

BOARD MEETINGS

MARCH 26 – 27, 2015

Austin, Texas



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

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Board Meeting

FRIDAY, MARCH 27 -- 9:00 AM

11209 Metric Blvd. | Building H | Lone Star Conference Room | Austin, Texas | 78758

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 JANUARY 30, 2015 BOARD MEETING MINUTES (ACTION)**
Chairman Fisher | **Page 15**
7. **REPORT FROM THE CHAIRMAN**
Chairman Fisher
8. **REPORT FROM THE EXECUTIVE DIRECTOR**
Chelsea Buchholtz
9. **RECOGNITION OF STAFF BY NAVARRO COLLEGE**
Sherri Short
10. **WHARTON COUNTY JUVENILE PROBATION DEPARTMENT PROGRAM PRESENTATION**
Chief Billie Bram
11. **REPORT FROM THE ADVISORY COUNCIL**
Estela Medina | **HANDOUT**
12. **NEW APPOINTMENTS TO THE TJJD ADVISORY COUNCIL (ACTION)**
Chelsea Buchholtz | **Page 29**
13. **LEGISLATIVE UPDATE**
Carolyn Beck | **Page 43**

14. **REPORT FROM THE INSPECTOR GENERAL**
Roland Luna | **Page 57**
15. **REPORT FROM THE ADMINISTRATIVE INVESTIGATIONS DIVISION**
Kevin DuBose | **Page 59**
16. **REPORT FROM THE TRUST COMMITTEE**
Commissioner Jimmy Smith
17. **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL REGARDING BOARD AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO APPOINT THE PUBLIC FUNDS INVESTMENT OFFICER FOR THE JOHN C. WENDE AND PARRIE HAYNES TRUST FUNDS (ACTION)**
Mike Meyer | **Page 63**
18. **REPORT FROM THE FINANCE AND AUDIT COMMITTEE**
Jane King
19. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE RON JACKSON STATE JUVENILE CORRECTIONAL COMPLEX AUDIT (ACTION)**
Eleazar Garcia | **Page 65**
20. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE FLEET MANAGEMENT AUDIT (ACTION)**
Eleazar Garcia | **Page 76**
21. **REPORT FROM THE SAFETY & SECURITY COMMITTEE**
Judge Laura Parker
22. **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 (ACTION)**
Scott Friedman | **Page 91**
23. **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 (ACTION)**
Scott Friedman | **Page 97**
24. **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 (RELATED TO DRINKING FOUNTAINS) (ACTION)**
Scott Friedman | **Page 103**
25. **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 (ACTION)**
James Williams | **Page 129**

26. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE DISCIPLINE OF CERTIFIED OFFICERS- DEFAULT JUDGMENT ORDER FOR CHARLES FORD, CERTIFICATION # 27432, HAYS COUNTY (ACTION)**
Kaci Singer | **Page 133**
27. **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 TJJDB BOARD ON JANUARY 20, 2012 (ACTION)**
Kaci Singer | **Page 143**
28. **REPORT FROM THE PROGRAMS COMMITTEE**
Dr. Rene Olvera
29. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW WITHIN 37 TAC CHAPTER 347, RELATING TO TITLE IV-E FEDERAL FOSTER CARE PROGRAMS, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**
James Williams | **Page 147**
30. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH REVISIONS WITHIN 37 TAC CHAPTER 343, RELATING TO STANDARDS FOR SECLUDING RESIDENTS FROM THE GENERAL FACILITY POPULATION, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**
James Williams | **Page 159**
31. **DISCUSSION, CONSIDERATION, AND POSSIBLE FINAL ADOPTION OF REVISIONS TO 37 TAC §380.8787, RELATING TO SEX OFFENDER RISK ASSESSMENT (ACTION)**
Teresa Stroud | **Page 187**
32. **CLOSED SESSION – EXECUTIVE SESSION**
Chairman Fisher
 - a. §551.071 consultation with attorney (see footnote)
 - b. §551.072 deliberation regarding real property
33. **RECONVENE IN OPEN SESSION, DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING MATTERS DELIBERATED IN CLOSED EXECUTIVE SESSION, IF APPLICABLE (ACTION)**
Chairman Fisher
34. **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION TO APPROVE THE SETTLEMENT AGREEMENT WITH RODNEY PEGRAM (ACTION)**
Jill Mata | **Page 191**
35. **ADJOURN**
Chairman Fisher



Trust Committee Meeting

THURSDAY, MARCH 26, 2015 -- 11:00 AM

11209 Metric Blvd. | Building H | Lone Star Conference Room | Austin, Texas | 78758

1. **CALL TO ORDER**
Committee Chairman Jimmy Smith
2. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING EXCUSED ABSENCES**
Committee Chairman Jimmy Smith
3. **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL REGARDING THE JANUARY 29, 2015 MEETING MINUTES (ACTION)**
Committee Chairman Jimmy Smith | Page 193
4. **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL REGARDING BOARD AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO APPOINT THE PUBLIC FUNDS INVESTMENT OFFICER FOR THE JOHN C. WENDE AND PARRIE HAYNES TRUST FUNDS (ACTION)**
Mike Meyer | Page 63
5. **STAFF REPORT ON ISSUES RELATED TO THE PARRIE HAYNES AND WENDE TRUSTS**
Kathryn Mattingly | Verbal Report
6. **STAFF REPORT ON ISSUES RELATED TO THE TRANSFER OF THE MITIGATION FUNDS HELD BY THE TEXAS PARKS AND WILDLIFE FOUNDATION AND REPORT FROM U.S. FISH & WILDLIFE SERVICE REPRESENTATIVE**
Kathryn Mattingly and Christina Williams, U.S. Fish & Wildlife Service | Page 199
7. **UPDATE ON C5 LEASE DISCUSSION**
Kathryn Mattingly | Verbal Report
8. **STAFF REPORT ON THE REQUEST FOR QUALIFICATIONS FOR APPRAISAL SERVICES FOR THE WENDE TRUST PROPERTIES**
Kathryn Mattingly | Verbal Report
9. **ADJOURN**
Committee Chairman Jimmy Smith



Finance & Audit Committee Meeting

THURSDAY, MARCH 26, 2015 -- 1:00 PM

11209 Metric Blvd. | Building H | Lone Star Conference Room | Austin, Texas | 78758

1. CALL TO ORDER

Jane King

2. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING EXCUSED ABSENCES (ACTION)

Jane King

3. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE JANUARY 29, 2015 MEETING MINUTES (ACTION)

Jane King | **Page 219**

4. UPDATES FROM THE CHIEF INFORMATION OFFICER

Elaine Mays | **Page 227**

5. UPDATES FROM THE CHIEF FINANCIAL OFFICER

Mike Meyer | **Page 233**

6. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE RON JACKSON STATE JUVENILE CORRECTIONAL COMPLEX AUDIT (ACTION)

Eleazar Garcia | **Page 65**

7. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE FLEET MANAGEMENT AUDIT (ACTION)

Eleazar Garcia | **Page 76**

8. DISCUSSION REGARDING THE INTERNAL AUDIT STATUS OF PROJECTS AND PERFORMANCE MEASURES

Eleazar Garcia | **Page 257**

9. ADJOURN

Jane King



Safety & Security Committee Meeting

THURSDAY, MARCH 26, 2015 -- 2:30 PM

11209 Metric Blvd. | Building H | Lone Star Conference Room | Austin, Texas | 78758

1. **CALL TO ORDER**
Committee Chairman Laura Parker
2. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE JANUARY 29, 2015 MEETING MINUTES (ACTION)**
Committee Chairman Laura Parker | Page 259
3. **REPORT FROM THE OFFICE OF THE INSPECTOR GENERAL**
Roland Luna | Page 57
4. **REPORT FROM THE ADMINISTRATIVE INVESTIGATIONS DIVISION**
Kevin DuBose | Page 59
5. **REPORT FROM THE STATE PROGRAMS AND FACILITIES DIVISION**
Teresa Stroud | Verbal Report
6. **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 (ACTION)**
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James Williams | Page 129

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Kaci Singer | **Page 133**

11. **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 (ACTION)**

Kaci Singer | **Page 143**

12. **ADJOURN**



Programs Committee Meeting

THURSDAY, MARCH 26, 2015 – 4:00 PM

11209 Metric Blvd. | Building H | Lone Star Conference Room | Austin, Texas | 78758

1. **CALL TO ORDER**
Committee Chairman Dr. Rene Olvera |
2. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING EXCUSED ABSENCES (ACTION)**
Committee Chairman Dr. Rene Olvera
3. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL REGARDING THE JANUARY 29, 2015 MEETING MINUTES (ACTION)**
Committee Chairman Dr. Rene Olvera | **Page 267**
4. **STATE FACILITIES PERFORMANCE TRACKING**
Teresa Stroud | **Page 271**
5. **PAIRING ACHIEVEMENT WITH SERVICE (PAWS) PROGRAM**
Cris Burton | **Page 273**
6. **TJJD DIVISION OF EDUCATION LEADERSHIP DEVELOPMENT**
Amy Lopez | **Page 275**
7. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW WITHIN 37 TAC CHAPTER 347, RELATING TO TITLE IV-E FEDERAL FOSTER CARE PROGRAMS, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**
James Williams | **Page 147**
8. **DISCUSSION, CONSIDERATION, AND POSSIBLE FINAL ADOPTION OF REVISIONS TO 37 TAC §380.8787, RELATING TO SEX OFFENDER RISK ASSESSMENT (ACTION)**
9. *Teresa Stroud* | **Page 187**
10. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH REVISIONS WITHIN 37 TAC CHAPTER 343, RELATING TO STANDARDS FOR SECLUDING RESIDENTS FROM THE GENERAL FACILITY POPULATION, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**
James Williams | **Page 159**
11. **ADJOURN**
Committee Chairman Dr. Rene Olvera

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Texas Juvenile Justice Department

Board Meeting

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

Austin, Texas 78757

Friday, January 30, 2015 – 9:00 a.m.

BOARD MEMBERS PRESENT:

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

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Roland Luna, Chief Inspector General
Jim Hurley, Communications Director
Elaine Mays, Chief Information Officer
Lisa Capers, Senior Director of Administration & Training
Karen Kennedy, Deputy General Counsel
Nancy Slott, Director of Nursing
Carolyn Beck, Governmental Relations Specialist
Teresa Stroud, Senior Director of State Programs & Facilities
James Williams, Senior Director of Probation & Community Services

Chelsea Buchholtz, Chief of Staff
Royce Myers, Human Resource Director
Jeannette M. Cantu, Executive Assistant
Eleazar Garcia, Chief Auditor
Jill Mata, General Counsel

OTHER GUESTS PRESENT:

John Isle, TJJJ
Connie Simon, TJJJ
Kathryn Mattingly, TJJJ
Steve Roman, TJJJ
Kaci Singer, TJJJ
Lucy Rodriguez, TJJJ
Lisa Smith, TJJJ
Karen Lashbrook, TJJJ
John Gonzales, TJJJ
Tammy Holland, TJJJ
Ashley Kintzer, TJJJ
Christina Corpus-Ybarra, TJJJ
Carlos Garcia, TJJJ
Raymond Gonzalez, TJJJ
Bill Bristow, Grayson Co.
Joe Brown, Grayson Co.
Jarome Finley, TJJJ
Vivian Cohn, TJJJ
Danika Caruthers, Dallas County DA
Kevin DuBose, TJJJ
Estela P. Medina, Travis Co.
Reni Johnson, TJJJ
Art Hinojosa, TJJJ
Pete Heller, TJJJ
Jeannette Lepe, TJJJ
Emily Anderson, TJJJ
Jim Southwell, TJJJ
Steven Vargas, TJJJ
Rejeana Reynolds, TJJJ
Sarah McCleary, TJJJ
Tracy Levins, TJJJ
Kavita Gupta, TJJJ
Nydia D. Thomas, TJJJ
Karol Davidson, TJJJ
Jerome Williams, TJJJ
Rod Venner, TJJJ
Karen Kennedy, TJJJ
Debbie Unruh, OIO
Fred Meinke, TJJJ
Luther Taliaferro, TJJJ
Rebecca Walters, TJJJ
Kristy Almager, TJJJ
Kyle Dufour, TJJJ

Call to Order

Chairman Fisher called the meeting to order at 9:00 a.m.

Prayer

Jerome Williams opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Report from the Chairman

Chairman Fisher discussed a report released by the Council of State Governments (CSG), looking in depth at county probation departments and the implementation of reforms that began in 2007 & 2008 focusing diverting youths from state lock-ups to closer to home interventions. He stated overall, the reforms made in Texas have been successful, but all realize there is more work to do.

Chairman Fisher stated during these past seven years the agency has seen the closure of nine secure facilities and several half-way houses. Juveniles incarcerated in state facilities have been reduced from near 5,000 youths to about 1,100 youths. The savings realized from these closures and the eventual merger of the Texas Youth Commission and the Texas Juvenile Probation Commission into what is now the Texas Juvenile Justice Department, have been re-focused into local diversions programs and mental health provision at the county level.

Chairman Fisher stated there will be continued reforms with a focus on better youth outcomes. He stated the goal of the juvenile justice system, from local communities and counties to state government, is to effectively equip youth with the skills they need to be successful in life and help them develop decision-making skills that make them healthy and productive citizens as adults, keeping them from lives of crime and incarceration.

Chairman Fisher stated education, mental health services, mentoring programs, character development are all critical components of helping them become successful. TJJD is committed to making the juvenile system in Texas a model for the nation.

Chairman Fisher offered some cautions that must be taken into account as the agency goes forward:

1. The CSG report indicated a drop in youth arrests exceeding thirty percent, a number reflected throughout the nation. However, there is no agreement among experts on the cause of this reduction in juvenile crime. Will there be a continued juvenile arrest rate at record lows? It is possible. But what will happen to the system if we see a return to the rates of a decade ago?
2. The CSG report was clear that there is no one-size fits all programming for juvenile offenders. What works for one youth may or may not work for another.

Chairman Fisher said it is clear, the agency must work together with county leaders, legislators, and experts in the field of juvenile justice to build a system that produces better outcomes, more adequately equipped young people inspired with hope and opportunity that will change the trajectory of their life paths. The agency has a historic and unprecedented opportunity to show the nation how Texans can come together and through thoughtful and even passionate discussion or debate, resolve this societal problem.

Chairman Fisher also reported that HB1 and SB2 have been filed. The funding for TJJD is initially zero, pending additional discussion and contingent upon resolving five key areas among r. We are going to be involved in what it will look like going forward. TJJD is a system successfully adapting to change. I encourage you to embrace the reforms that are going to continue to be placed upon all of us.

Recognition of former Board member Joseph D. Brown

Chairman Fisher recognized Joe Brown and stated he was appointed in 2007 and first served on the TYC Advisory Board, then the TYC Governing Board and the now TJJD Governing Board. For the last seven years, he and Mr. Brown have walked together through this journey of agency reform. Mr. Brown is the District Attorney in Grayson County, Sherman, Texas. Chairman Fisher congratulated Mr. Brown for his many years of service and presented him with a plaque from TJJD and framed certificate of appreciation from former Governor Rick Perry.

Mr. Brown thanked the staff and Board. He said it's a noble purpose that you serve on the Board and thanked them for all they do. He said when he started on this Board, the news was consistently negative and so when he opened the newspaper this morning and saw "Praise the Juvenile Justice System", it almost brought a tear to his eye. He said that's a reflection of the Board and staff leadership.

Discussion, consideration, and possible approval regarding excused absences

All Board members were present.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding the October 24, 2014 Board meeting minutes

Mr. Matthew moved to approve the minutes. Ms. King seconded. The motion passed.

Report from the Executive Director

David Reilly, Executive Director, informed the Board that the agency has selected a new Medical Director, Dr. Tueshar Desai, who will start March 1.

Mr. Reilly informed the Board he was recently diagnosed with skin cancer. Surgery was successful and he is currently undergoing treatment. He said he appreciated the Boards concerns and will keep them updated as his treatment progresses.

Regarding the CSG Report, Mr. Reilly stated that TJJD formed a workgroup comprised of TJJD staff and chief probation officers to coordinate an agency response to the findings and recommendations found in the report in order to improve outcomes. The findings and recommendations will serve as a beacon as the agency identifies options for the legislature to consider in the weeks and months ahead. Some of the major topics will be how the agency will provide training and technical assistance to local stakeholders to ensure we are all working on the same page and in the same direction. Some of the questions we hope to answer through this process: Should the agency move to using one risk assessment tool to improve the consistency of the data? How can the agency base a portion of our funding in a way that supports local interventions that are consistent with the core principles for reducing recidivism and how can we do that within the context of recognizing local economy? How can the agency ensure fidelity of programs and replicate them statewide. On the state side, the agency will discuss our challenges and factors beyond our control that limit our ability to achieve the outcomes all of us want and expect, and then how to overcome those challenges with a new model.

Mr. Reilly reported that in the late summer, the legislature asked him what the agency needed to achieve better outcomes. Staff examined our current system, facilities, staffing model, funding levels and training requirements, etc. and determined what those needs were. Staff created and revised the LAR exceptional items list based on those additional needs. It's important to note that while this revision does address deficits in our staffing levels today, it does not address the larger picture of where the reform efforts of the past several years should now be focused for the years to come.

Mr. Reilly stated that for many years it's been acknowledged by policy makers and widely supported by research that the agency achieves better outcomes for youth we serve if we can keep them closer to their homes, in smaller facilities, less prison like environments and where family and parental participation and treatment programs can be more effectively achieved. Over time, we believe that this could be the next step of the reform process. If we did that it would constitute a significant and highly consequential transition in Texas. One that if adopted should be approached purposely and thoughtfully.

Even before that, staff believes there are measures the agency could initiate internally to further the reform effort within our current budgetary limitations. Staff is starting that process now by expanding our provider base of existing programs around the state for kids that can be moved from high restriction to medium restriction facilities.

Mr. Reilly recognized Nancy Slott, Director of Nursing, who has been managing the medical division while the Medical Director position has been vacant. He recognized and thanked Joe Brown for his service to the Board and the agency. He congratulated Board member Judge Laura Parker for her appointment to Chair of the Safety and Security Committee. He welcomed Mr. Riley Shaw to the Board.

Mr. Reilly recognized the following facilities that recently became certified as PREA compliant and the staff leadership present to accept the award: Brownwood House - Jarome Finley; Tamayo House - Raymond Gonzalez.

Report from the Safety and Security Committee

Judge Parker reported the committee heard from Inspector General Roland Luna about the Safety and Security Advisory Committee as well as Kevin DuBose on Administrative Investigations, reporting very good numbers. Teresa Stroud, Senior Director of State Programs and Facilities, reported less than 1000 youth in TJJJ facilities; a new milestone. The committee also heard staff recommendations for rule revisions which the committee also recommends the board approve posting for 30-day public comment period and they also heard default judgment orders which the committee also recommends the board approve.

Report from the Inspector General

Roland Luna, Inspector General, referred to the investigative analysis for the first quarter of FY 2015 and summary of indicators for the aggregates include 3449 reports to the IRC of which 12.5% which were retained for OIG for investigation. OIG investigations submitted for prosecution were 96, a decrease of about 3% in comparison from last year. TJJJ directives to apprehend were 107, a decrease of about 30% from last year. The average number of days for investigation is 35; an improvement. Inspector General Luna reported the Safety and Security Advisory Committee is focusing on structural improvements to facilities, policy developments, training needs and personnel matters. This committee has seen improvement in all four areas.

Ms. Weiss commended Inspector General Luna and his staff for the good work they are doing regarding the progress in his shown in his report.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division, referred to the summary comparisons for the county investigations showing 748 complaints: 94 classified and being investigated as abuse, neglect and/or exploitation for first quarter of FY 2015; and 101 closed cases. Total cases opened on the state side are 317, 284 of which are policy violations.

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 (Action)

Ms. Stroud asked the Board to publish proposed revisions for 30-day public comment review. Changes improve clarity around youth rights, the youth privilege system and clarification provided in the way we define certain aspects of our policy of youth rights. There is nothing substantial other than making changes related to who can admit youth into the redirect program.

Judge Parker moved to approve submittal of the proposed rule for public comment. Commissioner Smith seconded. The motion passed.

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 (Action)

James Williams, Senior Director of Probation and Community Services, asked the Board to publish proposed revisions for 30-day public comment review. Changes include the basic clean-up of language.

Judge Parker moved to approve submittal of the proposed rule for public comment. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review 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, in the Texas Register for a 30-day public comment period (Action)

Kaci Singer, Staff Attorney, asked the Board to publish proposed revisions for 30-day public comment review. Changes include restructuring of language and clarification.

Judge Parker moved to approve submittal of the proposed rule for public comment. Ms. Mendoza seconded. The motion passed.

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

- a) **Sergio Del Campo, Certification # 21091, El Paso County**
- b) **Osbaldo Escamilla, Certification # 27753, Webb County**
- c) **Henry Jennings, Certification # 24427, Hays County**
- d) **Rodolfo Lambert, Certification # 27341, Harris County**
- e) **Beth Pate, Certification #13071, Hood County**
- f) **Abraham Rincon, Certification #25955, Ector County**
- g) **Truman Scranton, Certification # 26414, Galveston County**

Ms. Singer presented the default orders for certified officers.

Judge Parker moved to accept the default orders. Ms. Mendoza seconded. The motion passed.

Legislative update

Carolyn Beck, Governmental Relations Specialist, reported four bills have been filed regarding raising the age of criminal responsibility from 17 to 18. Judge Brieden commented that he has a problem with putting 11 and 12 year olds with 17 year olds and nobody is addressing that. Mr. Reilly said that issue has been identified and it is going to be a tough one to resolve but it has been identified.

Ms. Beck said there are six bills filed related to the law regarding failure to attend school. Other bills with high interest that the agency is tracking include one bill involving waiving immunizations for youth in TJJD facilities if requested by the parent, one bill regarding sealing juvenile records in certain cases and one that creates a feasibility study regarding social impact bonds, a bill that would create an Advisory Committee to examine the retention of juvenile justice records, a bill that would change the way the juvenile probation fees and court costs are imposed by a juvenile court, a bill that increases the penalty to a first degree felony if there is an offense of engaging in improper sexual activity with a person in custody, a bill that would establish a pilot program in a couple of high schools on the border that would place students in a ROTC program instead of JJAEP, a bill that would require the LBB to conduct a Strategic Fiscal Review by agencies under the Sunset Review, a bill that would establish student loan repayment assistance for certain mental health professionals who work with youth in juvenile justice facilities, a bill that follows the recommendation of the Fingerprint Advisory Committee

that limits who has access to juvenile records. These are the main bills with the highest interest that the agency will be tracking.

