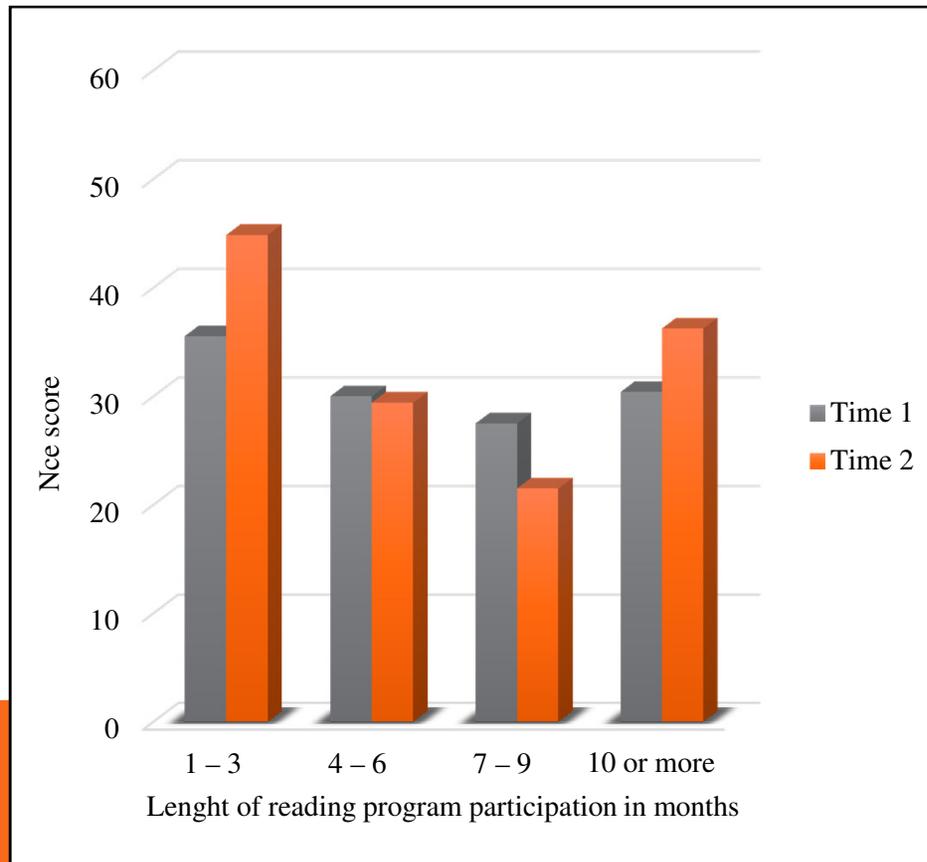
Note. *M* = mean; *SD* = standard deviation; GNS = Gainesville State School; GSS = Giddings State School; RJ = Ron Jackson State Juvenile Correctional Complex.

TJJD STUDENT PERFORMANCE BY INSTITUTION AFTER 6 MONTHS OF INSTRUCTION

	NCE scores at Time 1	NCE scores at Time 2	NCE score gain
	<i>M</i>	<i>M</i>	<i>M</i>
All institutions (<i>n</i> = 402)	53.18	56.27	3.08
Evins (<i>n</i> = 23)	46.17	49.78	3.61
Mart (<i>n</i> = 33)	52.24	56.91	4.67
GNS (<i>n</i> = 59)	51.92	56.34	4.42
GSS (<i>n</i> = 75)	58.79	61.11	2.32
RJ (<i>n</i> = 212)	52.46	55.14	2.68