Chairman Fisher inquired further regarding the bill filed regarding immunizations. Nancy Slott, Director of Nursing, approached to address the Board. In response to his questions, Ms. Slott said the agency has had discussions with the Education Division to determine whether immunizations are required before youth attend school at TJJD. According to the Texas Education Agency, TJJD does not operate as a public school. It has been our agency policy that we immunize all youth (unless parental consent has been denied) and not force a youth or parent refusal situation. The Texas Department of State Health Services recently verified that parents have a right to refuse their child's immunization by signing a waiver form. TJJD does make sure that all youth have a TB test. We can certainly relook at this issue and revisit the policy. Dr. Olvera asked how often we've had to use the refusal policy. Ms. Slott said that we've rarely had to use it as few refusals occur; we do honor the written waiver. Mr. Matthew said Williamson County requires the immunizations.

Chairman Fisher asked that we reexamine the current policy. Chairman Fisher asked Ms. Beck to notify the Board members when bills are filed effecting juvenile justice, when there are hearings and the progress of those bills.

Judge Parker left the meeting at 9:57 a.m.

Chairman Fisher recessed for 10 minutes.

Chairman Fisher reconvened and announced that agenda item 9 would not be heard today since Ms. Short was not able to be present. He stated agenda item 13 would be tabled until the next Board meeting.

Report from the Advisory Council

Estela Medina, Chair of the Advisory Council, acknowledged and thanked Mr. Brown for his service on the Board. She welcomed and congratulated Mr. Shaw on his appointment to the Board.

Regarding the CSG Report released yesterday, Ms. Medina stated that the Advisory Council acknowledges and agrees with the comments already made here today and stands ready and willing to assist with moving forward.

The Advisory Council looks forward to working with the Board and staff as the development of the budget goes forward.

The standards subcommittee has a new assignment to look at another section of the code; section 341. The council looks forward to the recommendations that come forward from the committee.

As stated early, a workgroup regarding the CSG core principals has been working on a response; a potential blue print for juvenile justice. The draft document is soon to be completed.

Report from the Trust Committee

Commissioner Smith reported all members were present. The agency will move forward with a request for qualifications for appraisals for the Wende Trust. Other negotiations for the C5 lease property are ongoing.

Report from the Finance and Audit Committee

Mr. Stephens reported that all members were present. Items heard in the committee will be heard by the full Board for approval.

Updates to 2016-2017 Exceptional Item Requests

Chelsea Buchholtz, Chief of Staff, stated that in the Board materials is an updated exceptional items list. She explained that while meeting with legislators, they have been asking what they agency needs. Staff took a good look at what we need, specifically for addressing the safety and security of our youth and facilities and to improve outcomes. This resulted in an additional \$25 million from what the Board last saw on the exceptional items list. The agency believes this is what is needed to make our facilities an optimal environment. Our approach for the session is to discuss our need for stability, our needs to improve youth outcomes and to be a part of discussions to address changes to our system. This will be a moving target and staff will keep you updated on what conversations we are having with legislators.

Ms. Buchholtz also addressed HB1 and SB2, stating the way the agency was funded is different than any way we've seen. The LBB and the legislature addressed five areas that they believe the agency, with the legislature, need to address before determining what our budget structure needs to look like. The amount that was contingently provided in the appropriations bills is about what was asked for in the base request. Judge Brieden said this is a good opportunity on one hand but also dangerous when they start cutting from the budget. The agency needs to be heavily engaged in the process.

Ms. Buchholtz said that the agency is committed to keeping the appropriations committees informed, so as not to be surprised by anything presented in budget hearings; for those to be a repeat of conversations we've already had; for them to have seen our exceptional items list; for them to understand what we need; to understand what our challenges are; for them to have confidence in where the agency is headed so that what happens in those hearings are formalizing the private discussions. Discussion ensued among the Board regarding the appropriations process.

Discussion, consideration, and possible approval regarding the JCMS 2015 Resource Sharing Addendum Amendment

Lisa Capers, Senior Director for Training and Organizational Development, presented an amendment to the 2013 JCMS Resource Sharing Addendum for consideration and approval. The updated addendum allocates the agency's appropriated funds of \$1,250,000 from the 83rd Legislature to cover the calendar year 2015. Judge Bush moved to approve the amendment. Ms. Mendoza seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Fixed Assets Audit

Eleazar Garcia, Chief Auditor, presented the draft Fixed Assets Audit. While the agency's physical inventory report accounts for fixed assets, the process can be strengthened to ensure compliance with the State's Comptroller's inventory requirements. Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of the work. Mr. Matthew moved to approve the audit. Ms. King seconded. The motion passed.

Report from the Programs Committee

Dr. Olvera reported the committee met and all members were present. The committee heard presentations on Special Education Services and state performance tracking as well as other items also to be heard by the board on today's agenda.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9103 - 380.9107 and 380.9115 - 380.9121, relating to Basic Services, and §§380.9187 - 380.9190, relating to Suicide Prevention

Teresa Stroud, Senior Director of State Programs and Facilities, stated the comment period for these rules has ended and TJJJ did receive public comments from the Texas Academy of Physician Assistants. Due to the comments, the staff recommends making changes to the drafts that were published in the Texas Register. There are also a few recommended changes that are unrelated to the public comments that are highlighted in the board materials. The staff requests the Board's approval to adopt the final rules, with the changes described above; and approve the agency's responses to the public comments. Ms. Weiss moved to adopt the final rules and approve the agency's responses to the public comments. Ms. King seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9113, 380.9175 – 380.9186, 380.9191 – 380.9194, and 380.9197-380.9198, relating to Health Care Services

Nancy Slott, Director of Nursing, stated the comment period for these rules has ended and TJJJ received public comments from the Texas Academy of Physician Assistants. Due to the comments, the staff recommends making changes to the drafts that were published in the Texas Register. The changes are highlighted in the board materials. The staff requests the Board's approval to adopt the final rules with the changes described; and approve the agency's responses to the public comments. Mr. Matthew

moved to adopt the final rules and approve the agency's responses to the public comments. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9125 - 380.9163, relating to Education Programs and Youth Employment/Work

Amy Lopez, Senior Director of Education Services, stated the comment period for these rules has ended. TJJ did not receive any public comments. However, the staff has recommended additional minor grammatical changes. The staff requests the Board's approval to adopt the final rules as proposed with the noted changes. Ms. Mendoza moved to adopt the final rules and proposed with the noted changes. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible final adoption of new 37 TAC §385.9981, relating to Sick Leave Pool Administration

Royce Myers, Director of Human Resources, stated the comment period for this rule has ended. TJJ did not receive any public comments and the staff has not recommended any further changes. The staff requests the Board's approval to adopt the final rule as proposed. Mr. Shaw moved to adopt the final rule as proposed. Judge Brieden 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 at 11:04 a.m. 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 at 11:28 a.m. No action was taken in closed session.

Adjourn

There being no further business before the board, Chairman Fisher adjourned the open meeting at 11:28 a.m.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Subject: **New Appointments to the TJJJ Advisory Council (Action Item)**

Date: March 20, 2015

The Juvenile Justice Advisory Council is established pursuant to Senate Bill 653, an Act of the 82nd Legislative Session with subsequent amendments during the 83rd Legislative Session in accordance with the provision codified in Human Resources Code 203.0081. As set forth the provision stipulates:

(a) The advisory council on juvenile services consist of:

the executive director of the department or the executive director's designee;

the director of probation services of the department or the director's designee;

the director of state secure programs or the director's designee;

the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

two juvenile court judges appointed by the board;

one representative of county commissioners court appointed by the board; and

seven chief juvenile probation officers appointed by the board as provided by Subsection (b)

- (b) The board shall appoint to the advisory council one chief juvenile probation officer from each regional chiefs association in the state from a list of names submitted to the board by each regional chiefs association. To the greatest extent practicable, a regional chiefs association shall include in its list of nominees:

One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;

One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes at least 80,000 persons younger than 18 years of age;

- (c) Advisory council members, other than ex officio members, serve staggered two-year terms, with the terms of one-half of the members, as nearly as practicable, expiring on February 1 of each year.

The following Advisory Council members are scheduled to roll off the council on February 1, 2015

The Honorable Larry Thorne, 317th Civil District Court – Jefferson County

Randy Turner, Chief Juvenile Probation Officer – Tarrant County – North Central Texas Juvenile Chiefs Association – representing a juvenile jurisdiction in excess of 80,000 persons under the age of 18. (Large)

Carrie Barden, Chief Juvenile Probation Officer – Lamb County – Panhandle Area Juvenile Probation Officer’s Association – representing a juvenile jurisdiction fewer than 7,500 persons under the age of 18. (Small)

Homer Flores, Chief Juvenile Probation Officer – Nueces County – South Texas Juvenile Chief’s Association – representing a juvenile jurisdiction in excess of 80,000 persons younger than 18 years of age. (Large)

Phillip Hayes, Chief Juvenile Probation Officer – Cass County – Northeast Texas Juvenile Chief’s Association – representing a juvenile jurisdiction fewer than 7,500 persons younger than 18 years of age. (Small)

In relation to the Advisory Council's Chief Juvenile Probation Officer membership relative to HRC representation requirements, the remaining members' jurisdiction size is as follows:

Estela Medina, Chief Juvenile Probation Officer, Travis County, Central Texas Juvenile Chief's Association – representing a juvenile jurisdiction in excess of 80,000 persons under the age of 18. (Large)

Doug Vance, Chief Juvenile Probation Officer, Brazos County, South East Texas Juvenile Chief's Association – representing a juvenile jurisdiction in excess of 7,500 persons younger than 18 years of age but less than 80,000 persons younger than 18 years of age. (Medium)

Mark Williams, Chief Juvenile Probation Office – Tom Green County, West Texas Chiefs Association – representing a juvenile jurisdiction in excess of 7,500 but less than 80,000 persons younger than 18 years of age. (Medium)

The following names have been submitted for Board consideration:

Juvenile Court Judge

The Honorable Larry Thorne, 317th Civil District Court, Beaumont, Texas (current member)

The Honorable Jeff M. Addison, County Court at Law, New Boston, Texas (resume not available)

The Honorable Janna K. Whatley, 343rd District Court, Sinton, Texas (resume not available)

The Honorable Alex Hernandez – Calhoun County Texas Court at Law #1, Port Lavaca, Texas (resume not available)

The Honorable Rhonda G. Hurley – 98th District Court, Austin, Texas (resume not available)

The Honorable Lisa Jarrett – 436th District Court, San Antonio, Texas (resume attached)

The Honorable Gary Coley – 74th District Court, Waco, Texas (resume attached)

Chief Juvenile Probation Officers

Carrie Barden, Lamb County, Panhandle Area Juvenile Probation Officer's Association (current member)

Donald Gaines, Potter County, Panhandle Area Juvenile Probation Officer's Association (resume not available)

Phillip Hayes, Cass County, Northeast Texas Juvenile Chief's Association (current member)

Ross Worley, Smith County, Northeast Texas Juvenile Chief's Association (resume attached)

Brandon Caffee, Fannin County, North Central Texas Juvenile Chief's Association (resume attached)

Homer Flores, Nueces County, South Texas Juvenile Chief's Association (current member)

Luis Leija, Calhoun County, South Texas Juvenile Chief's Association (resume attached)

You are respectfully asked to fill current Advisory Council vacancies for the Juvenile Judge position and four Chief Juvenile Probation Officer vacancies from the effected regional association categories.

Attachments

Homer Flores – Bio

After graduating with a degree in Criminal Justice, Homer began his career as a Detention Officer with the Nueces County Juvenile Department in 1987. In 1989, he became a Juvenile Probation Officer (Field Services) with Brazos County Juvenile Department in Bryan, Texas. In 1993, he accepted a position as Program Specialist with the Texas Juvenile Probation Commission.

In 1999, Homer became Director of Rockwall County Juvenile Services in Rockwall County where he remained until 2004, accepting the position of Deputy Director of Probation Services in Dallas County. In 2007, he returned to his home town to Corpus Christi where he is currently the Chief Juvenile Probation Officer of Nueces County.

Ross Worley – Bio

Prior to coming to Juvenile Probation, Ross was in full ministry for 17 years and a then Youth Counselor for two years.

He started as a Probation Officer at Smith County in 2001; became Facility Administrator in 2003; Assistant Director in 2006 and then Director in 2011.

Bachelor of Arts from East Texas Baptist University in Psychology/Counseling

Carrie Barden - Bio

Has been Chief Juvenile Probation Officer of Lamb County since October 1984.

Employed with Lamb County Juvenile Probation since August 1983.

Served as only probation officer until 1997.

Worked at Adult Probation part time from 1992-1995.

Worked with the Littlefield Explorer Post.

Helped develop Safety Fairs in Lamb County.

Assisted in developing the 4-H Action for Kids to help at-risk youth/families in 4-H.

Served on board of Lamb County Vocational Training Center through the Lubbock State School.

Member of Community Resource Coordination Group.

Served on committee of the Texas Community Future Forum with Texas Agri-Life Extension Office. Member of PAJPO, JJAT, Lamb County Family Council Services through Lamb County Agri-Life Extension.

Board member of RCI Steward Group (Rural Children's Initiative) with Central Plains MH/MR area.

Board member of Our Place, non-profit organization that was established in 2003 to develop programs that would engage youth in positive recreational activities. Boxing was one of the programs that was established.

Board Member of LEAF (Llano Estacada Alliance for Families) currently serving as vice-president. Member of West Texas Chief's Association.

Member of a local gang task force.

Member of the TIFI (Texas Integrated Families Initiative) Lamb County was the Lead agency overseeing the finances.

Instrumental in assisting in the development of the STAND Program (Standing Together Allowing No Drugs), a prevention program that originated from a grant from TJPC. The funding through TJPC ceased, but other funding has kept it going.

Developed local programs in Lamb County such as community service, parent groups, drug education, anger management, STAND, WhyTry, youth AA group. Boot camp was also provided at one time, but it ceased in 2004.

These programs are housed in an old county building that was updated to accommodate family services. It is known as the Lamb County Family Resource Center.

In order to provide a wide array of services to Lamb County youth and families, Chief Barden has established a system of care/partnership with other agencies (Littlefield Police Department, City Judge, Justice of the Peace Sheriff's Department, Central Plains Center, CPS, Children's Advocacy Center, and private providers/counselors) in order to meet the community's needs.

Received the Women of Distinction award in 2008 through the Girl Scouts Texas Oklahoma Plains Council

Received the JJAT award for Outstanding Achievement in the Probation Field

Received the Champion of Hope Award from LEAF (Llano Estacada Alliance for Families)

Brandon Caffee – Bio

EXPERIENCE

6/2009-Present Fannin County Juvenile Services Bonham, TX

Director, Fannin County Juvenile Services

- Direct Supervisor over Juvenile Probation Officers
- Court Liaison between Department and District Attorney's Office
- Responsible for generating all Court documents
- Grant writing
- Responsible for budget development and spending for Department
- Responsible for training and standards compliance
- Development of Programs for Department

8/2008-6/2009 Royse City ISO Royse City, TX

Teacher

- Building a Criminal Justice Program for students in a large metropolitan school district

1/2007-Present McKinney ISO McKinney, TX

Teacher

- Building a Criminal Justice Program for students in a large metropolitan school district

4/2005-1/2007 Five Strong Investigations Rockwall, TX

Owner/Private Investigator/Private Process Server

4/2000-4/2005 Rockwall County Juvenile Services Rockwall, TX

Director of Field Services

- Direct Supervisor over Juvenile Probation Officers

1/2000-4/2000 Denton County Juvenile Services Denton, TX

Shift Supervisor-Juvenile Detention

2/1995-1/2000 Angelina County Juvenile Services Lufkin, TX

Juvenile Probation Officer/Intensive Supervision Probation Officer/Detention Officer

EDUCATION Stephen F. Austin State University Nacogdoches, TX

- Bachelor of Arts- Criminal Justice
- Graduated August, 1994

CERTIFICATIONS Texas Juvenile Probation Officer

Texas Private Investigator-License #Z04516

Texas Supreme Court Certified Process Server #SC0000001365

Instructor-Handle With Care

Phillip B. Hayes - Bio

EDUCATION: BBA in Business Management: 3.52 GPA, October 1992
Northwood University, Midland, MI

United States Air Force Advanced Leadership and Management Academy, August 1987
Maxwell AFB, AL

United States Air Force Leadership and Management Academy, August 1983
Barksdale AFB, LA

United States Air Force Leadership School June 1978
Keesler AFB, MS

EMPLOYMENT HISTORY:

- March 2006- Present
Cass County Chief Juvenile Probation Officer
- December 2005- March 2006
Cass County Interim Chief Juvenile Probation Officer
- March 1997- December 2005
Cass County Juvenile Probation Officer
- April 1996- January 1997
Correction Officer, Buster Cole State Jail, Bonham TX
- January 1993- April 1996
Sales/Service, Welch Gas, Atlanta, TX
- January 1971- November 1991 (Retired Master Sergeant)
United States Air Force, Top Secret Security Clearance with SCI Access

Professional Memberships:

- Current member of TJJD Advisory Council
- Juvenile Justice Association of Texas (Board Member)
- Texas Probation Association
- Past Chairman Ark-Tex Council of Governments- Regional Criminal Justice Advisory Committee
- Member Cass and Bowie County Community Resource Coordination Group For Families
- Member Cass County Multi-disciplinary Team

Honors and Awards:

- TYC Northern Service Area Contract Parole Officer of the Year 2010
- Awarded three United States Air Force Meritorious Service Medals
- Awarded United States Air Force Joint Service Commendation Medal
- Awarded two United States Air Force Commendation Medals
- Awarded six United States Good Conduct Medals

- Awarded two United States National Defense Service Medals
- Received 1817RAS Advisor of the Year 1991
- Received Air Force Communications Command Military Excellence Award

Luis Leija - Bio

Luis began his career in juvenile services in July 1998. Employed as a Juvenile Detention Officer in Bexar County from 1998 until November 2003. He pursued a Bachelor of Arts degree in Spanish from the University of Texas in San Antonio while working full time at the detention center. He received his degree in May 2003 and was promoted to a Juvenile Probation Officer. He held that position until April 2007, when he applied for and was offered a position as a Senior Juvenile Probation Officers in Calhoun County. Since his appointment, he has strived to bring new programs to the small community that they serve. He currently serves as the President of the South Texas Chief's Association and the South Texas Area Regional Training Association.

The Honorable Larry Thorne, 317th Civil District Court – Bio

- University of Houston School of Law 1973
- Past Member - State Council of Child Welfare Boards
- Past Member - State Advisory Board on Child Welfare
- Past Member - Regional Child Welfare Board
- Past Chairman - Jefferson County Child Welfare Board
- Past Board Member - Eastern Legal Services
- 4 1/2 years as Assistant District Attorney in Jefferson County
- 25 Years Experience in Family and Criminal Law
- Chairman of the Jefferson County Juvenile Board
- NCJFCJ Curriculum Development Committee
- Advisory Council on Juvenile Services

The Honorable Gary Coley, Jr., 74th District Court

In 2008, Judge Coley was elected as Judge of the 74th District Court. Since being elected, Judge Coley has served through the Supreme Court of Texas Permanent Judicial Commission for Children, Youth & Families in various roles. Included among those are as a planner and faculty member for the Trial Skills Program, member of the Legal Representation Committee, and member of curriculum committee for the annual Child Welfare Conference.

He has served as a member of the curriculum committee for the Texas College of Judicial Studies and a member of the benchbook committee for the Texas Center for the Judiciary.

Additionally, he led McLennan County in the creation of a Crossover Youth Program as part of an effort to spread crossover programs across Texas. Currently, McLennan County is piloting an appointment model designed to reform legal representation for parents.

He serves on the board of directors for Communities in Schools of the Heart of Texas and is a member of American Board of Trial Advocates (ABOTA).

Prior to being elected, Judge Coley was a partner at Frederick & Coley. He began his legal career by serving as a prosecutor in McLennan County. Judge Coley obtained his BBA from Texas A&M University and JD from Baylor University School of Law.

The Honorable Lisa Jarrett, 436th District Court

Professional Background:

- Judge of the 436th District Court
- Licensed Texas attorney for over twenty years
- AV rated (highest rating in legal ability and ethical standards)
- Former Juvenile Law Referee
- Former Juvenile Law Prosecutor
- Former Juvenile Law Defense Lawyer
- Former Assistant District Attorney
- Former Lackland Air Force Base Honorary Commander
- Tried over 100 jury trials as a trial attorney, including 2 capital murder cases
- Licensed by the Supreme Court of Texas
- Licensed in the Western District of Texas
- Co-Chair of the Community Justice Project
- Member of Friends of Communities in Schools
- Member of the Juvenile Justice Advisory Board for the State of Texas
- Member of the Mexican American Bar Association
- Member of the San Antonio Bar Association
- Member San Antonio/Bexar County Joint Committee on Truancy
- Fellow of the Texas Bar Foundation
- Board Member and Vice Chair of Healthy Futures
- Board Member of Texas Rio Grande Legal Aid

- Woman of the Year for 2010/2011 (National Association of Professional Women)

General Background:

- Born on August 14, 1968, in Houston, Texas
- Married to Steve Vacek
- Three Step-Children: Brett, Cami and Chad
- Graduated in 1986 from Northwest Academy in Houston, Texas as Valedictorian
- Received a Bachelor of Arts in Psychology from the University of Texas in 1990

Legal Training and Experience:

- Received Juris Doctorate from the University of Houston Law Center in 1993
- Worked as an Intern for the Harris County District Attorney's Office from 1990 to 1993
- Licensed to practice law by the Supreme Court of Texas in 1993
- Worked as a Prosecutor for the Harris County District Attorney's Office from 1993 to 1996
- Worked as a Prosecutor for the Bexar County District Attorney's Office from 1996 to 1997
- Began the private practice of law in 1997, handling criminal cases, including juvenile matters
- Became Judge of the 436th District Court in 2009



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPOINTMENT OF ADVISORY COUNCIL MEMBERS

On this the 27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

WHEREAS, Human Resources Code 203.0081 established the TJJD advisory council on juvenile services that consist of the executive director of the department or the executive director’s designee; the director of probation services of the department or the director’s designee; the senior director of state facilities and programs or the senior director’s designee; the executive commissioner of the Health and Human Services Commission or the commissioner’s designee; two juvenile court judges appointed by the board; one representative of county commissioners court appointed by the board; and seven chief juvenile probation officers appointed by the board as provided by Subsection (b); and

WHEREAS, advisory council members, other than ex officio members, serve staggered two–year terms, with the terms of one–half of the members, as nearly as practicable, expiring on February 1 of each year; and

WHEREAS, the board shall appoint to the advisory council one chief juvenile probation officer from each regional chiefs association in the state from a list of names submitted to the board by each regional chiefs association. To the greatest extent practicable, a regional chiefs association shall include in its list of nominees:

- One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

- One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;
- One chief juvenile probation officer of a juvenile probation department servicing a county with a population that includes at least 80,000 persons younger than 18 years of age; and

WHEREAS, the following Advisory Council Members are scheduled to complete their terms on February 1, 2015: The Honorable Larry Thorne, – 317th Civil District Court; Chief Juvenile Probation Officers–Randy Turner, Phillip Hayes, Carrie Barden, and Homer Flores.

WHEREAS, nominations have been solicited from the Regional Chiefs Probation Associations to bring forward to TJJ Board members;

- Carrie Barden – Chief Juvenile Probation Officer – Lamb County – Panhandle Area Juvenile Probation Officer’s Association representing a small jurisdiction
- Donald Gaines – Chief Juvenile Probation Officer – Potter County – Panhandle Area Juvenile Probation Officer’s Association representing a medium jurisdiction
- Phillip Hayes – Chief Juvenile Probation Officer – Cass County – Northeast Texas Juvenile Chief’s Association representing a small jurisdiction
- Ross Worley – Chief Juvenile Probation Officer – Smith County – Northeast Texas Juvenile Chief’s Association representing a medium jurisdiction
- Brandon Caffee – Chief Juvenile Probation Officer – Fannin County – North Central Texas Juvenile Chief’s Association representing a small jurisdiction
- Homer Flores – Chief Juvenile Probation Officer – Nueces County – South Texas Juvenile Chief’s Association representing a large jurisdiction
- Luis Leija – Chief Juvenile Probation Officer – Calhoun County – South Texas Juvenile Chief’s Association representing a small jurisdiction
- The Honorable Jeff M. Addison, County Court at Law – New Boston, Texas
- The Honorable Janna K. Whatley, 343rd District Court– Sinton, Texas
- The Honorable Alex Hernandez – Calhoun County Texas Court at Law #1 – Port Lavaca, Texas
- The Honorable Rhonda G. Hurley – 98th District Court – Austin, Texas
- The Honorable Lisa Jarrett – 436th District Court – San Antonio, Texas
- The Honorable Gary Coley – 74th District Court – Waco, Texas

WHEREAS, the 317th District Court Judge for Jefferson County, Larry Thorne, has submitted his name for consideration to fill the vacant Juvenile Court vacancy.

NOW, THEREFORE BE IT RESOLVED THAT the Texas Juvenile Justice Board hereby makes, subject to the qualifications, terms and other applicable provisions contained in Section 223.0081 of the Human Resources Code, the following appointments to the Advisory Council on Juvenile Services:

Juvenile Court Judge

Panhandle Area Juvenile Probation Officer's Assoc.

North Central Texas Juvenile Chief's Association

South Texas Juvenile Chief's Association

Northeast Texas Juvenile Chief's Association

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

Signed this **27th day of March 2015.**

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

Bills of Interest – 84th Legislature

Texas Juvenile Justice Department

Budget Framework – 3 bills

HB 1586 by Ruth Jones McClendon - Relating to the administration of Texas Juvenile Justice Department facilities and post-adjudication secure correctional facilities for juvenile offenders and to the commitment of juvenile offenders.

SB 1630 by John Whitmire - Relating to keeping children adjudicated as delinquent closer to home, funding for juvenile probation departments, powers of the independent ombudsman, and indeterminate commitment of children adjudicated as delinquent.

HB 2992 by Sylvester Turner - Relating to the functions of the Texas Juvenile Justice Department.

HB 2992 relates to the functions of the Texas Juvenile Justice Department as had previously been provided for in the rider section of the Appropriations Act. Effective 9/1/15.

Raising the Age of Criminal Responsibility – 6 bills

HB 53 by Ruth Jones McClendon, HB 330 by Gene Wu, HB 1205 by Harold Dutton, HB 1240 by Walle, and SB 104 by Chuy Hinojosa - Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

HB 53, HB 330, HB 1205, HB 1240 and SB 104 all raise the age of criminal prosecution in Texas from 17 to 18. They also extend the juvenile court jurisdiction over a juvenile from 18 to 19 and from 19 to 20 for juveniles on determinate sentence probation. They extend TJJD's maximum age of jurisdiction from 19 to 20. HB 53, HB 330, HB 1205 and HB 1240 are effective 9/1/2015. SB 104 would be effective 9/1/2016.

HB 69 by Ruth Jones McClendon - Relating to the creation of the Juvenile Court Jurisdiction Task Force.

HB 69 creates the Juvenile Court Jurisdiction Task Force for the purpose of evaluating a proposal to raise the age of criminal prosecution in Texas from 17 to 18 and for developing an implementation plan that includes the legislative, administrative, and funding changes necessary to implement such a change.

Raising the Minimum Age of Juvenile Jurisdiction – 4 bills

HB 2626 by Toni Rose and SB 1401 by Jose Rodriguez – Relating to the creation of an advisory committee to examine and recommend a plan to increase the minimum age of juvenile jurisdiction.

HB 2626 and SB 1401 create an advisory committee to examine and recommend a plan to increase the minimum age of juvenile jurisdiction from 10 to 13. The committee is to evaluate the feasibility of raising the minimum age, identify services available for 10 to 13 year olds within the juvenile justice system, and develop an implementation plan for raising the age. The report is due no later than December 1, 2016.

HB 2931 by Gene Wu and SB 1333 by Jose Rodriguez – relating to the secure confinement of certain children.

HB 2931 and SB 1333 establishes that a child younger than 14 may not be placed in a post-adjudication secure correctional facility or committed to TJJ as of September 1, 2015.

Failure to Attend / Truancy – 26 bills

HB 93 by James White - Relating to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

HB 93 repeals the offense of Failure to Attend School under Section 25.094 of the Education Code. This bill eliminates the jurisdictional authority of justice, municipal and county courts (1.75 M pop) to hear school attendance cases and shifts responsibility to the juvenile court and/or juvenile probation intake to be handled informally as conduct indicating a need for supervision (CINS) truancy. HB 93 would take effect on September 1, 2015.

HB 107 by James White – Relating to the fine imposed on a student convicted of truancy.

HB 107 reduces the maximum fine for a class C misdemeanor Failure to Attend offense from \$500 to \$20. Effective 9/1/15.

HB 110 by James White – Relating to the punishment by confinement for contempt of court for failure to obey a court order related to truancy.

HB 110 amends Section 25.094 of the Education Code to clarify that a youth found in contempt of court or who has been adjudicated for delinquent conduct for contempt of court for failing to obey a failure to attend related court order may not be punished by confinement in jail or detention in a juvenile detention facility. Effective 9/1/15.

HB 297 by Gene Wu - Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

HB 297 repeals Failure to Attend School and Parent Contributing to Non-Attendance. HB 297 eliminates the school attendance offense jurisdiction of county, justice and municipal courts and shifts responsibility to the juvenile court. The bill incorporates a form of "progressive sanctions" to the truancy prevention measures employed by school districts. School attendance cases would be referred to the juvenile court as CINS truancy cases. An extended section-by-section analysis is available. Effective 9/1/15.

HB 378 by James White - Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

Companion to HB 297 by Gene Wu – See Above.

HB 379 by James White - Relating to the failure to attend school for part of a day.

HB 379 clarifies that an individual fails to attend school for a "part of a day" only if the individual misses more than 15% of an instructional day or more than 15% of a class period, for purposes of permissive and mandatory filing of school attendance offenses. Effective 9/1/15.

HB 516 by Joe Moody - Relating to venue for the offense of failure to attend school.

HB 516 specifies that venue for Failure to Attend cases is proper in certain designated justice courts in the county where the individual resides or where the school is located. If no justice court is designated, the case may be prosecuted in a justice court of any precinct in the county where the individual resides or where the school is located. Effective 9/1/15.

HB 519 by Joe Moody - Relating to venue for the offense of a parent contributing to a child's failure to attend school.

HB 519 by Moody specifies that the venue for Parent Contributing to a Non-Attendance cases is proper in certain designated justice courts in the county where the individual resides or where the school is located. If no justice court is designated the case may be prosecuted in a justice court of any precinct in the county where the individual resides or where the school is located. Effective 9/1/15.

HB 697 by James White - Relating to the waiver of fines, fees, and court costs imposed on a student convicted of truancy.

HB 697 makes it mandatory rather than discretionary for a justice, municipal, or urban county court presiding over a truancy/school attendance case to waive or reduce a fine, fee or court cost if the fine, fee or cost would impose a financial hardship on the child and family. The bill would make dispositional fines eligible for waiver or reduction. Under prior law, only fees and costs could be waived by the court. Effective 9/1/15.

HB 1359 by Gene Wu - Relating to procedures involving truancy and other fine-only misdemeanors committed by children.

HB 1359 requires the court, prior to entry of a plea, to inform the defendant of the potential consequences of a criminal record on college applications, military service and employment prospects. The bill authorizes the court to offer the option to defer proceedings if the person has not participated in truancy pre-trial division program; has no prior failure to attend convictions; or has no prior dispositional orders in justice or municipal court. It authorizes dismissal of a complaint or referral for failure to attend if the conduct does not satisfy the elements of the offense, is not timely filed or is defective. The bill requires TEA to adopt minimum standards for truancy prevention measures and best practices for school districts. Effective 9/1/15.

HB 1365 by Ryan Guillen - Relating to procedures involving truancy and other fine-only misdemeanors committed by children.

Companion to HB 1359 by Gene Wu – See Above.

HB 1490 by Dan Huberty - Relating to public school interventions and procedures for truancy.

House Bill 1490 establishes the framework for a three-tiered progressive truancy Intervention system for school attendance and truancy. The bill repeals failure to attend school and would shift jurisdictional responsibility for truancy/CINs cases to the juvenile court. The bill also eliminates the lower threshold for the number of excused absences and parts of a school day that would meet the elements of truancy. School districts must adopt truancy prevention measures and progressive truancy interventions for students who violate the compulsory attendance laws. Referrals to juvenile court must include a certification that truancy prevention measures and progressive interventions have been tried but have been unsuccessful. Effective 9/1/15.

HB 1564 by James White - Relating to the establishment of judicial donation trust funds to assist needy children and families appearing before justice and municipal courts.

HB 1571 by James White - Relating to notice of the right to employ counsel in truancy proceedings.

HB 1571 requires a school district to provide notice to a parent of the right to employ an attorney to represent the student in county, justice, municipal or juvenile court and authorizes the court to dismiss a complaint or referral if the school district fails to provide the required notice. Effective 9/1/15.

HB 1594 by Andrew Murr - Relating to increasing the punishment for contempt of court by certain juveniles in a justice or municipal court.

HB 1594 amends the Code of Criminal Procedure to remove the restriction that a justice or municipal court may not order the confinement of a child for contempt of another order of a justice or municipal court, allowing the child to be confined for a period of up to 24 hours.

HB 1753 by James White - Relating to dismissal of charges of failure to attend school or parent contributing to nonattendance.

HB 1753 gives the county, justice or municipal court discretion to dismiss failure to attend or parent contributing to non-attendance charges if the dismissal is in the best interest of justice because of the low likelihood of recidivism or other sufficient justification for failure to attend school. The bill provides similar discretion to the juvenile court for CINS truancy cases handled under Title 3 of the Family Code. Effective 9/1/15.

HB 2268 by Senfronia Thompson - Relating to expunction of convictions and records in failure to attend school cases.

HB 2397 by James White - Relating to public school interventions and procedures for truancy.

HB 2397 changes the offenses of Failure to Attend School and truancy by eliminating the 3 or more days or parts of a day in a 4 week period portion of the violation. It also eliminates fines for students convicted of FTA. It requires school districts to hire Student Enhancement Facilitators rather than School Attendance Officers and prohibits juvenile probation officers or juvenile court officers from holding this position. It repeals the portion of the Family Code that specifies the duties of a peace officer who serves as a Student Attendance Officer. Effective 9/1/15.

HB 2398 by James White - Relating to the establishment of judicial donation trust funds to assist needy children and families appearing before justice and municipal courts.

HB 2632 by Harold Dutton - Relating to removing a criminal penalty and authorizing a civil penalty for truancy.

HB 2632 decriminalizes the offense of Failure to Attend School and makes it a civil offense. The civil penalty maximum is \$200. Current law allows FTA cases to be brought in JP or municipal court except if the population of the county is less than 100,000, the matter is referred to juvenile court. This bill deletes that provision and allows the school to choose between a referral to JP or muni court or a referral to juvenile court, regardless of the population. It also deletes the current expunction laws related to FTA. Effective 9/1/15 and is retroactive.

HB 2821 by Travis Clardy - Relating to court jurisdiction and procedures for truancy.

HB 2821 repeals the offense of Failure to Attend School and replaces references to it with the code for truancy. It designates constitutional county courts (county pop of 1.75 million or more) and JP/Muni courts as juvenile courts for the purpose of 51.03(b)(2). This bill leaves parent contributing intact (25.093). It creates a new Family Code 54.0492, giving the court specific remedies to address truancy after a finding has been made. Effective 9/1/15.

SB 106 by John Whitmire - Relating to the prevention of truancy and the offense of failure to attend school.

SB 106 makes amendments to the statutory truancy prevention plan measures contained in Section 25.0915, EC and establishes the requirements for notice and a behavior improvement plan to assist in the prevention of school attendance offenses. The amendments make changes that would: 1) permit the justice court to dismiss a failure to attend case and authorize records expunction after a student obtains a GED; 2) prohibit the school district from revoking enrollment for a student over age 18 when physically present at school; and 3) permit participation in a behavioral improvement plan as an alternative to revoking enrollment. The bill retains failure to attend as a fine only misdemeanor under the jurisdiction of the county, justice, and municipal courts and removes its classification as a Class C misdemeanor. The bill also lays out a tiered fine structure from \$100 to \$500 based on the number of school attendance offenses. SB 106 would take effect on September 1, 2015.

SB 108 by John Whitmire - Relating to criminal procedures for certain misdemeanor offenses committed by children.

SB 108 makes amendments to Article 45, Code of Criminal Procedure pertaining to court procedures for certain misdemeanor offenses. Specifically, the bill permits the county, justice and municipal courts to dismiss a failure to attend case upon proof that the student obtained a high school diploma or a GED. It simplifies the eligibility criteria and process to obtain an expunction of school attendance records and eliminates the need for a hearing. SB 108 prohibits law enforcement and school attendance officers from issuing field release citations for school offenses in the same manner as peace officers. SB 108 would take effect on September 1, 2015.

SB 285 by Royce West - Relating to court jurisdiction and procedures for truancy.

SB 285 makes transformative amendments to the jurisdictional authority and procedures for handling school attendance cases. Specifically, the bill repeals the offense of failure to attend school (FTA) under Section 25.094 of the Education Code; changes the definition of status offender by eliminating FTA conduct; and makes a number of substantive and non-substantive conforming changes to delete related references to the offense. SB 285 preserves the jurisdictional authority in county, justice and municipal courts to handle school attendance cases. These courts are, however, authorized to exercise jurisdiction over truancy as described in Section 51.03(b)(2), FC in lieu of failure to attend cases. The repeal of Section 25.094, EC, effectively decriminalizes and ends the practice of prosecuting children for Class C school attendance offenses.

SB 560 by Eddie Lucio - Relating to procedures involving truancy and other fine-only misdemeanors committed by children.

Companion to HB 1359 by Gene Wu – See Above.

SB 1925 by Royce West - Relating to the dedication of revenue received from certain court costs to the truancy prevention and diversion fund.

Juvenile Records – 18 bills

HB 263 by Borris Miles - Relating to the sealing in certain cases of juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision and access by certain persons to sealed juvenile records.

HB 263 would significantly change the processes affecting sealing under Title 3 of the Family Code. Specifically, Section 58.003, FC contains amendments that would require the juvenile court on its own motion to immediately seal eligible juvenile records. The bill sets forth other age and conduct eligibility criteria. Effective September 1, 2015.

HB 327 by Gene Wu - Relating to a study on the availability of information regarding convictions and deferred dispositions for fine-only misdemeanors.

HB 327 requires DPS to conduct a study on the handling of Class C misdemeanor conviction and deferred disposition records in different counties in Texas. The study is required to address

public availability of information, including the availability of conviction and deferred disposition information relating to children of juvenile age. DPS must submit a report to legislative leadership and standing committees no later than January 1, 2017. Effective 9/1/15.

HB 431 by James White - Relating to the creation of an advisory committee to examine the retention of juvenile justice records.

HB 431 requires the TJJJ governing board to appoint an advisory committee and presiding officer no later than September 1, 2015. The committee is charged with the task of examining the best practices regarding the retention of juvenile justice records and propose amendments to Chapter 58 of the Family Code and any other relevant laws to protect juveniles and adults from harm from unauthorized disclosure of confidential records while ensuring public safety and due process. Effective 9/1/15.

HB 1491 by Ruth Jones McClendon - Relating to the publication of confidential criminal and juvenile justice records of certain juveniles.

This bill makes it actionable if a business entity that publishes criminal record information publishes either confidential juvenile record information or confidential criminal record information of a child. Effective 9/1/15.

HB 1573 by James White - Relating to the dissemination of confidential information contained in the juvenile justice information system.

HB 1573 originated with the recommendations of the SB 1769 Fingerprint Advisory Committee convened by TJJJ. The bill adds language that would limit the disclosure of unadjudicated misdemeanor information contained in DPS' Juvenile Justice Information System (JJIS) to criminal justice agencies, TJJJ and the DFPS. DFPS has been included to ensure full JJIS records access (i.e., felony and adjudicated and unadjudicated misdemeanor info) by the DFPS to conduct delinquency history background checks necessary for child placement purposes. Effective 9/1/15.

HB 2447 by James White - Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.

HB 2447 creates an advisory committee to examine, re-organize, and make revisions to Chapter 58 of the Family Code and other laws related to juvenile records. The advisory committee will be required to submit the report to the legislature and the TJJJ Board and/or a copy of a revision plan by November 1, 2016 and any other preliminary and follow-up recommendations. Effective immediately or 9/1/15.

HB 2700 by Senfronia Thompson - Relating to the release of bulk criminal history record information by certain individuals and agencies.

Companion: SB 1960 Hinojosa, Chuy

HB 3936 by Abel Herrero - Relating to an order of nondisclosure of certain criminal history record information.

Companion: SB 1902 Perry, Charles

HB 4003 by Jodie Laubenberg - Relating to the redaction of personally identifiable information of victims from juvenile court records.

Companion: SB 1265 Taylor, Van

SB 409 by Jose Rodriguez - Relating to the dissemination of confidential information contained in the juvenile justice information system.

Companion to HB 1573 by James White. See above.

SB 416 by Royce West - Relating to prohibiting a person's waiver of a right to an expunction or to an order of nondisclosure with respect to a criminal offense.

This bill prohibits a plea agreement in which a person waives his/her right to expunction or non-disclosure and declares such waivers void. Effective 9/1/15.

SB 645 by Jose Rodriguez - Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.

Companion to HB 2447 by James White. See above.

SB 1265 by Van Taylor - Relating to the redaction of personally identifiable information of victims from juvenile court records.

Companions: HB 4003 Laubenberg, Jodie

SB 1505 by Sylvia Garcia - Relating to expunction of certain criminal records.

SB 1707 by Joan Huffman - Relating to the sealing of certain juvenile records.

SB 1874 by John Whitmire - Relating to accessing criminal history record information and other records of involvement in the criminal justice system.

SB 1902 by Charles Perry - Relating to an order of nondisclosure of certain criminal history record information.

Companion: HB 3936 Herrero, Abel

SB 1960 by Chuy Hinojosa - Relating to the release of bulk criminal history record information by certain individuals and agencies.

Companion: HB 2700 Thompson, Senfronia

Various Topics of High Priority/Interest – 29 bills

HB 266 by Borris Miles - Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody.

HB 266 relates to the violation of engaging in improper sexual activity with a person in custody of TJJJ or a juvenile offender detained in or committed to a correctional facility the operation

of which is financed primarily with state funds. HB 266 would increase the penalty to a first degree felony if this offense takes place on two or more occasions during a period that is 30 days or more in duration. Effective 9/1/15.

HB 309 by James White - Relating to a study on the feasibility and potential costs and benefits of implementing a pay-for-performance contract program for certain juvenile justice programs and services.

HB 309 relates to "pay-for-performance" contract programs (also referred to as "social impact bond" programs). In such programs, external entities use investment capital to establish alternatives to State-provided programs and services. Payment from the State, to the investors, is rendered only if the services are used, certain performance/outcome thresholds are reached, and the State realizes a cost savings. The intent is to shift both risk and a portion of the "reward" (savings) away from the State and on to external entities. HB 309 would require TJJD to conduct a study evaluating the feasibility of a "pay-for-performance"/"social impact bond" in Texas, and would require a report be submitted to the Legislature by November 1, 2016. The report would include an evaluation of the feasibility, and, if appropriate, implementation recommendations and information on required statutory changes. Effective September 1, 2015, or immediately upon a 2/3 vote from both houses.

HB 556 by Drew Springer - Relating to juvenile probation fees and court costs imposed by a juvenile court.

Family Code 54.0411 was created in 1987 as a result of a recommendation made during the Sunset Review of TJPC. The purpose of 54.0411 was to collect court fees to create a special diversion fund to be used to divert juveniles from commitment to TYC. Currently, the law requires the court to order the \$20 fee if the child, parent, or other person is financially able to do so. This bill makes several changes to 54.0411. First, it makes the fee discretionary rather than mandatory and allows it only after the court makes an affirmative finding that child, parent, or other person is financially able to pay it. Second, it changes the fee so that it is \$20 for the first disposition hearing and not more than \$300 for the second or subsequent disposition hearing. This bill also changes Family Code 54.061, which currently requires the court to order probation fees that are no more than \$15 a month if financially able to do so by making this discretionary on the part of the court. It also changes the fees to be no more than \$15 a month for the first adjudication and no more than \$60 a month for second or subsequent adjudications. Effective 9/1/2015.

HB 725 by Sylvester Turner - Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

Current law only allows a person to appeal a decision to certify him/her as an adult in conjunction with an appeal of conviction or deferred adjudication. This bill changes that so that an appeal may be taken solely on the decision to transfer and without waiting until after conviction/deferred adjudication. It also requires such an appeal to be treated under the procedures for accelerated appeals in civil cases, which is an apparent attempt to address issues regarding timeliness that were raised when the law used to allow appeals of certification in this manner. Effective 9/1/15.

HB 1144 by Dawinna Dukes – Relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders.

HB 1144 creates a task force titled "The Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offense" to study issues related to juvenile sex offenders and make policy recommendations to improve those individuals' outcomes. The task force report is due 12/1/16, to the governor, the legislature, and other specified entities. Effective immediately with 2/3 vote or 9/1/15.

HB 1311 by Ruth Jones McClendon - Relating to the confidentiality of personal information concerning certain employees currently or formerly involved in the Texas juvenile justice system.