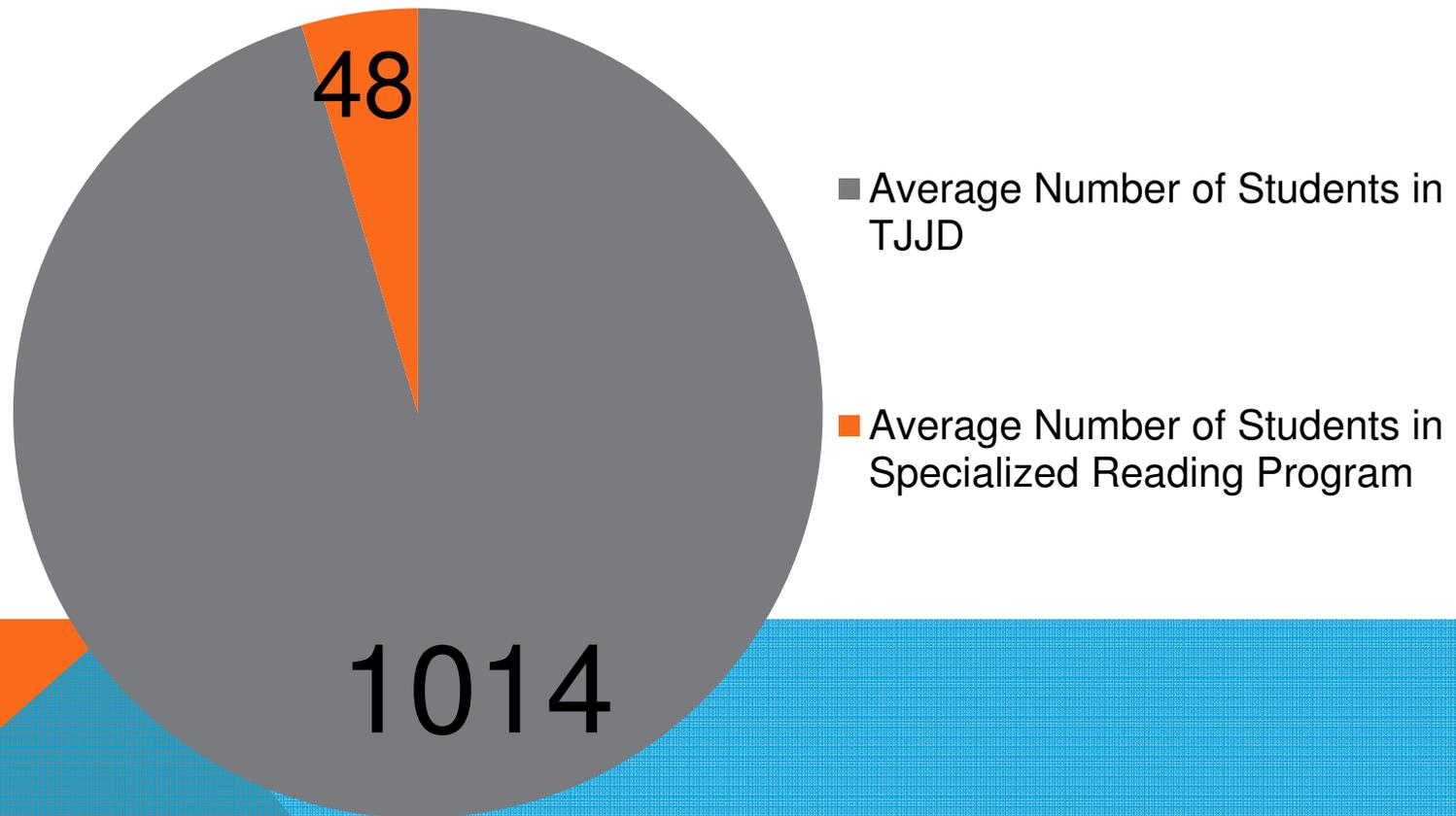
Note. *M* = mean; GNS = Gainesville State School; GSS = Giddings State School; RJ = Ron Jackson State Juvenile Correctional Complex.

PERFORMANCE OF TJJ D STUDENTS WHO PARTICIPATED IN READING PROGRAM



- 232 students participated in the reading program
- 129 students were in the reading program for less than a month.
- The final sample included 103 students.
- 45.6% ($n = 46$) participated in the reading program for 1 to 3 months
- 33% ($n = 34$) participated for 4 to 6 months
- 6.8% ($n = 7$) participated for 7 to 9 months
- 14.6% ($n = 15$) participated in the reading program for 10 or more months.

Average Number of TJJD Youth in
Facilities
and Specialized Reading Program
October 2014-August 2015



TJJD AND UNIVERSITY OF TEXAS AT AUSTIN MEADOWS CENTER FOR PREVENTING EDUCATIONAL RISK

- **TJJD Education Services, along with consultation with UT/MCPER (University of Texas at Austin, Meadows Center for Preventing Educational Risk) has established a battery of reading assessments that are designed to be administered on an individual basis.**
- **These assessments allow teachers to evaluate reading performance in phonemic awareness, phonics, fluency, vocabulary and comprehension, and to monitor progress in areas of deficiency specific to an individual student.**
- **Education Services tracks reading performance data, administers the TABE test every six months to every student, and tests all students at entry to TJJD and at release from TJJD.**

CURRICULUM IN THE SPECIALIZED READING PROGRAM

The curriculum used in the Reading Program for students reading below a 6th grade level (also with consultation with UT/Meadows) is *Phonics for Reading* and the *Rewards* program, which is a powerful reading intervention designed to teach struggling students a flexible strategy for decoding long words and increasing reading fluency.

Rewards has proven to dramatically improve reading skills and confidence of students performing below grade level. *Rewards* includes each of the essential components of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension.