HB 1311 exempts from the Open Records Act requirements information regarding data related to current or former TJJD employees, certified juvenile probation or supervision officers, or employees of a juvenile justice program or facility: the home address, phone number, emergency contact information, social security number, and information revealing whether a person has family members. The changes specify that this exemption applies to current or former employees even if the employee hasn't made certain elections to make the information confidential. It also adds those same individuals to the list of individuals who may elect to have their home addresses confidential in the tax appraisal roles as provided by Tax Code Section 25.025. Effective immediately with 2/3 vote or 9/1/15.

HB 1507 by Joe Farias - Relating to a report to the Texas Juvenile Justice Department concerning restorative justice programs for juvenile offenders in certain counties.

HB 1507 mandates that local departments in counties with a population of more than 1.5 million, where 75 percent of the population resides in a single municipality, submit a report to TJJD regarding the restorative justice program; this report should include data, analysis on effectiveness, and recommendations regarding expansion and/or continuation of the program. Effective 9/1/15.

HB 1803 by Craig Goldman - Relating to public access to juvenile court proceedings.

Current law provides that for children 14 and older, juvenile court hearings are open to the public unless the court determines, for good cause shown, that the public should be excluded. Current law also provides that if the child is under 14, the court shall close the hearing to the public unless the court finds the interests of the child or public would be better served by opening the hearing. This law eliminates the different approaches based on age. It also changes the court's ability to close the proceedings by creating specific findings the court must make in order to close the proceedings to the public and requires a party to make a motion in order to close the proceeding. Effective 9/1/15.

HB 1821 by Roberto Alonzo - Relating to eligibility for membership and funding of benefits for certain law enforcement, custodial, and other peace officers.

Companion SB 2005 by Menendez.

HB 2048 by Elliott Naishtat - Relating to the delivery of mental health services and supports under a system of care framework to minors who have or are at risk of developing a serious emotional disturbance or who are at risk.

HB 2048 deletes requirements for the formation of a consortium of agencies and instead requires that HHSC maintain a comprehensive plan for the delivery of mental health services and supports to children with SED and their families. Additionally, the bill requires that HHSC enter into memoranda of understanding with DSHS, DFPS, TEA, TJJD, and TCOOMMI that identify appropriate local, state, and federal funding sources to finance infrastructure and mental health services and supports needed to support state and local system of care framework efforts and develop an evaluation system to measure cross-system performance and outcomes of state and local systems of care framework efforts. The bill requires that HHSC and partner agencies consult with minors/young adults who received MH services supports and their families in the implementation of the bill.

The effective date is September 1, 2015.

HB 2372 by Harold Dutton - Relating to training requirements for juvenile correctional officers employed by the Texas Juvenile Justice Department.

Current law requires that TJJD JCOs receive 300 hours of training prior to having sole supervision of youth. HB 2372 requires 300 hours of training in the first year of employment, but only 240 before sole supervision. The 240 hours will be competency-based training and include on-the-job training. Effective 9/1/15.

HB 2375 by Harold Dutton - Relating to liability of a governmental unit for personal injury and death caused by the governmental unit's negligence.

HB 2616 by Harold Dutton - Relating to procedures related to juvenile justice proceedings.

HB 2616 was bill filed as a result of the work group of juvenile practitioners who identified areas of necessary change within the juvenile justice statutes. This is mainly clean up legislation. It makes it clear that the 18 year old determinate sentence probationer is a child for Family Code purposes. It makes it clear that determinate sentencing can result from a burglary that includes an underlying offense that is determinate sentence eligible. It clarifies some provisions regarding records. It does make a substantive change in that a court order will no longer be required for the purpose of restricted access, which should serve to relieve an administrative burden on probation departments and juvenile courts. The impact to TJJD will be that our ANE investigations remain confidential regardless of the age of the juvenile involved. Effective 9/1/15.

HB 2923 by Borris Miles - Relating to the conditions of confinement of children prior to certain judicial proceedings.

HB 2923 provides that a child, including a child who has been certified as eligible for determinate sentencing or has been transferred to a district or criminal district court for criminal proceedings, may be confined only in a certified juvenile detention facility before sentencing proceedings or commitment of the child after a disposition hearing, as applicable.

HB 3277 by Harold Dutton - Relating to the authority of the office of independent ombudsman with the Texas Juvenile Justice Department in regard to juveniles in custody in certain facilities not operated solely for children committed to the department.

Expands the authority of the OIO.

HB 3665 by Paul Workman - Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

Companion SB 1149 by Watson.

HB 3830 by Terry Canales - Relating to the participation of students under the supervision of the Texas Department of Juvenile Justice in University Interscholastic League athletic activities.

SB 53 by Jane Nelson - Relating to strategic fiscal reviews for state agencies and programs.

The bill would require the Legislative Budget Board to conduct a strategic fiscal review of agencies that are under review by the Sunset Advisory Commission. The effective date is 9/1/2015, or immediately upon a 2/3 vote in both chambers. SB53 would require the agency to undergo another strategic fiscal review in conjunction with its upcoming Sunset review (next biennium).

SB 183 by Joan Huffman - Relating to the offense of the violation of civil rights of and improper sexual activity with individuals in custody.

SB 183 clarifies that the prohibited offense applies to officials or employees, including peace officers, volunteers or persons who work for compensation in a juvenile or correctional facility. The offense is classified as a Class A misdemeanor for a person in TJJD custody and is enhanced to a second degree felony if the victim is a juvenile offender detained or committed to TJJD or a juvenile facility. It makes the offense applicable to prohibited conduct that occurs in a private or public facility by removing the limiting language that the correctional facility must be operated and financed primarily with state funds. It makes the prohibited conduct applicable to persons under supervision but not in custody of TDCJ, TJJD, or a probation department. This change in law updates the provision regarding supervision so that the offense applies to a person on TDCJ or TJJD parole not just juveniles on probation supervision. Effective 9/1/15.

SB 239 by Charles Schwertner – Relating to student loan repayment assistance for certain mental health professionals.

Requires the THECC to establish a program to provide assistance in the repayment of student loans for mental health professionals who meet certain criteria, specifically including those who provide services in a “health professional shortage area designated by DSHS” and to provide those services to persons committed to a secure correctional facility operated by or under contract with TJJD. Immediate effect with 2/3rd vote or September 1, 2015. THECC shall adopt rules by December 1, 2015.

SB 368 by Sylvia Garcia - Relating to the right of a public employee to representation in certain internal investigatory interviews.

The proposed bill would require government agencies to allow an employees' representative (labor organization etc.) to be present during an interview of an employee involved in an internal investigation. Effective 9/1/15.

SB 465 by Van Taylor – Relating to the eligibility for service retirement annuities from the ERS or TRS of certain employees convicted of certain offenses.

This bill applies specifically to a current or former TJJJ employee who works in an institution with “regular, direct contact with students.”

Amends the Government Code to disqualify an employee of TJJJ or a member of the Texas Retirement System, who has or had regular, direct contact with students, from receiving a full service retirement annuity from the retirement system if the person is convicted of an offense where the victim is a minor student, and the offense arose from the person’s employment relationship with one of that department’s institutional schools while the person is a member of the retirement system. SB 465 also establishes various methods for regaining benefits through community supervision programs, etc., and amends the code of Criminal Procedure to mandate that a judge makes an affirmative finding of fact in the case if the judge determines that the offense committed was related to the defendant’s employment pursuant to the articles created by this bill.

SB 770 by Rodney Ellis - Relating to the creation of the Texas Commission on Criminal and Juvenile Justice.

Creates a Commission on Criminal and Juvenile Justice with the mission to enhance public safety, protect victims, save taxpayer money, and ensure justice and the fair treatment of residents by focusing on evidence-based recidivism reduction initiatives and cost-effective uses of public resources. TJJJ ED or designee is an ex officio member. The Commission sunsets September 1, 2027. Immediately on 2/3 vote or September 1, 2015.

SB 888 by Chuy Hinojosa - Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

Current law only allows a person to appeal a decision to certify him/her as an adult in conjunction with an appeal of conviction or deferred adjudication. This bill changes that so that an appeal may be taken solely on the decision to transfer and without waiting until after conviction/deferred adjudication. It also requires such an appeal to be treated under the procedures for accelerated appeals in civil cases, which is an apparent attempt to address issues regarding timeliness that were raised when the law used to allow appeals of certification in this manner. Effective 9/1/15.

SB 943 – Jose Rodriguez - Relating to contempt of court committed by certain juvenile offenders and the detention of certain juvenile offenders.

SB 1149 by Kirk Watson - Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

SB 1455 by Judith Zaffirini - Relating to certain required reports, plans, and other documents prepared by state agencies and institutions of higher education.

SB 1767 by Brandon Creighton - Relating to certain required reports, plans, and other documents prepared by state agencies and institutions of higher education.

SB 1891 by Judith Zaffirini - Relating to the delivery of mental health services and supports under a system of care framework to minors who have or are at risk of developing a serious emotional disturbance or who are at risk of being removed.

Companion to HB 2048 by Elliott Naishtat. See above.

**Office of Inspector General
Investigative Analysis**

Summary Indicators	Thru 2nd Quarter FY14	Thru 2nd Quarter FY15
Incident Reporting Center (IRC) Reports	6,370	6,370
Referred to Administrative-AID State	402	370
Referred to Probation-AID County	687	609
Referred to OIG Criminal	812	797
Referred to Youth Rights	2,982	2,760
Referred to State Programs	962	1,172
Closed	525	662
OIG Criminal Investigations Submitted to Prosecution	147	177
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	129	165
Submitted to Prosecution Sexual Offense Sexual Category includes: Indecent Exposure and Indecency with a child	9	4
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	4	2
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	4	4
TJJD Active Directives to Apprehend Issued	250	215
OIG Apprehensions	28	18
Apprehensions Other Agencies	147	135

Office of Inspector General
Investigative Life Cycle

Date Range	REA Receive, Evaluate, Assign	Average # of Investigative Days	Average # of days for Intake Decision	Average # of Days for Final Disposition	Total Days
Thru 2nd Quarter FY 14	1	64	20	80	165
Thru 2nd Quarter FY 15	1	40	22	80	143

**Texas Juvenile Justice Department
Administrative Investigations Division
Summary Comparisons
September 1, 2014 – March 1, 2015**

COUNTY INVESTIGATION UNIT			
Report Type	Y14	FY15	% change
Abuse, Neglect & Exploitation Investigations	199	168	-16%
Complaints	27	29	7%
Grievances	536	523	-2%
Non-Jurisdiction	39	29	-26%
Non-Reportable	258	248	-4%
Other Reports (<i>Duplicates, Standards Violation</i>)	42	35	-17%
Serious Incidents	376	315	-16%
Total Reports Received	1477	1347	-9%

Investigation Dispositions	**FY 2014	**FY 2015
Already Investigated by TJJD	2	0
Baseless Allegation	2	1
Concur With Internal Investigation Disp	9	14
Does Not Meet Abuse/Neglect Definition	21	11
Not Under TJJD Jurisdiction	1	0
Reason To Believe	16	12
Ruled Out	107	111
Unable To Determine	21	26
Unable to Investigate	0	4
Total Investigations Completed	179	179
Active Investigations by Fiscal Year To-Date	92	114

***Dispositions noted in this section are based on the fiscal year in which the disposition was reached, which is not necessarily the same fiscal year the investigation was initiated.*

Calendar Days to Disposition	**FY14	**FY15
<30	9	14
30-90	16	31
90+	154	134
Total Dispositions	179	179

***Dispositions noted in this section are based on the fiscal year in which the disposition was reached, which is not necessarily the same fiscal year the investigation was initiated.*

**Texas Juvenile Justice Department
Administrative Investigations Division
Summary Comparisons
September 1, 2014 – March 1, 2015**

STATE INVESTIGATIONS UNIT			
Investigation Type	FY14	FY15	% Change
Abuse	210	51	-76%
Neglect	72	1	-99%
Exploitation	9	0	-100%
Policy Violation Investigations	341	480	41%
Total Investigations Opened	632	532	-16%

Days to Closure for Completed Investigations	FY15
<30	13
30-90	248
90+	14
Total Investigations Closed Fiscal Year to Date	275
Total Active Investigations Fiscal Year to Date	257
Total Investigations Fiscal Year to Date	532

Disposition Type	FY14	FY15	% Change
Confirmed	355	115	-68%
Exonerated	16	7	-56%
Unfounded	301	339	13%
Unable to Determine (Previously Not Confirmed)	163	100	-39%
Total Dispositions Assigned	835	561	-33%

*More than one investigation can be opened in a single case; therefore, more than one disposition can be assigned to a single case. The **Total Investigations Opened** vs the **Total Dispositions Assigned** will not match.*

County Investigation Unit Definitions

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

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

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

Non-Reportable – Incidents not statutorily required to be reported to the TJJJ, but which are received from the counties and documented by TJJJ.

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

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

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

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

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

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

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

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

State Investigation Unit Disposition Definitions:

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

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

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

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

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

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

Subject: **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL REGARDING BOARD AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO APPOINT THE PUBLIC FUNDS INVESTMENT OFFICER FOR THE JOHN C. WENDE AND PARRIE HAYNES TRUST FUNDS (ACTION)**

Date: March 17, 2015

The TJJJ Board Members are also trustees of the John C. Wendé and Parrie Haynes trusts. In addition to real property, these trusts include financial assets that are managed in accordance with Board-approved investment policies and strategies. Specifically, funds are either invested in zero-risk assets such as Certificates of Deposit (CDs), or held in checking or money market accounts. The management of these funds requires periodic investment activity—such as reinvesting funds from maturing CDs—along with conducting bank reconciliations and preparing financial reports for the trustees.

Historically, the Board has designated a specific employee of TJJJ as the Public Funds Investment Officer (PFIO) to act on the Board's behalf in conducting these activities. TJJJ's previous PFIO retired in February; staff recommends the agency's Lead General Ledger Accountant be the new designee. By assigning the designation to a position rather than a named individual, the designation becomes transferable in the event of a retirement or separation. Ron Reininger presently serves as TJJJ's Lead General Ledger Accountant.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION DESIGNATING THE PUBLIC FUNDS INVESTMENT OFFICER

On this the **27th day of March 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					
Melissa Weiss					
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. Wende charitable trust funds;

WHEREAS, management of the financial assets of the trusts requires periodic investment and reporting activity involving public funds; and

WHEREAS, TJJD staff has proposed the designation of the agency’s Lead General Ledger Accountant as the Public Funds Investment Officer for these trusts to act on the Board’s behalf in conducting Board-authorized investment activities;

NOW, THEREFORE BE IT RESOLVED THAT the Board designates the Lead General Ledger Accountant position as the Public Funds Investment Officer for the Parrie Haynes Trust and the John C. Wende Trust.

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

Signed this **27th day of March 2015**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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**ALL DRAFT AUDIT MATERIALS
(PAGES 65 - 89) HAVE BEEN
ELIMINATED FROM THIS PACKET
OF MATERIALS.**



APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

Date: July 17, 2014

APPLICANT CONTACT INFORMATION		
<i>Form Completed By Name/Title</i> Tyrene Green/Facility Administrator	<i>Phone #</i> 325-646-5383	<i>Email Address</i> tyrene.green@us.g4s.com
<i>Department/Facility Address</i> 800 FM 3254	<i>City, State, and Zip Code</i> Brownwood Florida	
<i>Name of Juvenile Board</i> Brown County Juvenile Board		

Title 37, Texas Administrative Code, Section 349.200(b) establishes the following:

- *Unless expressly prohibited by another standard, the juvenile board may make an application for a variance of any standard adopted by the Texas Juvenile Justice Board.*

A copy of the juvenile board's resolution or written request adopted by formal action must be sent with this application.

<i>Title of Standard</i> Spatial Verification	<i>Section #</i> 343.644
<i>Name of Program(s) and/or Facility(ies) to be Impacted by the Variance</i> G4S The Oaks Brownwood	<i>Expected Compliance Date (if applicable)</i>

Each question below must be answered. Please provide any supporting documentation.

Explain why compliance with standards cannot be achieved.

The facility's physical plant and configuration does not allow for ceiling augmentation due to it resulting in an adverse effect to facility HVAC system.

Explain the impact the variance would have on compliance with other standards.

If the variance is awarded there will be no negative impact on other standards.

Explain how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means.

Substantial compliance can only be achieved by restructuring the physical plant to allow for heightening of the ceiling. However, this cost would exorbitant.

Explain how the health and safety of juveniles will be maintained if the variance is granted.

There does not appear to be any health or safety concerns.

Explain how compliance with the standard in question will result in undue hardship on the requesting entity.

The program will have to engage in a major reconstruction of the building in order to meet the expectations of the standard. In addition, it would cause a disruption in the overall operations and treatment programming of the youth assigned to those units.

Explain how issuing the variance would not put the juvenile board, department, program, or facility in violation of any state or federal law.

The building was previously utilized by the Texas Youth Commission which housed TYC youth. There have been no changes or alterations in the configurations of the sleeping area since said occupancy. The same configuration currently houses other TJJD Youth, which does not appear to be in question.

File Message

Ignore X Reply Reply Forward Meeting
Junk Delete Reply All Forward More

Delete Respond Quick Steps Move Move Actions Assign Mark Categorize Follow Up Translate Related Select Zoom

From: Scott Friedman Sent: Mon 9/29/2014 1:39 PM
To: Christine Riggs
Cc:
Subject: FW: Application for Variance by G4S; The Oaks, Brownwood Texas

FYI

-----Original Message-----

From: E Ray West City Judge [mailto:r.west9@me.com]

Sent: Thursday, July 24, 2014 12:09 PM

To: Scott Friedman

Subject: Application for Variance by G4S; The Oaks, Brownwood Texas

Next Last

Dear Scott:

This message is being sent in my capacity as chairman of the 35th District Juvenile Board (Brown and Mills Counties).

Please accept this message as my concurrence with the Application for Permanent Variance of Standards that will be submitted by G4S for The Oaks facility in Brownwood, Texas. Clearly, the variance requested deals with minimal departures from the standards for space and height. As I understand the noncompliance issues, the community rooms are deemed to be too small for the 23 occupants of each wing, and the height of each room (cell) is a few inches shorter than required by the standards.

We must first keep in mind that this building was constructed by TYC. We must also consider the de minimus effect of the requested variance.

If your office requires the Board to take formal action to approve this Application, we may either ratify it at our next meeting, or we may schedule a special meeting for that purpose. Please let me know. Also, I will be glad to attend the next TJJD meeting with the new manager of the Oaks if you think it would be helpful.

Best regards,

Ray West

See more about: Scott Friedman.

TEXAS JUVENILE JUSTICE DEPARTMENT

Staff Summary and Recommendation for Application for Variance from Standards

Applicant: Brown County Juvenile Board

Application Receipt Date: July 24, 2014

TJJD Internal Tracking Number: VA-14-04 – Brown County

Standards Identified in Applicant's Variance Request:

Title 37, Texas Administrative Code, Section 343.644. Spatial Requirements-SOHU

(a) Individual resident sleeping quarters shall have a minimum ceiling height of 7.5 feet.

TJJD Staff Summary of the Applicant's Request for Variance:

The Brown County Juvenile Board (applicant) is seeking a variance from the standard requiring that the facility's individual resident sleeping quarters shall have a minimum ceiling height of 7.5 feet.

The requested variance is in response to a finding of non-compliance issued on June 7, 2014 by the Texas Juvenile Justice Department's Monitoring and Inspections Division. During a scheduled inspection of The Oaks Brownwood Post-Adjudication facility, TJJD staff determined that a portion of the ceiling within a majority of the rooms measured 7.228 feet which does not meet the minimum ceiling height of 7.5 feet. At the time of said inspection, the Texas Juvenile Justice Department's State Financial Assistance Contract Chapter 343 Addendum required that resident rooms have a minimum ceiling height of 7.5 feet when measured from the floor to the lowest point of the ceiling. This ceiling height specification remains a requirement under TAC, Section 343.644 in current standards effective as of January 1, 2015.

The applicant submitted the following for consideration:

- Application for Variance of Standards
- Written authorization for the submission of the application for application of variance submitted by the 35th District Juvenile Board Chairman, Judge Ray West.

In accordance with the requirements of 37 TAC §349.200(b), the applicant presents the following information to establish the grounds for the requested variance:

1. Compliance with the standards cannot be achieved because the facility's physical plant does not allow for ceiling augmentation due to it resulting in an adverse effect to the facility's HVAC system.
2. The requested variance will have no negative impact on other standards.
3. Substantial compliance with the intent and purpose of the standard can only be achieved by restructuring the physical plant to allow for heightening of the ceiling; however, the cost would be exorbitant.
4. If the variance is granted, the applicant contends that there would be no impact on the health and safety of the juveniles.
5. The requested variance does not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law as such variance is permissible under 37 TAC §344.410. The applicant contends that the facility was previously operated by the Texas Juvenile Justice Department (formerly the Texas Youth Commission) to house residents and that no alterations to the facility's configuration have been made.

Within the variance application, the applicant further indicates that the program will have to engage in a major reconstruction of the building in order to meet the expectations of the standard and that this would cause a disruption in the overall operations and treatment programming of the youth assigned to those units while also being a financial hardship to the program.

Additional Applicable Standard Identified by TJJJ Staff:

TJJJ staff has identified no additional applicable standards that would be impacted by a permanent variance from 343.644(a).

Variance Precedent and History:

There is no precedent or history of a variance application specific to the ceiling height specifications for individual resident sleeping quarters having been submitted, considered, nor approved by either the Texas Juvenile Probation Commission or the Texas Juvenile Justice Boards.

Variances have previously been authorized, however, in relation to minimum square footage specifications for individual resident sleeping quarters in Tom Green County (VA-04-04), Bowie County (VA-05-14) and, most recently, in Milam County (VA-11-21). Each of these variances included terms and conditions that established limits on what classification of resident could be placed in an undersized individual resident sleeping quarter and/or limited the amount of time a resident could be secluded or confined in the identified quarters. The variance granted to Bowie County is no longer active as the facility in question has been closed for several years.

TJJJ Staff Application Disposition Recommendation:

The Oaks Brownwood Post-Adjudication facility is required to provide a minimum of 7.5 feet of ceiling height within the residents' individual sleeping quarters. The applicant has presented information indicating that they are unable to meet compliance with the standard due to the financial hardship and overall program disruption that would be required for the necessary reconstruction efforts. In order for them to maintain operations using their current facility's configuration, a variance must be granted for the referenced administrative rule provision.

37 TAC §349.200(b) authorizes, but does not require, the TJJJ Board to grant the requested variance if it makes affirmative findings that the applicant has established the following:

1. Why compliance with the standards cannot be achieved;
2. The impact the variance would have on compliance with other standards;
3. How substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
4. How the health and safety of juveniles will be maintained if the variance is granted;
5. How compliance with the standard will result in undue hardship to the requesting entity; and
6. How issuing the variance would not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law.

TJJJ staff recommends that a permanent variance be granted to the applicant for the referenced administrative rule provision. If the Board makes the required affirmative findings and chooses to grant a variance in this matter, TJJJ staff recommends the following conditions be imposed:

1. Variance shall be limited to the current physical plant of the Oaks Brownwood Post-Adjudication Secure Correctional Facility located at 800 FM 3241, Brownwood, TX 76801;
2. Variance shall not extend to any future new construction projects, newly acquired buildings or facilities.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION REGARDING THE VARIANCE REQUESTED BY THE BROWN COUNTY JUVENILE BOARD

In re: 37 TAC 343.644(a)

On this the **27th day of March 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (the 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					
Melissa Weiss					
Motion:		Second:			

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

WHEREAS, Brown County by and through the Juvenile Board and Tyrene Green, Facility Administrator, has submitted to the Texas Juvenile Justice Department an application for a variance for 37 TAC 343.644(a);

WHEREAS, the duly appointed members of the Board’s Safety and Security Committee have considered the application during the Safety and Security Committee meeting held on March 26, 2015;

WHEREAS, per the requirements set forth in 37 TAC 349.200(b)(2), the Board hereby makes the following findings of fact (all must be found to grant the application):

- | | | |
|--------------------------|--------------------------|---|
| Found | Not Found | |
| <input type="checkbox"/> | <input type="checkbox"/> | The juvenile board has explained why compliance with the standard cannot be achieved. |
| <input type="checkbox"/> | <input type="checkbox"/> | The juvenile board has explained the impact the variance would have on compliance with other standards. |
| <input type="checkbox"/> | <input type="checkbox"/> | The juvenile board has shown that the health and safety of juveniles will be maintained if the variance is granted. |
| <input type="checkbox"/> | <input type="checkbox"/> | The juvenile board has shown substantial compliance with the intent and purpose of the standard for which a variance is requested through alternate methods or means. |

- The juvenile board has shown that compliance with the standard in question would be an undue hardship on the requesting entity.
- The juvenile board has shown that issuing the variance would not put the juvenile board, department, program or facility in violation of any state or federal law.

NOW, THEREFORE BE IT RESOLVED THAT the Board

_____ **DENIES** the variance requested by the Brown County Juvenile Board for 37 TAC 343.644(a).

_____ **GRANTS** (*in accordance with the terms below*) to the Brown County Juvenile Board a variance for 37 TAC 343.644(a).

ADDITIONAL TERMS OF VARIANCE

Periodic Review

The Texas Juvenile Justice Department reserves the right to conduct periodic reviews of the terms and conditions of the variance agreement in an effort to determine continued applicability of and compliance with such terms and conditions. Reviews may be scheduled within the formalized variance document and/or conducted at the discretion of agency staff.

Rescission of Variance Due to Fraud or Error

If the agency staff subsequently determines that the evidence supporting the variance was substantially inaccurate, misleading, and/or false, and the Safety and Security Committee and full Board determine that the variance was granted as a result of fraudulent or inaccurate information, the Board may immediately rescind or modify the variance. A variance modification may be conditioned upon the applicant's agreement to follow specific conditions as determined appropriate by the Board.

Additionally, the Board may undertake the same actions if it determines that the applicant is not fully adhering to the conditions imposed in conjunction with an existing variance.

Special Conditions

1. Variance shall be limited to the current physical plant of the Oaks Brownwood Post-Adjudication Secure Correctional Facility located at 800 FM 3241, Brownwood, TX 76801;
2. Variance shall not extend to any future new construction projects, newly acquired buildings or facilities.

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

Signed this 27th day of March 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

Date: July 17, 2014

APPLICANT CONTACT INFORMATION		
<i>Form Completed By Name/Title</i> Tyrene Green/ Facility Administration	<i>Phone #</i> 325-646-5383	<i>Email Address</i> tyrene.green@us.g4s.com
<i>Department/Facility Address</i> 800 FM 3254	<i>City, State, and Zip Code</i> Brownwood Texas 76801	
<i>Name of Juvenile Board</i> Brown County Juvenile Board		

Title 37, Texas Administrative Code, Section 349.200(b) establishes the following:

- *Unless expressly prohibited by another standard, the juvenile board may make an application for a variance of any standard adopted by the Texas Juvenile Justice Board.*

A copy of the juvenile board's resolution or written request adopted by formal action must be sent with this application.

<i>Title of Standard</i> Spatial Requirements	<i>Section #</i> 343.666
<i>Name of Program(s) and/or Facility(ies) to be Impacted by the Variance</i> The Oaks Brownwood	<i>Expected Compliance Date (if applicable)</i> N/A

Each question below must be answered. Please provide any supporting documentation.

Explain why compliance with standards cannot be achieved.

The facility's physical plant and configuration does not allow for expansion of the common area. In addition, the living unit is constructed to house 23 youth. There is no additional spaces within the living area that can be used as an additional common area or to complete programming.

Explain the impact the variance would have on compliance with other standards.

If the variance is awarded there will be no negative impact on other standards.

Explain how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means.

Substantial compliance can only be achieved by restructuring the physical plant to allow for additional space in the common area. However, this cost would be exorbitant.

Explain how the health and safety of juveniles will be maintained if the variance is granted.

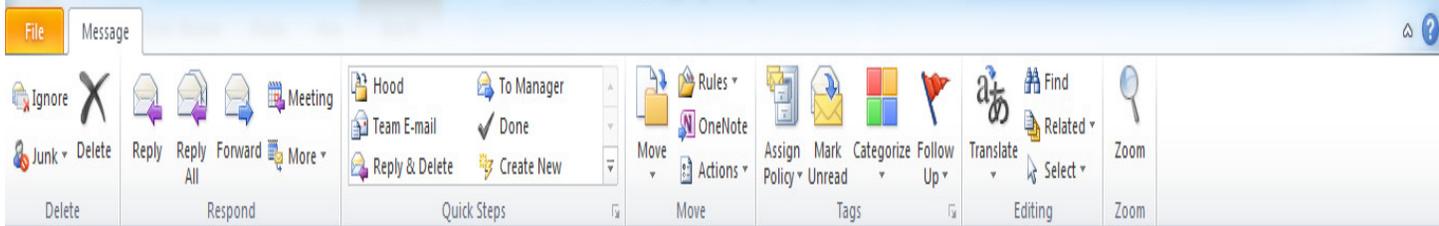
Use of the common area by all youth at the same time will be limited. The program will make every effort to utilize other areas within the facility for youth activities.

Explain how compliance with the standard in question will result in undue hardship on the requesting entity.

The program will have to engage in a major reconstruction of the building in order to meet the expectations of the standard. In addition, it would cause a disruption in the overall operations and treatment programming of the youth assigned to those units, while also being a financial hardship to the program.

Explain how issuing the variance would not put the juvenile board, department, program, or facility in violation of any state or federal law.

The building was previously utilized by the Texas Youth Commission which housed TYC youth. There have been no changes or alterations in the configurations of the common area since said occupancy. The same configuration currently houses other TJJD Youth, which does not appear to be in question.



From: Scott Friedman
To: Christine Riggs
Cc:
Subject: FW: Application for Variance by G4S; The Oaks, Brownwood Texas

Sent: Mon 9/29/2014 1:39 PM

FYI

-----Original Message-----

From: E Ray West City Judge [mailto:r.west9@me.com]
Sent: Thursday, July 24, 2014 12:09 PM
To: Scott Friedman
Subject: Application for Variance by G4S; The Oaks, Brownwood Texas



Dear Scott:

This message is being sent in my capacity as chairman of the 35th District Juvenile Board (Brown and Mills Counties).

Please accept this message as my concurrence with the Application for Permanent Variance of Standards that will be submitted by G4S for The Oaks facility in Brownwood, Texas. Clearly, the variance requested deals with minimal departures from the standards for space and height. As I understand the noncompliance issues, the community rooms are deemed to be too small for the 23 occupants of each wing, and the height of each room (cell) is a few inches shorter than required by the standards.

We must first keep in mind that this building was constructed by TYC. We must also consider the de minimus effect of the requested variance.

If your office requires the Board to take formal action to approve this Application, we may either ratify it at our next meeting, or we may schedule a special meeting for that purpose. Please let me know. Also, I will be glad to attend the next TJJD meeting with the new manager of the Oaks if you think it would be helpful.

Best regards,

Ray West

See more about: Scott Friedman.



TEXAS JUVENILE JUSTICE DEPARTMENT

Staff Summary and Recommendation for Application for Variance from Standards

Applicant: Brown County Juvenile Board

Application Receipt Date: July 24, 2014

TJJD Internal Tracking Number: VA-14-05 – Brown County

Standards Identified in Applicant's Variance Request:

Title 37, Texas Administrative Code, Section 343.666. Exercise and Day Room Areas.

(b) Day Rooms.

(1) Day rooms shall provide a minimum of 35 square feet of space for every resident using the day room at one time, excluding lavatories, showers, and toilets.

TJJD Staff Summary of the Applicant's Request for Variance:

The Brown County Juvenile Board (applicant) is seeking a variance from the standard requiring that the facility's day room areas provide a minimum of 35 square feet of space for every resident using the day room at one time, excluding lavatories, showers, and toilets.

The requested variance is in response to a finding of non-compliance issued on June 7, 2014 by the Texas Juvenile Justice Department's Monitoring and Inspections Division. During a scheduled inspection of The Oaks Brownwood Post-Adjudication facility, TJJD staff measured each day room and determined that the day rooms do not provide a minimum of 35 square feet of space for every resident using the day room at one time as required by this standard. TJJD staff observed 23 Residents in one of the day rooms; thus not allowing for a minimum of 35 square feet per resident. According to measurements of the day rooms taken by TJJD staff, in order to maintain compliance with this standard, a maximum of 14 residents can occupy the day room of Dorms 1, 2, 4, or 5 at one time and a maximum of 15 residents can occupy Dorm 3 at one time.

The applicant submitted the following for consideration:

- Application for Variance of Standards
- Written authorization for the submission of the application for application of variance submitted by the 35th District Juvenile Board Chairman, Judge Ray West.

In accordance with the requirements of 37 TAC §349.200(b), the applicant presents the following information to establish the grounds for the requested variance:

1. Compliance with the standards cannot be achieved because the facility's physical plant and configuration does not allow for expansion of the common area. In addition, the living unit is constructed to house 23 youth. There is no additional space within the living area that can be used as an additional common area or to complete programming.
2. The requested variance will have no negative impact on other standards.
3. Substantial compliance with the intent and purpose of the standard can only be achieved by restructuring the physical plant to allow for additional space in the common area; however the cost would be exorbitant.
4. If the variance is granted, the health and safety of juveniles will be maintained in the following ways:
 - Use of the common area by all youth at the same time will be limited.
 - The program will make every effort to utilize other areas within the facility for youth activities.

5. The requested variance does not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law as such variance is permissible under 37 TAC §344.410. The applicant contends that the facility was previously operated by the Texas Juvenile Justice Department (formerly the Texas Youth Commission) to house residents and that no alterations to the facility's configuration have been made.

Within the variance application, the applicant further indicates that the program would have to engage in a major reconstruction of the building in order to meet the expectations of the standard and that this would cause a disruption in the overall operations and treatment programming of the youth assigned to those units while also being a financial hardship to the program.

Additional Applicable Standard Identified by TJJD Staff:

TJJD staff has identified no additional applicable standards that would be impacted by a permanent variance from 343.666(b)(1). Under standards effective 1/1/2015 the variance in question would apply to standard citation 343.666(b).

Variance Precedent and History:

There is no precedent or history of a variance application specific to the square footage requirements of exercise and day rooms having been submitted, considered, nor approved by either the Texas Juvenile Probation Commission or the Texas Juvenile Justice Boards.

TJJD Staff Application Disposition Recommendation:

The Oaks Brownwood Post-Adjudication facility is required to provide 35 square feet of floor space for each resident using the day room at one time, excluding lavatories, showers, and toilets. The applicant has presented information indicating that they are unable to meet compliance with the standard due to the financial hardship and overall program disruption that would be required for the necessary reconstruction efforts. In order for them to maintain operations using their current facility's configuration, a variance must be granted for the referenced administrative rule provision

37 TAC §349.200(b) authorizes, but does not require, the TJJD Board to grant the requested variance if it makes affirmative findings that the applicant has established the following:

1. Why compliance with the standards cannot be achieved;
2. The impact the variance would have on compliance with other standards;
3. How substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
4. How the health and safety of juveniles will be maintained if the variance is granted;
5. How compliance with the standard will result in undue hardship to the requesting entity; and
6. How issuing the variance would not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law.

TJJD staff recommends that a permanent variance be granted to the applicant for the referenced administrative rule provision. If the Board makes the required affirmative findings and chooses to grant a variance in this matter, TJJD staff recommends the following conditions be imposed:

1. Variance shall be limited to the current physical plant of the Oaks Brownwood Post-Adjudication Secure Correctional Facility located at 800 FM 3241, Brownwood, TX 76801;
2. The maximum resident capacity of the day rooms/areas affected by this variance shall not exceed the design capacity of the respective housing unit (i.e., dormitory); specifically the day areas for Dorms 1,2,3 & 4 shall not exceed 23 residents, while the Dorm 5 day area capacity shall not exceed 21 residents;
3. Variance shall not extend to any future new construction projects, newly acquired buildings or facilities.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION REGARDING THE VARIANCE REQUESTED BY THE BROWN COUNTY JUVENILE BOARD

In re: 37 TAC 343.666(b)(1)

On this the **27th day of March 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (the 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					
Melissa Weiss					
Motion:		Second:			

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

WHEREAS, Brown County by and through the Juvenile Board and Tyrene Green, Facility Administrator, has submitted to the Texas Juvenile Justice Department an application for a variance for 37 TAC 343.666(b)(1));

WHEREAS, the duly appointed members of the Board’s Safety and Security Committee have considered the application during the Safety and Security Committee meeting held on March 26, 2015;

WHEREAS, per the requirements set forth in 37 TAC 349.200(b)(2), the Board hereby makes the following findings of fact (all must be found to grant the application):

- | | |
|--|--|
| <p>Found</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>Not Found</p> <p><input type="checkbox"/> The juvenile board has explained why compliance with the standard cannot be achieved.</p> <p><input type="checkbox"/> The juvenile board has explained the impact the variance would have on compliance with other standards.</p> <p><input type="checkbox"/> The juvenile board has shown that the health and safety of juveniles will be maintained if the variance is granted.</p> <p><input type="checkbox"/> The juvenile board has shown substantial compliance with the intent and purpose of the standard for which a variance is requested through alternate methods or means.</p> |
|--|--|

- The juvenile board has shown that compliance with the standard in question would be an undue hardship on the requesting entity.
- The juvenile board has shown that issuing the variance would not put the juvenile board, department, program or facility in violation of any state or federal law.

NOW, THEREFORE BE IT RESOLVED THAT the Board

_____ **DENIES** the variance requested by the Brown County Juvenile Board for 37 TAC 343.666(b)(1).

_____ **GRANTS** (*in accordance with the terms below*) to the Brown County Juvenile Board a variance for 37 TAC 343.666(b)(1).

ADDITIONAL TERMS OF VARIANCE

Periodic Review

The Texas Juvenile Justice Department reserves the right to conduct periodic reviews of the terms and conditions of the variance agreement in an effort to determine continued applicability of and compliance with such terms and conditions. Reviews may be scheduled within the formalized variance document and/or conducted at the discretion of agency staff.

Rescission of Variance Due to Fraud or Error

If the agency staff subsequently determines that the evidence supporting the variance was substantially inaccurate, misleading, and/or false, and the Safety and Security Committee and full Board determine that the variance was granted as a result of fraudulent or inaccurate information, the Board may immediately rescind or modify the variance. A variance modification may be conditioned upon the applicant's agreement to follow specific conditions as determined appropriate by the Board.

Additionally, the Board may undertake the same actions if it determines that the applicant is not fully adhering to the conditions imposed in conjunction with an existing variance.

Special Conditions

1. Variance shall be limited to the current physical plant of the Oaks Brownwood Post-Adjudication Secure Correctional Facility located at 800 FM 3241, Brownwood, TX 76801;
2. Variance shall not extend to any future new construction projects, newly acquired buildings or facilities.

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

Signed this **27th day of March 2015**.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

Date: **February 9, 2015**

APPLICANT CONTACT INFORMATION		
<i>Form Completed By Name/Title</i>	<i>Phone #</i>	<i>Email Address</i>
Thomas Brooks, Chief Juvenile Probation Officer	713-222-4100	Thomas.Brooks@hcjpd.hctx.net
<i>Department/Facility Address</i>	<i>City, State, and Zip Code</i>	
210 JW Mills Drive	Seabrook, Texas 77586	
<i>Name of Juvenile Board</i>		
Harris County Juvenile Board		

Title 37, Texas Administrative Code, Section 349.200(b) establishes the following:

- *Unless expressly prohibited by another standard, the juvenile board may make an application for a variance of any standard adopted by the Texas Juvenile Justice Board.*

A copy of the juvenile board's resolution or written request adopted by formal action must be sent with this application.

<i>Title of Standard</i>	<i>Section #</i>
Title 37, Texas Administrative Code, Chapter 343	343.250(a) and (b)
	343.658(a)
	343.660(a)
	343.662
	343.664
<i>Name of Program(s) and/or Facility(ies) to be Impacted by the Variance</i>	<i>Expected Compliance Date (if applicable)</i>
Harris County Youth Village	Not applicable.

Each question below must be answered. Please provide any supporting documentation.

Explain why compliance with standards cannot be achieved.
<p>The Harris County Youth Village became operational in 1973, which significantly pre-dates the establishment of the TJJD's standards for secure post-adjudication juvenile correctional facilities. The program as currently configured has been an integral part of the Department's residential services continuum of care, and has operated under direct authority of the Harris County Juvenile Board.</p> <p>Restrooms:</p> <p>Compliance with standards 658, 660, and 662 would either require significant and expensive physical plant retrofitting in order to relocate the required restrooms within the two housing units in question (i.e., Kitty Hawk and Eagle), or the loss of these two dorms as housing units. Loss of both Kitty Hawk and Eagle dorms would result in a 25% percent reduction in the facility's overall resident capacity and a 40 % percent reduction in the facility's male resident capacity. This reduction would not only negatively affect the number of juveniles that could be served at the Youth Village, but it would also negatively impact the Departments other residential resources.</p> <p>Drinking Fountains:</p> <p>Compliance with standard 664 would require that permanently affixed water fountains be added to a total of eight housing units(two male dorms and six female suites), which would require extensive and cost prohibitive facility retrofitting (especially with regard to plumbing modifications, etc.) and equipment (i.e. fountains) purchases.</p> <p>Perimeter Fencing:</p> <p>The installation of perimeter security fencing associated with standard 250(b) would not only be a cost prohibitive endeavor, it would also be counter to the facility's long-standing program philosophies of providing residents with</p>



APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

an open campus environment that provides a wide range of educational, vocational, and recreational services to youth through the use of multiple buildings on the 72 acre property. The lake, pool, gym, and sport fields are fully utilized in recreational programing.

Explain the impact the variance would have on compliance with other standards.

A variance for the five standards identified in this application would not have an impact (negative or otherwise) on any other Texas Administrative Code (TAC) Chapter rules (i.e., standards) which have applicability to the operations of, and services rendered at, the Youth Village. This "impact" accounting not only includes an assessment of TAC Chapter 343 standards, but also applicable standards associated with Chapters 344, 345, and 358.

Explain how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means.

Restroom Access:

The standards specific to restroom requirements (343.658, 660 and 662) are intended to afford residents in a housing unit immediate and convenient access to an appropriate number of toilets, washbasins, and showers for their personal hygiene needs. A majority of the facility's housing units have self-contained restrooms (as required by standards), however, two housing units (currently identified as Kitty Hawk and Eagle dorms) have their restroom facilities located immediately outside of, and adjacent to, the respective housing unit. Facility staffing and supervision policies, procedures, and practices ensure that residents are provided access to their designated restrooms at both scheduled intervals and upon a resident's reasonable and appropriate requests. Facility staffing practices ensure that resident movement to the restroom facilities and the activities of the residents that remain in the housing unit are appropriately supervised. See **Exhibit A.1** for a schematic depiction of the location of the restrooms in question.

Drinking Fountain Access:

While the Kitty Hawk and Eagle dorms do not contain a permanently affixed drinking fountain within the housing unit, the facility's remaining housing units (i.e., dorms), do contain permanently affixed (i.e., wall units) drinking fountains. Facility policies, procedures, and practices ensure that fresh drinking water is always readily available and accessible (i.e., without staff assistance) to the residents of Kitty Hawk and Eagle dorms by the inclusion of insulated five gallon Rubbermaid water coolers within the housing unit. See **Exhibit B** for a photographic depiction of the water coolers/dispensers in question.

Additionally, the 48 multiple occupancy housing units currently dedicated for female residents (Harris County Youth Village Girls' Suites), all of which were constructed in 1978; do not contain permanently affixed drinking fountains. However, like the Kitty Hawk and Eagle dorms, facility policies, procedures, and practices ensure that fresh drinking water is always readily available and accessible to all female residents by the inclusion of insulated five gallon Rubbermaid water coolers within each housing units' day area.

Perimeter Security:

Regarding the standard specific to perimeter fencing (343.250), it is the jurisdiction's position that when residents are allowed to leave the secure housing and programing areas of the facility, staff supervision practices provide an appropriate level of security to safeguard against a resident's escape. Additionally, facility policies and procedures help ensure that outside areas assessable to residents are routinely checked for the potentially dangerous items and/or intentionally placed contraband.



APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

Explain how the health and safety of juveniles will be maintained if the variance is granted.

Restrooms:

Kitty Hawk and Eagle Dorms' residents' health will be maintained by the provision of appropriate numbered and working restroom amenities (i.e., washbasins, toilets and showers) immediately adjacent to their respective housing unit, supplemented by staff assisted access at scheduled times and upon residents' request. The resident's safety will be maintained through adherence to standard's complaint juvenile supervision officer staffing ratios and strategies.

Drinking Fountains:

The health of Kitty Hawk and Eagle Dorms' residents, as well the female residents housed in the Girls' Suites, will be maintained by the provision of portable water coolers (and clean disposable drinking cups) that provide clean drinking water to the residents within each housing unit.

Perimeter Security:

While on campus, Youth Village residents' health and safety will be maintained by standard's complaint supervision ratios and strategies during the times residents are participating in all outdoor activities and intra-campus movement.

Explain how compliance with the standard in question will result in undue hardship on the requesting entity.