TEC 30.106: PROVIDE SIXTY MINUTES READING DAILY

Sixty minutes of individualized reading instruction per school day is built into every student's schedule and in every classroom throughout the agency, not only in the Specialized Reading Program and students who exhibit deficits in reading, but also goes a step beyond legislative directives, and includes **every student in every core subject and every elective and vocational classroom.**

A SUCCESSFUL STRATEGY TO ENGAGE STRUGGLING ADOLESCENT READERS IS THE USE OF “TEENGAGEMENT” CURRICULUM

- **Teengagement is engaging, research-based content, taught by teachers who invest in their students.**
- **Teengagement produces students who can think, question, and make a positive contribution to society.**
- **Teengagement’s mission is “to inspire and equip youth to live principle-centered lives.”**

TEENGAGEMENT

Teengagement is used by all teachers including core teachers, elective and vocational teachers, and substitute teachers.

There are over 110 Units of Study in this curriculum, and Education Services provide teachers access to Teengagement through a paid online subscription service.

Each Teengagement lesson plan includes:

- **A Non fiction high interest article, a technical article, and a College and Career Readiness article.**
- **Critical Thinking Connections with links to other texts, literature connections, articles, videos and images, and reading strategies**
- **An Essential Question which provokes deep thought**
- **An ethical dilemma to synthesize knowledge built through the unit to form an opinion about the essential question**
- **Before, during and after reading guides**
- **Vocabulary and Assessments**
- **Graphic Organizers and Sorting Evidence**
- **Interpreting Data lessons**
- **Project Based Learning extensions**
- **All lessons are Aligned with TEKS and College and Career Readiness Standards**
- **Depending on the teacher's and student's preferences, the lessons can last one class period or up to three weeks.**

TEENGAGEMENT

Each Unity of Study in Teengagement has an Essential Question, which:

- **Provokes deep thought, lively discussion, sustained inquiry, and new understanding as well as more questions;**
- **The Essential Question causes students to consider alternatives, weigh evidence, support their ideas, and justify their answers;**
- **The Essential Question sparks meaningful connections with prior learning and personal experiences.**

EXAMPLES OF ESSENTIAL QUESTIONS IN THE TEENGAGEMENT LESSON PLANS

- **What impact does bullying have on the victim, and what degree of responsibility do we have when we witness bullying?**
- **How are women's rights violated around the world, and what responsibilities do those with freedom have in their communities and worldwide?**
- **What obligation does America have to those who enter our country seeking a better life?**
- **What are the financial and ethical implications of paying college athletes?**
- **Is there a scientific explanation for risk-taking behavior, especially among adolescents, and how can thrill-seekers channel their impulses in a constructive way?**

TEENGAGEMENT SURVEY (CONDUCTED APRIL 2015)

80% of teachers have taught Teengagement in their classrooms at least once

The Essential Question leads to greater and more meaningful classroom discussions 90% of the time

60% of teachers have taught two or more Units of Study of Teengagement

80% of our teachers are using Teengagement in the future even though it is not mandatory

67% of teachers have observed their students more engaged with Teengagement than any other lessons they teach

Teachers either read the articles to the class (10%), or students are reading silently (43%) or students take turns reading the articles (42%)

80% of teachers plan to use Teengagement mainly to fulfil the daily reading requirement

Of 127 teachers answering the survey, the teachers teaching Teengagement most often are English LA & Reading and Elective teachers.

50% of teachers are using the extended lessons. With more professional development in the 2015-2016 school year, teachers will enhance the use of all Teengagement materials.

70% of teachers state Teengagement helps their planning and preparation

ADDITIONAL GOALS FOR THE READING PROGRAM

- **Continue monitoring the Specialized Reading Program which includes the Rewards curriculum and Phonics for Reading**
- **Continue “Interagency Cooperation Contract” with UT/MCPER**
- **The following includes the Specialized Reading Program and is extended to all teachers at TJJD:**
- **Provide professional development for reading using explicit instruction, summarizing, paraphrasing, and literacy coaching for every teacher**
- **Provide professional development for cross curriculum writing**
- **Provide instructional tools to teachers to assist in language development for ELL/ESL/LEP students**
- **Create strategies for increasing standardized testing scores and improving performance measures on the GED, TABE, and EOC/STAAR**
- **Provide professional development opportunities for teachers to increase instructional knowledge and strategies designed to improve student academic outcomes**
- **Provide professional development in classroom management, bell to bell learning, strategies for engagement, and reading and writing strategies and assisting teachers with giving effective feedback to their students**

**Thanks to the
TJJD Board of Directors
and all that you do to
support
Education Services**