As noted earlier in this application, compliance with any one of the standards in question would result in significant hardships (financial or programmatic) being placed on the Department. Compliance with all of the standards in question would have the effect of multiplying those hardships dramatically. The Department contends that the net hardships incurred would be both undue and disproportionate, given that it believes that the core intent of the standards in question would be met, and residents' health and safety would be maintained, by the alternative methods and means identified throughout this application.

Explain how issuing the variance would not put the juvenile board, department, program, or facility in violation of any state or federal law.

The Harris County Juvenile Probation Department is not aware of any state or federal law violation that would occur as a result of the variances being granted.

HARRIS COUNTY YOUTH VILLAGE

Application for Permanent Variance of Standards

ATTACHMENTS

Exhibit A.1- Boys' Dorm Floor Plan Schematic

Exhibit A.2- Girls' Suites Large Illustration

Exhibit A.3- Girls' Suites Floor Plan

Exhibit A.4- HCYV Amenities Worksheet

Exhibit B- Photographic Depiction of Water Cooler

Exhibit C- HCYV Building Occupancy Report

PROPERTY MAPS

- HCYV Map View 1
- HCYV Map View 2
- HCYV Map View 3

EXHIBIT A.1

Harris County Youth Village Boys' Dorms

Falcon	Beds 12
Kitty Hawk	Beds 16
Aquarius	Beds 12
Snoopy	Beds 12
Eagle	Beds 16
Yankee Clipper	Beds 12

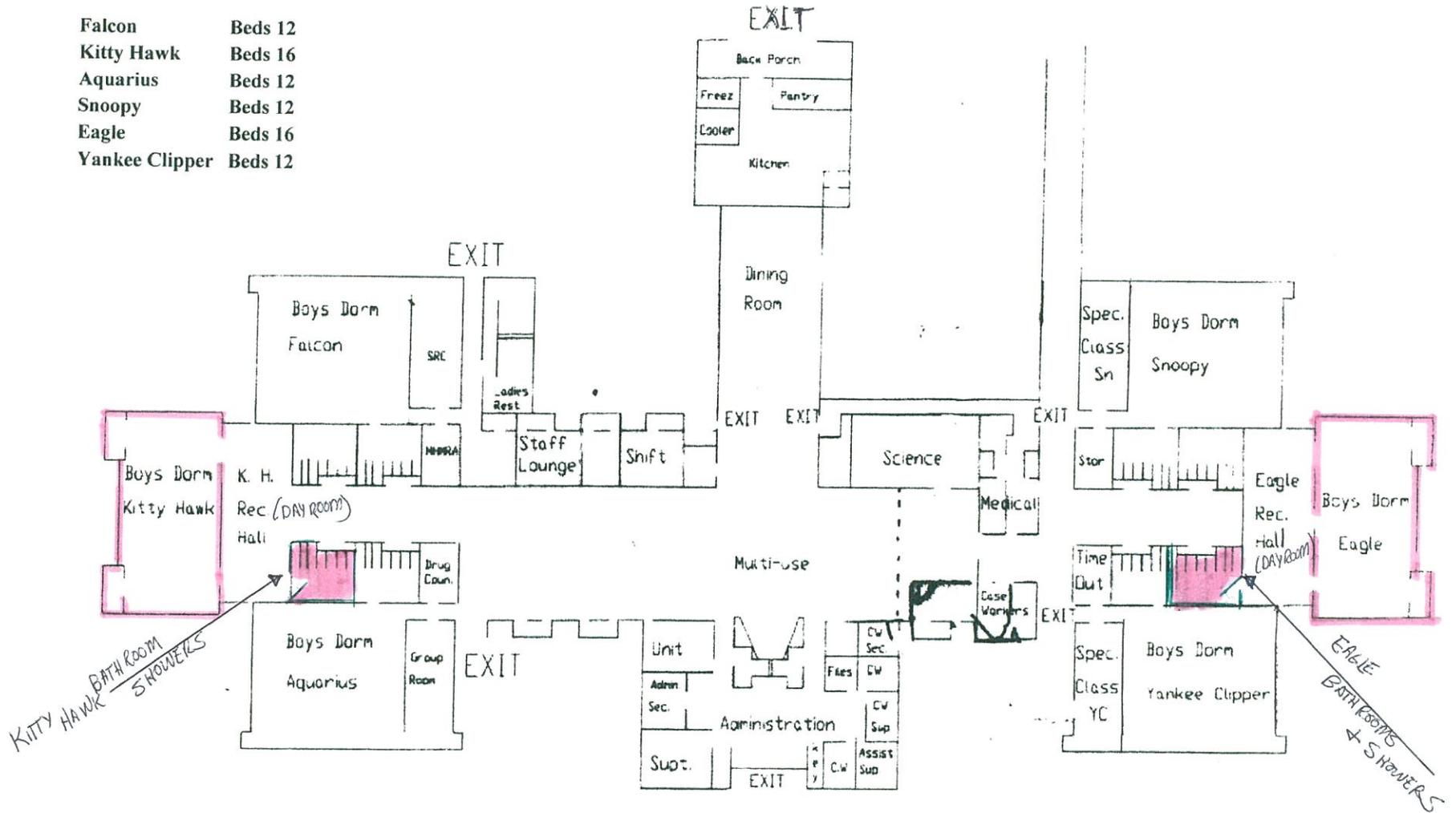
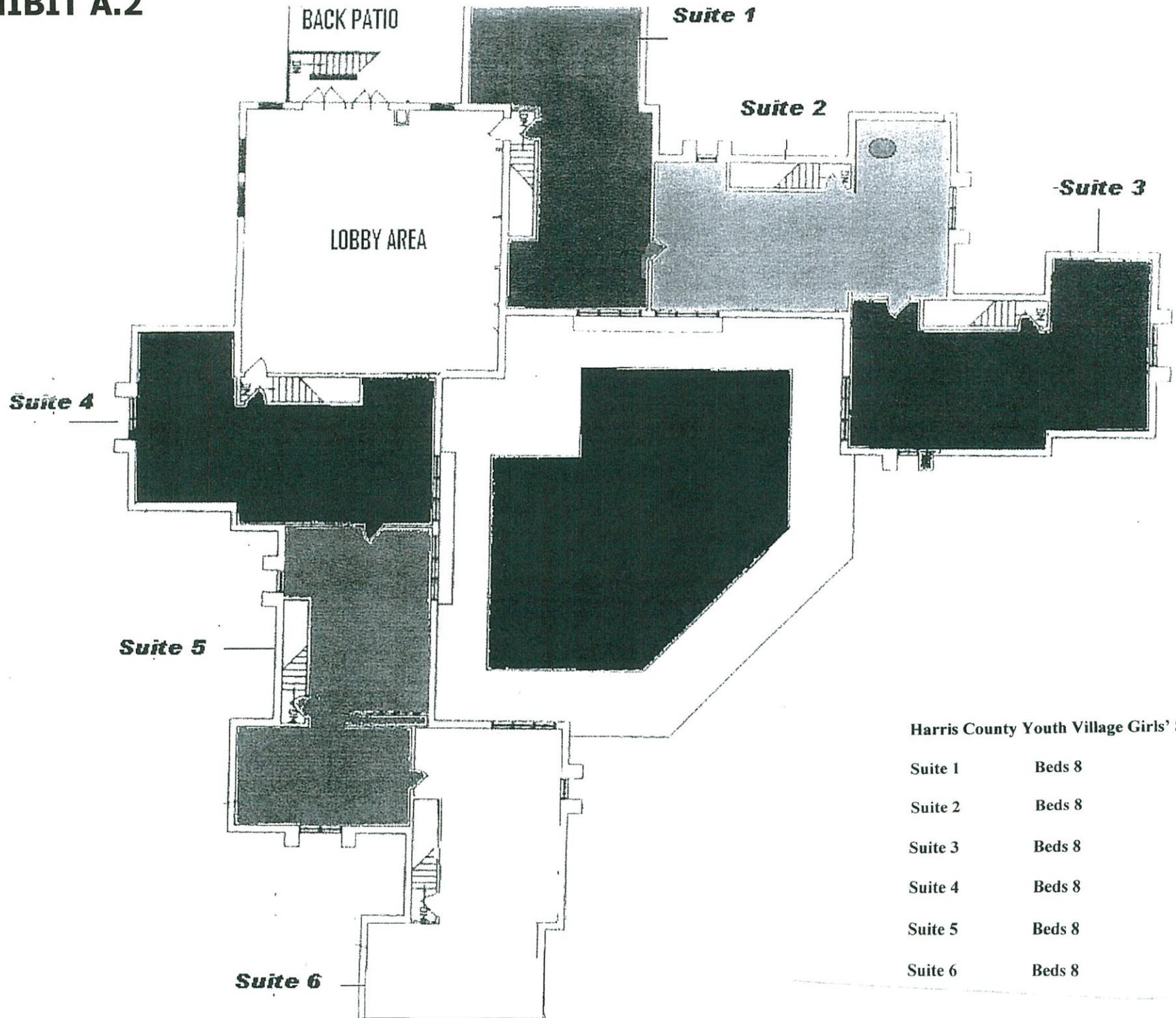


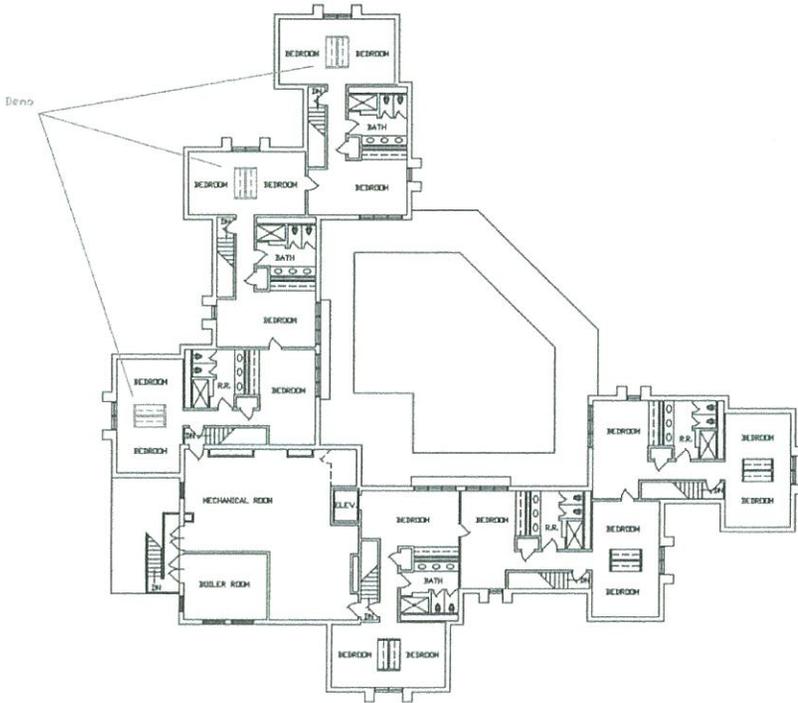
EXHIBIT A.2



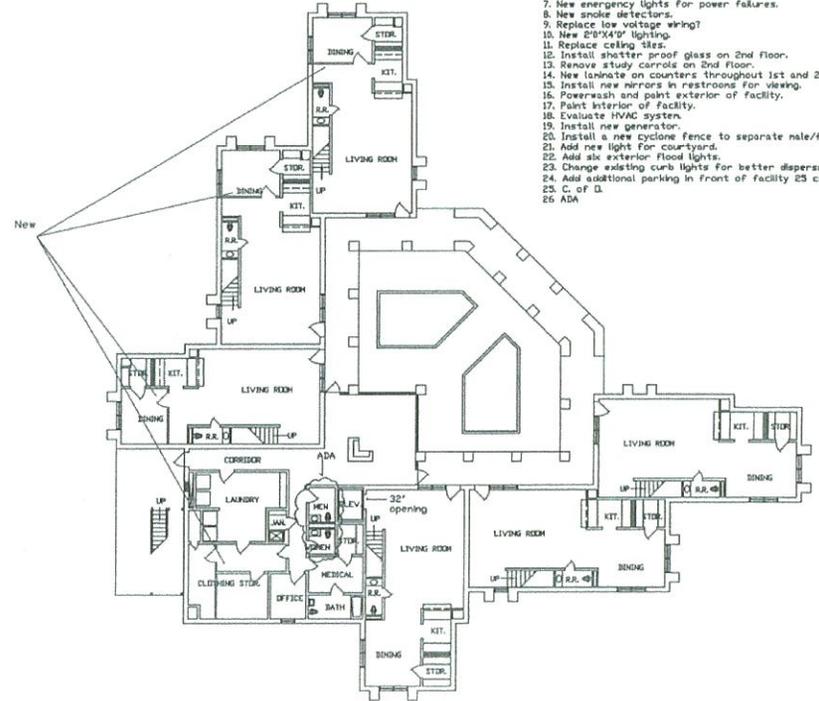
Harris County Youth Village Girls' Suites

Suite 1	Beds 8
Suite 2	Beds 8
Suite 3	Beds 8
Suite 4	Beds 8
Suite 5	Beds 8
Suite 6	Beds 8

EXHIBIT A.3



2 GIRLS' DORMITORY - SECOND FLOOR - PLAN



1 GIRLS' DORMITORY - FIRST FLOOR - PLAN

1. New Blinds for windows.
2. Add 1 way film to windows.
3. Remove stove add refrigerator.
4. New P.A. System at the Admin Bldg.
5. New Washers and Dryers.
6. Replace carpet and v.c.t.
7. New emergency lights for power failures.
8. New smoke detectors.
9. Replace low voltage wiring?
10. New 2'0"X4'0" lighting.
11. Replace ceiling tiles.
12. Install shatter proof glass on 2nd floor.
13. Remove study carrels on 2nd floor.
14. New laminate on counters throughout 1st and 2nd floor.
15. Install new mirrors in restrooms for viewing.
16. Powerwash and paint exterior of facility.
17. Paint interior of facility.
18. Evaluate HVAC system.
19. Install new generator.
20. Install a new cyclone fence to separate male/female.
21. Add new light for courtyard.
22. Add six exterior flood lights.
23. Change existing curb lights for better dispersment of light.
24. Add additional parking in front of facility 25 cars.
25. C. of D.
26. ADA

HARRIS COUNTY YOUTH VILLAGE

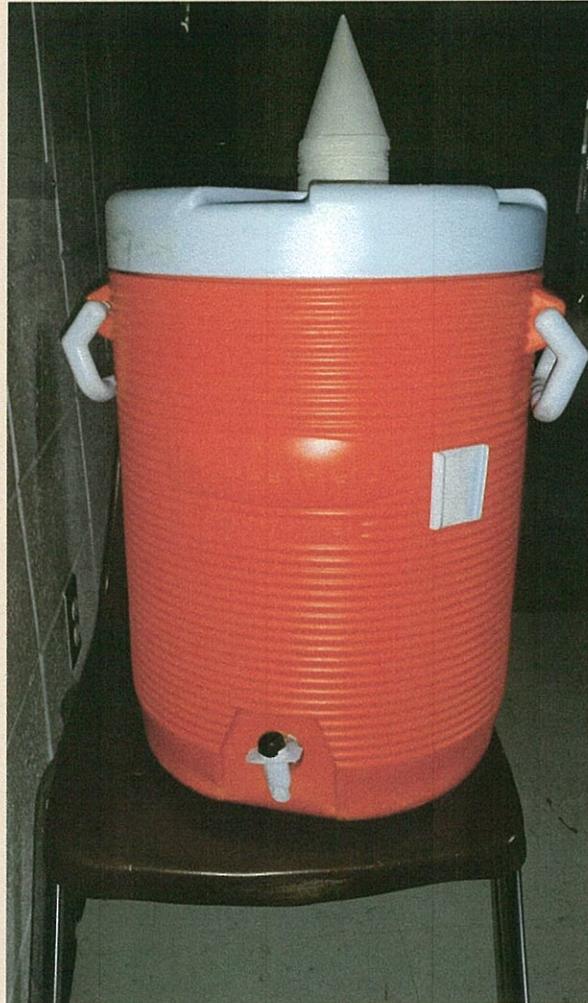
Harris County Youth Village-TAC 343 Amenities Worksheet

Based On Bed Capacity 128 (80 male beds and 48 female beds)

MOU UNIT	Bed Capacity	Toilets	Showers	Washbasin	Drinking Fountain	Variance Needed
Girls' Suites						
<i>Suite 1</i>	8	2	1	3	0	Variance for §343.664
<i>Suite 2</i>	8	2	1	3	0	Variance for §343.664
<i>Suite 3</i>	8	2	1	3	0	Variance for §343.664
<i>Suite 4</i>	8	2	1	3	0	Variance for §343.664
<i>Suite 5</i>	8	2	1	3	0	Variance for §343.664
<i>Suite 6</i>	8	2	1	3	0	Variance for §343.664
Total Female Beds	48					
Boys' Dorms						
<i>Falcon</i>	12	3 (2 urinals)	3	3	1	
<i>Kitty Hawk</i>	16	Located outside the MOU				Variance for: §343.660, §343.658, §343.662, §343.664
<i>Aquarius</i>	12	3 (2 urinals)	3	3	1	
<i>Snoopy</i>	12	3 (2 urinals)	3	3	1	
<i>Eagle</i>	16	Located outside the MOU				Variance for: §343.660, §343.658, §343.662, §343.664
<i>Yankee Clipper</i>	12	3 (2 urinals)	3	3	1	
Total Male Beds	80					
FACILITY CAPACITY	128					
§343.656 (a) ceiling height of 7.5 feet (b) 35 square feet floor space per bed		§343.660 (a) one operable toilet above floor level for: (1) every 12 beds in male housing units; and (2) every eight beds in female housing units. (c) Urinals may be substituted for up to one-half of the toilets			§343.666 (b) Day rooms shall provide a minimum of 35 square feet of space for every resident using the day room at one time, excluding lavatories, showers, and toilets.	
§343.658 (a) one operable shower for every ten beds		§343.662 Each MOHU shall contain a washbasin			§343.664 Each MOHU shall contain a drinking fountain.	

EXHIBIT A.4

EXHIBIT B

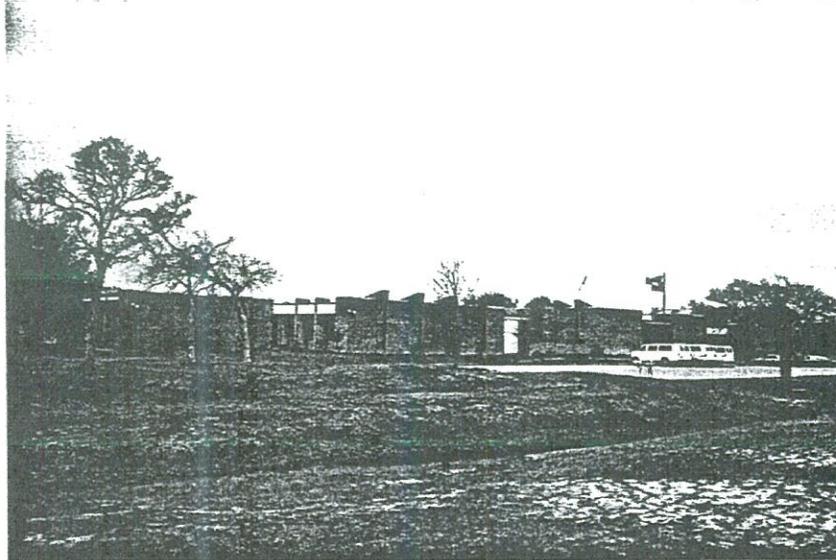


Program:	892	Annex:	Youth Village		Date Built:	1971-78	Inspection Codes																												
Precinct:	2	Name:			No. Floors:		Section: 7																												
Own/Lease:	Owned	Address:	210 J. W. Mills	Seabrook	Tot. Sq. Ft.:	68,450	Key Map: 619L																												
Occupant				Floor	Square Ft.	Space Utilization																													
<p>Entirely occupied by Juvenile Probation Has gym and swimming pool, tennis courts, ballfield, and basketball courts.</p> <table border="0"> <tr> <td>Built</td> <td>1971</td> <td>1</td> <td>3120</td> </tr> <tr> <td>Built</td> <td>1971</td> <td>1</td> <td>1800</td> </tr> <tr> <td>Built</td> <td>1978</td> <td>1</td> <td>7481</td> </tr> <tr> <td>Built</td> <td>1978</td> <td>2</td> <td>16730</td> </tr> <tr> <td>Built</td> <td>1971</td> <td>2</td> <td>16200</td> </tr> <tr> <td>Built</td> <td>1971</td> <td>1</td> <td>15670</td> </tr> <tr> <td>Built</td> <td>1971</td> <td>1</td> <td>27000</td> </tr> </table> <p>This is a 75 acre, lake front facility on Clear Lake. It houses delinquent youth, ages 10 - 17.</p>								Built	1971	1	3120	Built	1971	1	1800	Built	1978	1	7481	Built	1978	2	16730	Built	1971	2	16200	Built	1971	1	15670	Built	1971	1	27000
Built	1971	1	3120																																
Built	1971	1	1800																																
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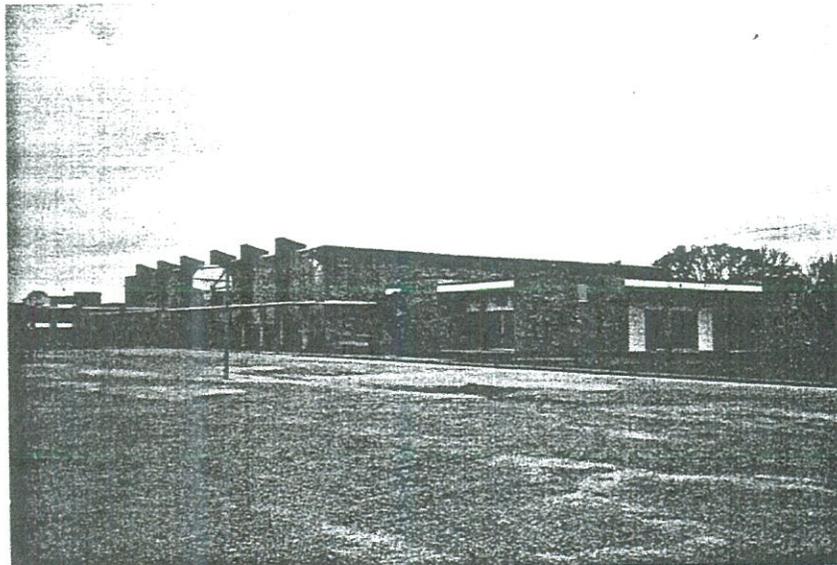
EXHIBIT C

C.1

YOUTH VILLAGE
Policy Number 000001



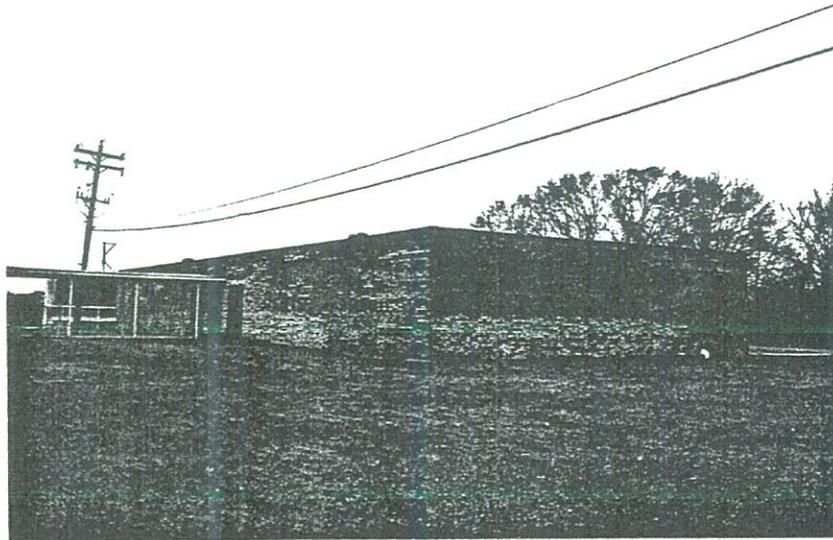
Youth Village - Boys Dormitory
Property Number: 130
Building Number: 001



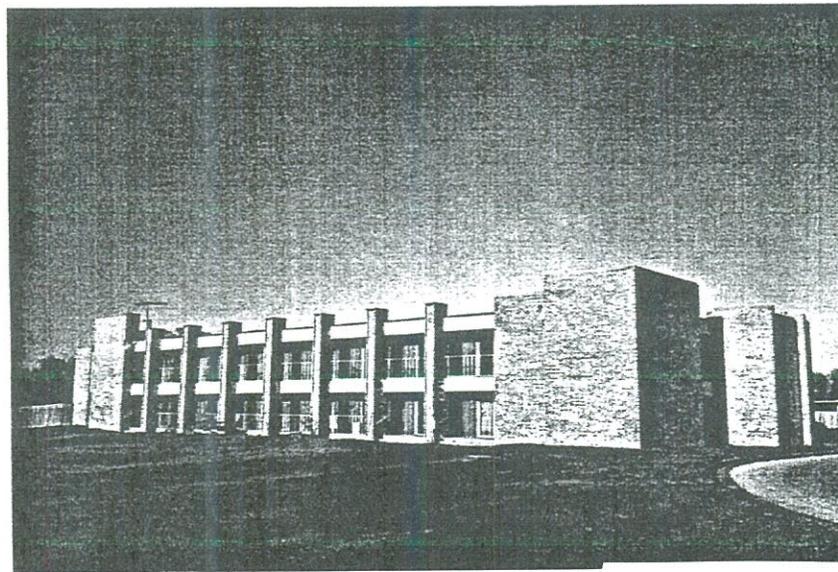
Youth Village - Gymnasium
Property Number: 130
Building Number: 002

C.2

YOUTH VILLAGE
Policy Number 000001



Youth Village - Vocational Building
Property Number: 130
Building Number: 003

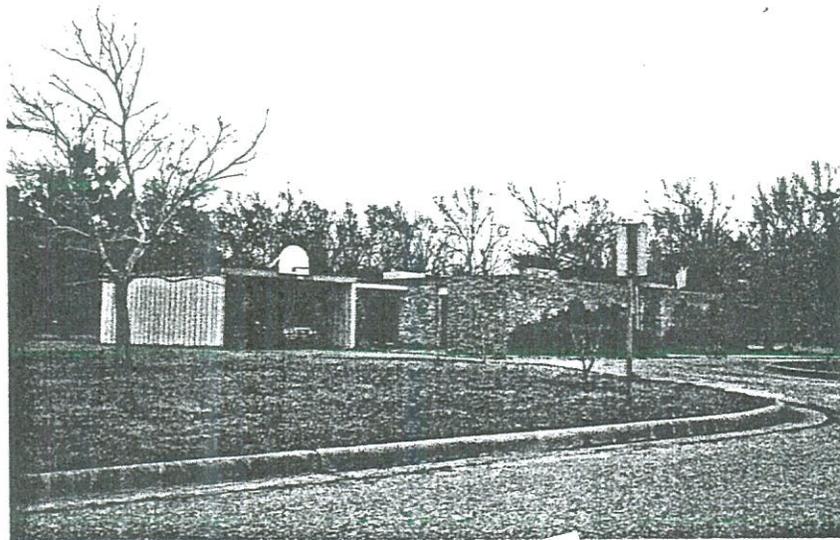


Youth Village - Education Building (former Staff Housing)
Property Number: 130
Building Number: 004

YOUTH VILLAGE
Policy Number 000001

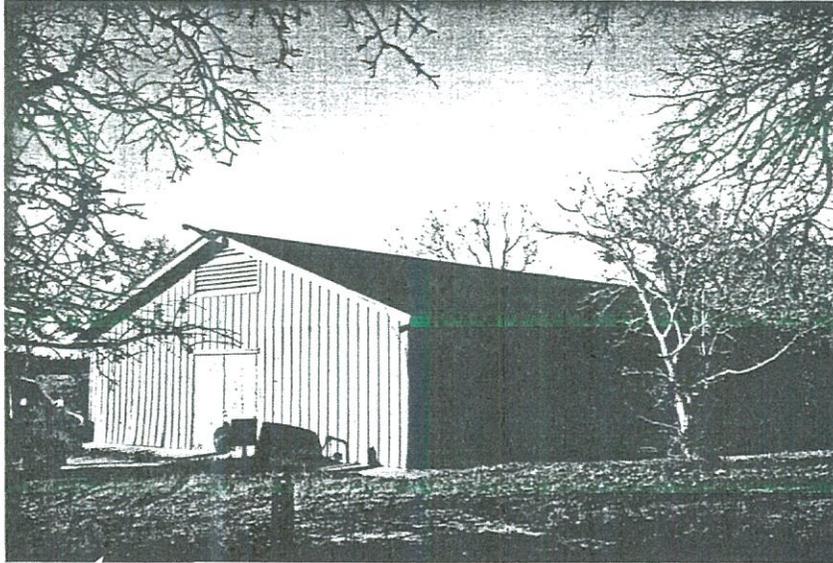


Youth Village - Girls Suite
Property Number: 130
Building Number: 005

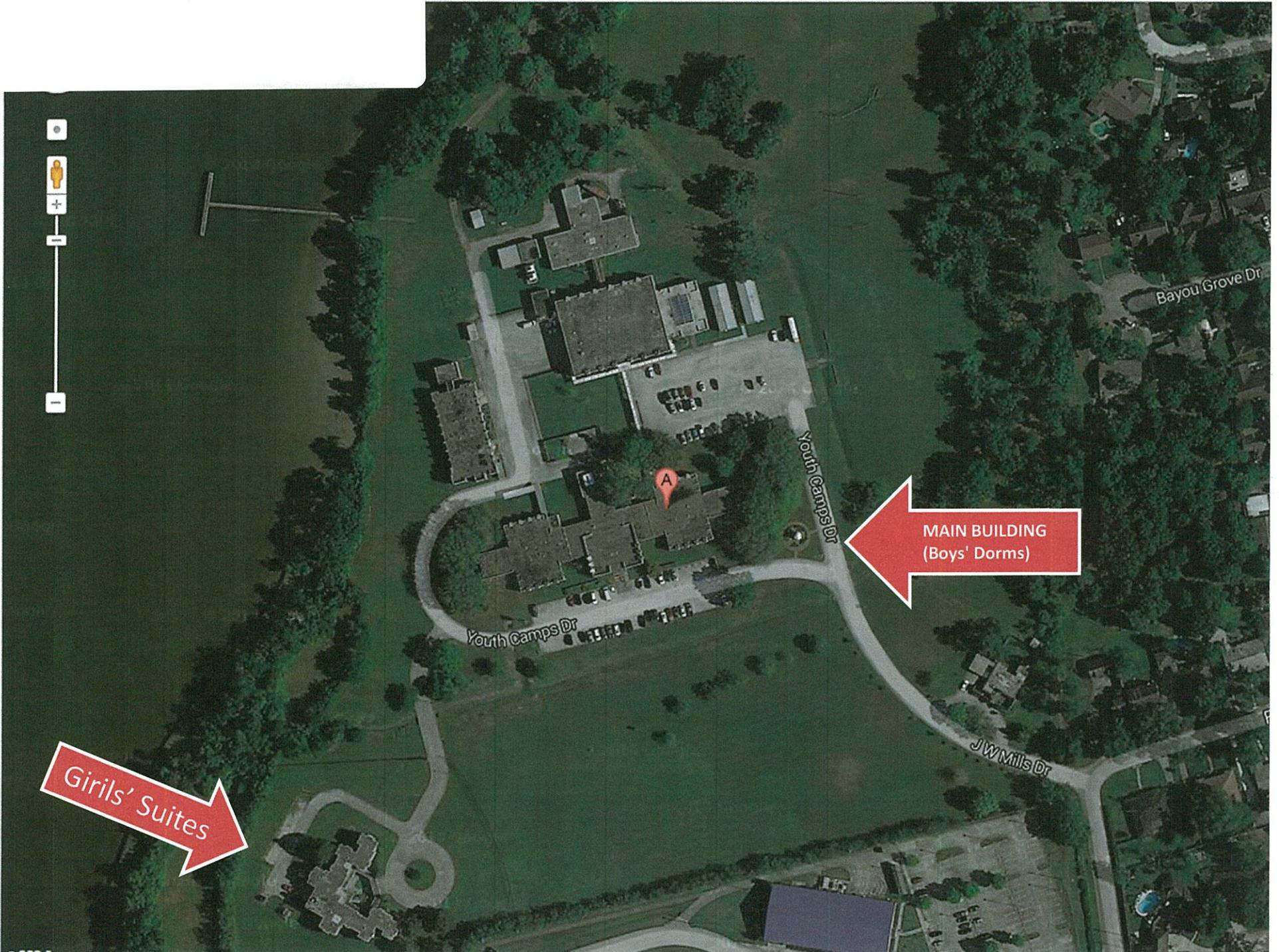


Youth Village - Administrator Housing
Property Number: 130
Building Number: 007

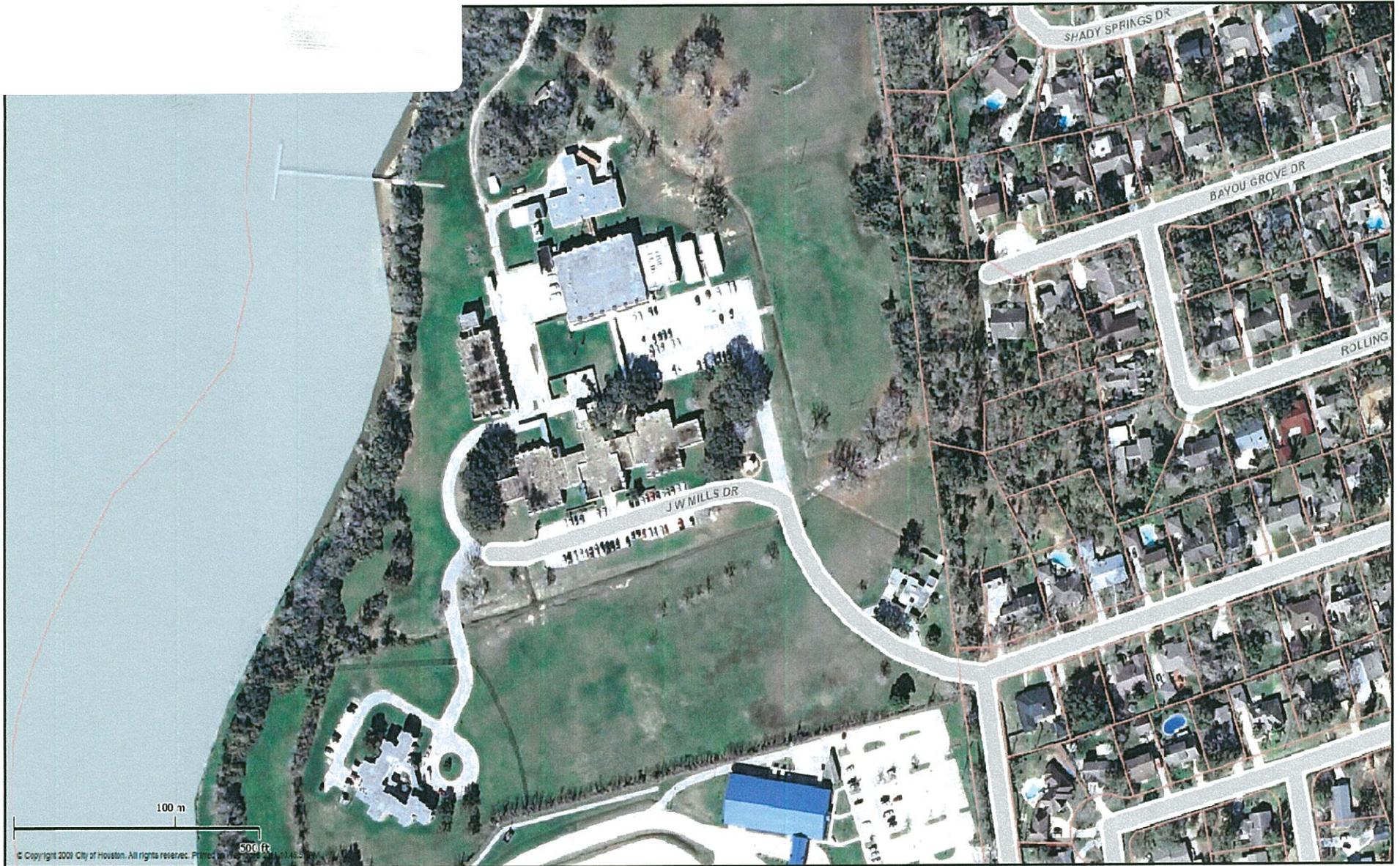
YOUTH VILLAGE
Policy Number 000001



Youth Village – Barn
Property Number: 130
Building Number: 007



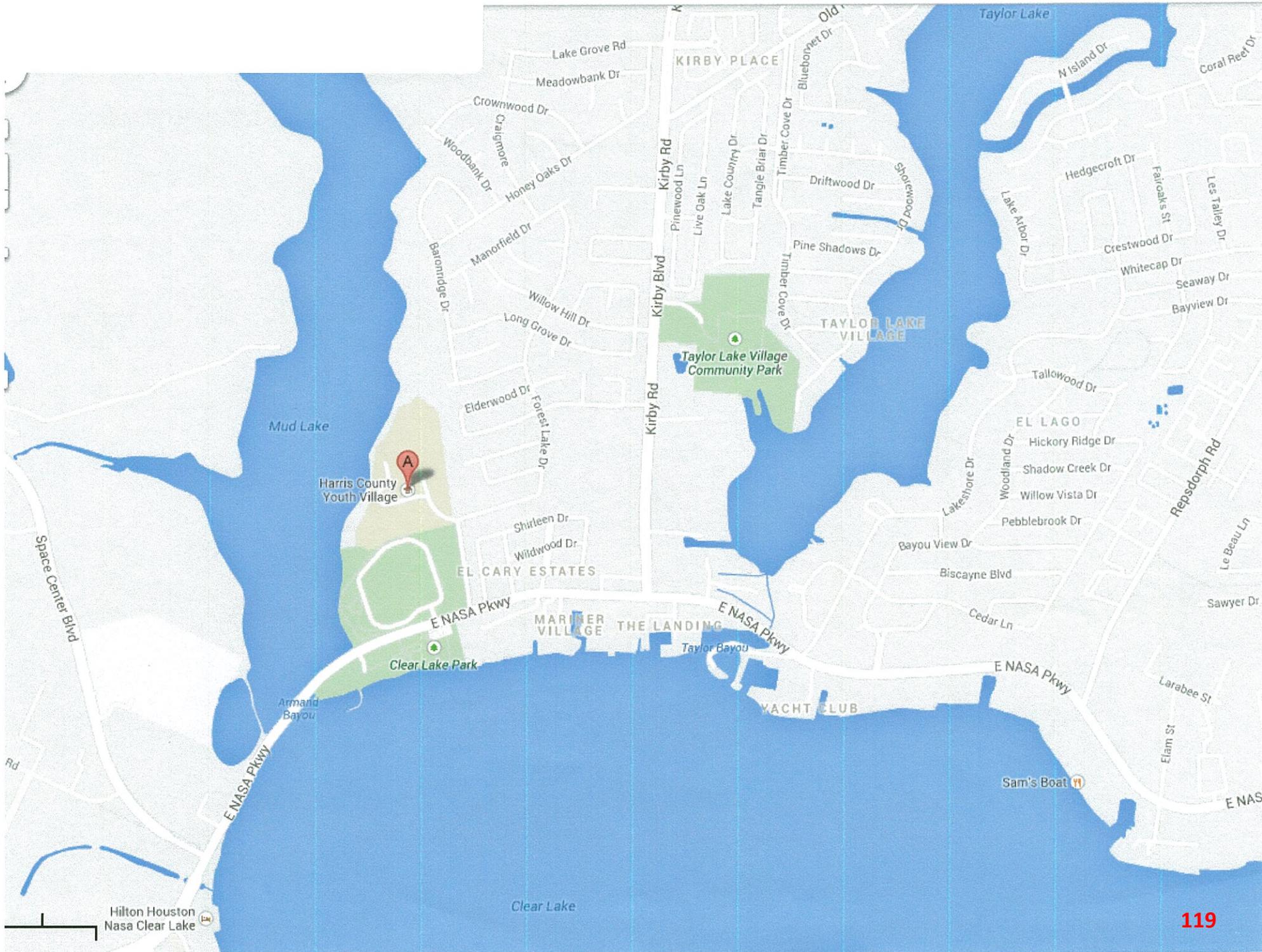
HCVV MAP View 2



City of Houston
Generated by the My City Application

Disclaimer:
The map is only for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes and does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries





THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

The Harris County Juvenile Board convened its regular monthly meeting in Harris County, Texas, on February 25, 2015, and constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING THE PRELIMINARY DESIGNATION OF THE HARRIS COUNTY YOUTH VILLAGE AS A SECURE FACILITY FOR THE PURPOSE OF SUBMITTING AN APPLICATION FOR PERMANENT VARIANCE OF TEXAS JUVENILE JUSTICE DEPARTMENT STANDARD REGARDING SECTIONS 343.250(a) and(b); 343.658(a); 343.660(a); 343.662; and, 343.664 OF THE TEXAS ADMINISTRATIVE CODE IN REFERENCE TO EXTERNAL AND PERIMETER SECURITY, SHOWERS, TOILETS, WASHBASINS, AND DRINK FOUNTAINS BASED ON THE ARCHITECTURAL STRUCTURE AND DESIGN OF THE FACILITY TO THE TEXAS JUVENILE JUSTICE DEPARTMENT.

Board Member Coffey introduced an order and moved that the Harris County Juvenile Board adopt the order. Board Member Schneider seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain	Not Present
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Burke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Coffey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Millard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Phillips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Schneider	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The meeting chair announced that the motion had duly and lawfully carried, and the order adopted is as follows:

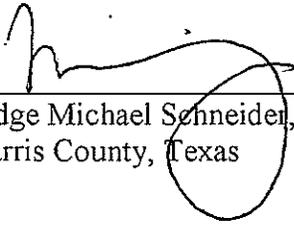
IT IS ORDERED that the Harris County Youth Village be preliminarily designated as a secure facility for the purpose of submitting an Application for a permanent variance to the Texas Juvenile Justice Department requesting a permanent variance from Sections 343.250(a) and (b); 343.658(a); 343.660(a); 343.662; and, 343.664 of the Texas Administrative Code in reference to perimeter fencing, drinking fountains, and restrooms that due to their design make strict compliance with these standards impractical. **FURTHERMORE, IT IS ORDERED** that

the Juvenile Board Chair, Executive Director, or their designee submit the attached Application, respond to any questions electronically, by facsimile, verbally or in writing, and make any changes to the Permanent Variance Application that is necessary to accomplish the purpose of this Order.

Signed and attested on this 25th day of February 2015.



Ed Emmett, Harris County Juvenile Board Chair
Harris County, Texas



Judge Michael Schneider, Juvenile Board Secretary
Harris County, Texas

TEXAS JUVENILE JUSTICE DEPARTMENT

Staff Summary and Recommendation for a Permanent Variance from Standards

Applicant: Harris County Juvenile Board
Application Receipt Date: February 13, 2015
TJJD Identification Number: VA-15-02–Harris County

Standards Identified in Variance Application:

Title 37, Texas Administrative Code, Section 343.250. External and Perimeter Security.

- (a) The facility's perimeter shall be controlled by appropriate means to;
 - (1) ensure that residents remain within the perimeter; and
 - (2) prevent access by the general public without proper authorization.

- (b) Any outdoor area in which residents are permitted shall be enclosed by a permanently erected fence or wall.

Title 37, Texas Administrative Code, Section 343.658. Shower Facilities - MOHU.

- (a) Each MOHU shall contain at least one operable shower for every ten beds in the housing unit. The showers shall contain:
 - (1) controls that produce hot and cold running water; or
 - (2) one control that produces warm running water.

Title 37, Texas Administrative Code, Section 343.660. Toilet Facilities - MOHU.

- (a) In facilities constructed and operating before March 1, 1996, each MOHU shall contain at least one operable toilet above floor level for:
 - (1) every 12 beds in male housing units; and
 - (2) every eight beds in female housing units.

Title 37, Texas Administrative Code, Section 343.662. Washbasin Requirements - MOHU.

- Each MOHU constructed and in operation on or after September 1, 2003, shall contain a washbasin with:
- (1) controls that produce hot and cold running water; or
 - (2) a single control that produces warm running water.

Title 37, Texas Administrative Code, Section 343.664. Drinking Fountain - MOHU.

Each MOHU shall contain a drinking fountain.

TJJD Staff Summary of the Variance Application:

The Harris County Juvenile Board (applicant) is seeking permanent variances from multiple Texas Administrative Code (TAC) Chapter 343 rules (i.e., standards) in order to re-designate (and ultimately re-certify and re-register the facility per the requirements set forth in Texas Family Code Section 51.125) a pre-existing non-secure correctional facility for juvenile offenders to a juvenile post-adjudication secure correctional facility. The requested variances are specific to the Harris County Youth Village campus which became operational as a county-owned and operated residential facility in 1973, with additional residential housing and program facilities being added in 1976.

The re-designation action was initiated, at least in part, as a consequence of the TJJD's statutory obligation (per, Texas Human Resource Code, Section 221.002) to develop and monitor minimum standards for non-secure juvenile correctional

facilities. The TTJD's standards for non-secure correctional facilities were established under TAC Chapter 355, which became effective on November 15, 2013. Since that time the Harris County Youth Village has been operating as a formally certified (per the requirements set forth in Texas Family Code Section 51.126) and registered non-secure correctional facility, but with a TJJJ-approved temporary waiver to allow the program to operate with architectural security features in place in all housing areas and in various program areas of the facility. The temporary waiver in question is scheduled to expire in April 2015.

The applicant has submitted the following for consideration:

- Application for Variance of Standards;
- Juvenile Board Resolution (dated: 02/25/15) authorizing the submission of the application;
- Exhibits:
 - A.1 - Boys' Dorm Floor Plan Schematic
 - A.2 - Girls' Suites Large Illustration
 - A.3 - Girls' Suites Floor Plan
 - A.4 - HCYV Amenities Worksheet
 - B. - Photographic Depiction of Water Cooler
 - C. - HCYV Building Occupancy Report
- Property Maps
 - HCYV Map View 1
 - HCYV Map View 2
 - HCYV Map View 3

In accordance with the requirements of 37 TAC §349.200(b), the applicant presents the following information to establish the grounds for the requested variances:

1. The applicant contends that compliance with the standards cannot be achieved because of the following outcomes:
 - Significant and expensive physical plant modifications that would be required to bring the facility into compliance with the multiple standards in question;
 - A 25% reduction in the facility's total resident capacity (a 40% reduction in the male resident capacity) if the physical plant retrofitting requirements were not pursued; and
 - An alteration of the facility's long-standing program philosophies of providing residents with an open campus environment that affords residents a wide range of educational, vocational, and recreational services.
2. The applicant indicates that the requested variances will have no impact on other standards and will not impact the safety and security of juveniles, staff, or the facility;
3. The applicant reports that substantial compliance with the intent and purpose of the standards would be achieved through the following program policies, procedures, and practices:
 - Staff facilitated access to a full complement of required restroom amenities immediately adjacent to the housing units in question, with said access being afforded at scheduled intervals and upon residents' reasonable and appropriate requests;
 - Fresh drinking water provided to residents by the inclusion of five gallon water coolers in each of the housing units without permanently affixed drinking fountains; and
 - Staff supervision practices that provide an appropriate level of security to safeguard against resident escapes and that help ensure that resident accessible outside areas are free from dangerous items and contraband.

4. If the variances are granted, the applicant maintains that the health and safety of juveniles will be maintained in the following ways:
 - Staff facilitated access to a required number of working restroom amenities located immediately adjacent to the housing units in question, with said access being afforded through standards compliant staff supervision at scheduled intervals and upon residents' reasonable and appropriate requests;
 - The provision of portable water coolers and clean disposable drinking cups to ensure residents have access to clean drinking water in the applicable housing units; and
 - Standards compliant staff to resident supervision ratios during the times residents are participating in outdoor activities and intra-campus movement.
5. The applicant indicates compliance with any one of the standards in question would result in significant hardships (financial and programmatic) being placed on the department. Compliance with all of the standards in question would have the effect of multiplying those hardships dramatically. The applicant contends that the net hardships incurred would be both undue and disproportionate, given that the intent of the standards in question would be met, and residents' health and safety would be maintained by alternate methods.
6. The applicant maintains that the requested variances will not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law.

Additional Applicable Standard Identified by TJJD Staff:

No other TAC Chapter 343, or other applicable TAC Chapters', standards have been identified as warranting variance consideration.

Variance Precedent and History:

TAC 343.250.

The Van Zandt County Juvenile Board received (June 16, 2006) a permanent variance (TJJD #: VA-06-01) to allow the juvenile probation department's secure pre and post-adjudication facility to forego the requirement for a secure perimeter fence in the facility's outdoor recreation area. At the time this variance was awarded, the TAC 343 standard in question was identified as 343.6(d).

TAC 343.664.

The Lubbock County Juvenile Board received (June 16, 2006) a permanent variance (TJJD #: VA-06-02) to allow the probation department's co-located secure pre-adjudication and post-adjudication facilities to operate housing units which afforded residents access to drinking water through in-cell sinks (with disposable drinking cups) and through the provision of portable water coolers and disposable drinking cups in housing unit day rooms. At the time this variance was awarded, the TAC 343 standard in question was identified as 343.5(j)(3).

The Howard County Juvenile Board received (March 16, 2006) a permanent variance (TJJD #: VA-05-02) to allow the probation department's eight bed secure holdover facility staff to provide residents with access to bottled drinking water dispensers. While the standard in question was nearly identical to the requirements set forth in TAC Chapter 343, the facility's "holdover" designation made the facility's variance specific to TAC Chapter 351 (351.8). The facility in question closed its operations in early 2014.

TAC Sections 343.658, 343.660, and 343.662

There is no record of variance applications having been submitted for these TAC 343 standards.

TJJD Staff Application Disposition Recommendation:

As a juvenile secure post-adjudication correctional facility, the Harris County Youth Village is required through statutory and contractual requirements to adhere to minimum standards in order to be deemed suitable for the confinement of children. In order for the facility to achieve the required levels of compliance, the TJJD staff is recommending that the requested variances be granted for all five referenced administrative rule provisions.

37 TAC §349.200(b) authorizes, but does not require, the Texas Juvenile Justice Board to grant a variance if it makes affirmative findings that the following criteria have been established:

1. Why compliance with the standard cannot be achieved;
2. The impact the variance would have on compliance with other standards;
3. How substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
4. How the health and safety of juveniles will be maintained if the variance is granted;
5. How compliance with the standard will result in undue hardship to the requesting entity; and
6. How issuing the variance would not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law.

If the Board makes the required affirmative findings and chooses to grant a variance in this matter, TJJD staff recommends the following conditions be imposed:

1. The variances are specific to the Harris County Youth Village as that property was constructed and configured on February 9, 2015 (Date of Variance Application);
2. Specific to Sections 343.658(a), 343.660(a), and 343.662, the variances are intended to only allow that these restroom amenities can be located outside of the applicable multiple occupancy housing units (i.e., currently identified as the Kitty Hawk and Eagle dorms). The applicable variances do not exempt the facility from having the required number and type of operable restroom amenities required in these standards;
3. The Harris County Juvenile Probation Department shall provide written notification to the TJJD's Monitoring and Inspections Division of any and all proposed property and physical plant modifications that relate to any of the specific standards receiving a variance.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION REGARDING THE VARIANCE REQUESTED BY THE HARRIS COUNTY JUVENILE BOARD

In re: 37 TAC 343.250, 343.658(a), 343.660(a), 343.662, and 343.664.

On this the 27th day of March, 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (the 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					
Melissa Weiss					
Motion:		Second:			

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

WHEREAS, Harris County by and through the Juvenile Board and Thomas Brooks, Chief Juvenile Probation Officer, has submitted to the Texas Juvenile Justice Department an application for a variance for 37 TAC 343.250, 343.658(a), 343.660(a), 343.662, and 343.664.

WHEREAS, the duly appointed members of the Board’s Safety and Security Committee have considered the application during the Safety and Security Committee meeting held on March 26, 2015;

WHEREAS, per the requirements set forth in 37 TAC 349.200(b)(2), the Board hereby makes the following findings of fact (all must be found to grant the application):

Found Not Found

- The juvenile board has explained why compliance with the standard cannot be achieved.
- The juvenile board has explained the impact the variance would have on compliance with other standards.

- The juvenile board has shown that the health and safety of juveniles will be maintained if the variance is granted.
- The juvenile board has shown substantial compliance with the intent and purpose of the standard for which a variance is requested through alternate methods or means.
- The juvenile board has shown that compliance with the standard in question would be an undue hardship on the requesting entity.
- The juvenile board has shown that issuing the variance would not put the juvenile board, department, program or facility in violation of any state or federal law.

NOW, THEREFORE BE IT RESOLVED THAT the Board

_____ **DENIES** the variance requested by the Harris County Juvenile Board for 37 TAC 343.250, 343.658(a), 343.660(a), 343.662, and 343.664.

_____ **GRANTS** (*in accordance with the terms below*) to the Harris County Juvenile Board a variance for 37 TAC 343.250, 343.658(a), 343.660(a), 343.662, and 343.664.

ADDITIONAL TERMS OF VARIANCE

Periodic Review

The Texas Juvenile Justice Department reserves the right to conduct periodic reviews of the terms and conditions of the variance agreement in an effort to determine continued applicability of and compliance with such terms and conditions. Reviews may be scheduled within the formalized variance document and/or conducted at the discretion of agency staff.

Rescission of Variance Due to Fraud or Error

If the agency staff subsequently determines that the evidence supporting the variance was substantially inaccurate, misleading, and/or false, and the Safety and Security Committee and full Board determine that the variance was granted as a result of fraudulent or inaccurate information, the Board may immediately rescind or modify the variance. A variance modification may be conditioned upon the applicant's agreement to follow specific conditions as determined appropriate by the Board.

Additionally, the Board may undertake the same actions if it determines that the applicant is not fully adhering to the conditions imposed in conjunction with an existing variance.

Special Conditions

1. The variances are specific to the Harris County Youth Village as that property was constructed and configured on February 09, 2015 (Date of Variance Application);
2. Specific to Sections 343.658(a), 343.660(a), and 343.662, the variances are intended to only allow that these restroom amenities can be located outside of the applicable multiple occupancy housing units (i.e., currently identified as the Kitty Hawke and Eagle dorms). The applicable variances do not exempt the facility from having the required number and type of operable restroom amenities required in these standards;

3. The Harris County Juvenile Probation Department shall provide written notification to TJJD's Monitoring and Inspections Division of any and all proposed property and physical plant modifications that relate to any of the specific standards receiving a variance.

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

Signed this 27th day of March, 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 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 (ACTION)**

Date: March 8, 2013

The TJJJ Monitoring and Inspections Division, in collaboration with the Advisory Council's Standards Committee, has proposed changes to two rules: 37 TAC §343.236, relating to Secure Storage Areas, and §343.238, relating to Hazardous Materials.

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

The revised rules and a resolution are attached.

Summary of Revisions:

§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.

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).
- ~~(b)~~ Hazardous materials shall not be stored in the housing area of the facility.
- (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 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.**

On this **27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

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

WHEREAS, the staff has recommended revisions and clarifications to 37 TAC §343.236 and §343.238;

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the submission of the revised 37 TAC §343.236 and §343.238 for publication in the *Texas Register* for a 30-day public comment period.

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

Signed this 27th day of March 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 ORDER FOR CHARLES FORD, CERTIFICATION # 27432, HAYS COUNTY (ACTION)**

Date: March 17, 2015

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

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

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

The administrative rules require the certified officer to file an answer to a formal disciplinary action within twenty days of receipt of the action. If an officer fails to respond to a disciplinary

action notice, the officer waives the opportunity to contest the charges and waives objection to the proposed sanction. Agency rules authorize TJJ to enter a default judgment against the officer and impose the disciplinary action sought. The default orders are based upon the factual allegations and sanctions recommended in the formal charges.

Attached for your review are the Default Order and Affidavit of the Attorney for the one case recommended for default. 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.

DOCKET NO. DH- 15-27432-140365, 140367

IN THE MATTER OF	§	BEFORE THE
CHARLES FORD	§	TEXAS JUVENILE
CERTIFICATION NO. 27432	§	JUSTICE BOARD

DEFAULT ORDER

At its scheduled board meeting on March 27, 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 [Charles Ford] (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 June 6, July 23, September 16, and October 17, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On June 6, July 23, September 16, and October 17, 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 June 6, July 23, September 16, and October 17, 2014, and required that 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 345.310 (c)(2)(J) provides Juvenile justice professionals shall not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
6. On or about June 6, 2014, Respondent unnecessary and excessive force when he restrained and pushed juvenile L.S., causing him to suffer a knot on his head and an injury to his finger.
7. On or about July 23, 2014, Respondent used unnecessary and excessive force when he pushed juvenile A.L. into a wall and slammed him on the floor, causing him injury.

8. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(K) provides that juvenile justice professionals shall not falsify or make material omissions entries to governmental records.
9. On or about June 6, 2014, Respondent falsified a serious incident report, a governmental record, by writing that juvenile L.S. had lunged at him, prompting a restraint, when L.S. had not lunged at him.
10. Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) provides Juvenile justice professionals shall not be designated as a perpetrator in a Commission abuse, exploitation and neglect investigation conducted under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
11. On or about October 17, 2014, Respondent was designated as a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile L.S.
12. On or about September 16, 2014, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile A.L.
13. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
14. Texas Family Code Section 261.401 defines abuse as an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.
15. On or about June 6, 2014, Respondent intentionally or knowingly engaged in an act that caused physical harm to L.S., a juvenile, to wit: hitting his head on the floor and a door, causing him to suffer a knot on his head, and twisting his finger, causing him injury.
16. On or about July 23, 2014, Respondent intentionally or knowingly engaged in an act that caused physical harm to A.L., a juvenile, to wit: pushing him into a wall and slamming him onto the floor, causing him to suffer injury to his shoulder.
17. TJJD served Respondent with notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, on December 2, 2014.
18. More than twenty days have elapsed since notice was provided.
19. 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 and 6, Respondent's actions on June 6, 2014, violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J).
3. As evidenced by Findings of Fact 5 and 7, Respondent's actions on July 23, 2014, violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(J).

4. As evidenced by Findings of Fact 8 and 9, Respondent's actions on June 6, 2014, violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(K).
5. As evidenced by Findings of Fact 10 and 11, Respondent's actions on June 6, 2014, violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G).
6. As evidenced by Findings of Fact 10 and 12, Respondent's actions on July 23, 2014, violated Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G).
7. As evidenced by Findings of Fact 13-15, Respondent's actions on June 6, 2014, constituted abuse.
8. As evidenced by Findings of Fact 13, 14, and 16, Respondent's actions on July 23, 2014, constituted abuse.
9. As evidenced by Findings of Fact 17-19, 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 Charles Ford 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 the 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 March 27, 2015

AFFIDAVIT OF KACI S. SINGER

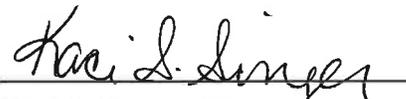
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kaci S. 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 Charles Ford was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on December 2, 2014, to the most recent address of record for Charles Ford as registered with the Texas Juvenile Justice Department.
2. The wrapper sent by certified mail was returned by the United States Postal Service marked return to sender, attempted not known.
3. The wrapper sent by regular mail has been returned by the United States Postal Service marked return to sender, not deliverable as addressed.
4. The written notice indicated that on or about June 6, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations, to wit: Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when he used unnecessary and excessive force when he restrained and pushed juvenile L.S., causing him to suffer a knot on his head and an injury to his finger.
5. The written notice indicated that on or about June 6, 2014, Respondent abused L.S., a juvenile, by intentionally or knowingly engaging in an act that caused physical harm to L.S., to wit: hitting his head on the floor and a door, causing him to suffer a knot on his head, and twisting his finger, causing him injury.
6. The written notice indicated that on or about June 6, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations, to wit: Texas Administrative Code, Title 37, Section 345.310 (c)(2)(K) when he falsified a serious incident report, a governmental record, by writing that juvenile L.S. had lunged at him, prompting a restraint, when L.S. had not lunged at him.
7. The written notice indicated that on or about July 23, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations, to wit: Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when he used unnecessary and excessive force when he pushed juvenile A.L. into a wall and slammed him on the floor, causing him injury.

Charles Ford, #27432

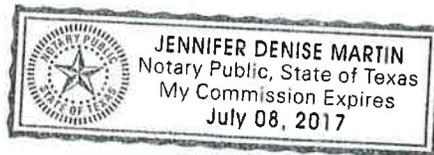
8. The written notice indicated that on or about July 23, 2014, Respondent abused A.V., a juvenile, by intentionally or knowingly engaging in an act that caused physical harm to A.L., to wit: pushing him into a wall and slamming him onto the floor, causing him to suffer injury to his shoulder.
9. The written notice indicated that on or about September 16, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations, to wit: Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when he was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile A.L.
10. The written notice indicated that on or about October 17, 2014, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations, to wit: Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) when he was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile L.S.
11. The written notice informed Respondent that TJJD was seeking revocation of Respondent's certification as a juvenile supervision officer.
12. 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.'
13. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
14. Twenty days have elapsed since notice was provided, the effective date of notice, and Respondent has failed to file a written response to the formal charges."


Kaci S. Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci S. 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 9 of February, 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 **27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-27432-140365, 140367	Charles Ford, #27432, Hays County Juvenile Post Detention Center	Revocation	Hays

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

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

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

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

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

Signed this 27th day of March 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 TO SET ASIDE THE DEFAULT ORDER REVOKING THE CERTIFICATION OF JUVENILE SUPERVISION OFFICER STANLEY SNEED, #12773, IN CAUSE # DH665-11-8451, HEARD BY THE TJJJ BOARD ON JANUARY 20, 2012 (ACTION)**

Date: March 17, 2015

On January 20, 2012, the Texas Juvenile Justice Board signed an order revoking the certification of juvenile supervision officer Stanley Sneed. The order was based on the Proposal for Decision (PFD) of Administrative Law Judge Henry D. Card, State Office of Administrative Hearings (SOAH), dated September 27, 2011. According to the PFD, Mr. Sneed was given notice as required by law of the hearing scheduled for August 29, 2011, and he failed to appear. Pursuant to relevant Texas Administrative Code provisions, a default was granted. The order revoking Mr. Sneed's certification became effective in February 2012.

On February 3, 2015, Mr. Sneed contacted the Texas Juvenile Justice Department and informed us he had just become aware of the fact that his certification had been revoked. He indicated he received no notice of the SOAH hearing.

In response to this issue, TJJJ reviewed its files. An electronic version of a letter dated August 4, 2011, giving notice of the SOAH hearing on August 29, 2011, was addressed to Mr. Sneed's attention at 2250 Clovis Barker Road, San Marcos, TX 78666. Additionally, the PFD indicates a copy of it was sent to Mr. Sneed at the same address. That address is the address of the Hays County Juvenile Detention Center. Mr. Sneed was not employed by that facility at the time of these notices. Additionally, the agency's administrative rules currently and at the time required that notice be provided to the officer's address of record with the agency, which is the officer's home address. 37 T.A.C. §349.320, effective May 1, 2010.

The purpose of serving notice is to comport with the requirements of due process to give a person a fair opportunity to appear and defend his interests. *Texas National Resource*

Conservation Commission v. Sierra Club, 70 S.W. 3d 809, 813 (Tex. 2002). There is no presumption of proper notice when a party is attacking a default judgment. Instead, the face of the record must demonstrate compliance with the applicable rules regarding notice. *Primate Construction, Inc. v. Silver*, 884 S.W.2d 151, 152 (Tex. 1994) (per curiam), citing also *Wilson v. Dunn*, 800 S.W.2d 833, 836 (Tex. 1990); *Uvalde Country Club v. Martin Linen Supply Co.*, 690 S.W.2d 884, 886 (Tex. 1985); *McKanna v. Edgar*, 388 S.W.2d 927, 929 (Tex. 1965); *Flynt v. Kingsville*, 125 Tex. 510, 82 S.W.2d 934 (1935); *Sloan v. Batte*, 46 Tex. 215, 216 (1876); *Roberts v. Stockslager*, 4 Tex. 307 (1849).

Because TJJJ sent notice of the hearing to Mr. Sneed's former employer rather than to the address of record on file, TJJJ did not comply with its own rules regarding service. As such, we respectfully request that the Board set aside its previously issued order revoking the certification of Stanley Sneed.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION SETTING ASIDE A PREVIOUSLY ISSUED DEFAULT ORDER

On this **27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

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

WHEREAS the Board considered the Request to set aside the January 20, 2012 Default Order revoking the certification of juvenile supervision officer Stanley Sneed, #12773, in cause # DH665-11-8451; and

WHEREAS the Board finds setting aside the Default Order is warranted due to lack of notice to Stanley Sneed;

NOW, THEREFORE BE IT ORDERED THAT the Final Default Order issued by the Board on January 20, 2012, is set aside with regard to Stanley Sneed and his certification as a juvenile supervision officer is reinstated.

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

Signed this 27th day of March 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW WITHIN 37 TAC CHAPTER 347, RELATING TO TITLE IV-E FEDERAL FOSTER CARE PROGRAMS, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**

Date: March 8, 2015

As part of the agency's rule review process, the Probation and Community Services Division has proposed changes to TAC Chapter 347 (Title IV-E Foster Care Programs). 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 TJJD 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). TJJD 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 TJJD Grant E document. To avoid the need for departments to consult multiple sources, all relevant requirements will be placed in the Grant E document.
- TJJD 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.

Attached to this memo you will find:

- A table summarizing the contents and proposed changes for rules in Chapter 347.
- The text of the new and repealed rules.
- A resolution for board action.

Staff requests the board's approval to publish the proposed revisions to Chapter 347 and to publish the proposal to complete the rule review for Chapter 347 in the *Texas Register* for a 30-day comment period.

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 review
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 review
347.3	Definitions	Defines terms used in the chapter.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board review
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 review
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 review
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 review
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 review
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 review

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Revisions	Status of Revisions
347.15	Case Plan and Review System	Requires the juvenile probation department to develop case plans that meet federal requirements, conduct periodic reviews of 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.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board review
347.17	Information System	Lists the information the juvenile probation department must maintain for each child in substitute care. Requires the department to notify TJJJ when certain changes occur.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board review
347.19	Foster Care Assistance Payments	Establishes deadlines for the juvenile probation department to send certain information to TJJJ relating to reimbursement for IV-E eligible expenses.	No	<ul style="list-style-type: none"> Repeal entire rule 	Ready for board review
347.21	Program Monitoring	Requires the juvenile board to allow TJJJ 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 review

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

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.

§347.1 Introduction

- (a) ~~The Texas Department of Protective and Regulatory Services (TDPRS) is the state agency in Texas that administers Title IV-E of the Social Security Act (42 United States Code §670 et seq.). The federal government reimburses TDPRS for part of the foster care costs of eligible children served by TDPRS. This law was enacted to establish a program of adoption assistance, to strengthen the program of foster care assistance for needy and dependent children, to improve the programs for child welfare, social services, and aid to families with dependent children, and for other purposes. In addition, to be eligible for this program, TDPRS must manage the cases of eligible children in compliance with standards set in the Social Security Act, 42 USC §622. These requirements ensure careful management of a child's case. They require a case plan and a case review system designed to return children to their families or some other permanent plan at the earliest possible date. They require a system to track the location of children in placement, even when they run away. It also includes protection of families' and children's rights.~~
- (b) ~~The Texas Juvenile Probation Commission (TJPC) has contracted with TDPRS to make these federal funds available to reimburse part of the foster care costs of eligible children in the juvenile justice system. TJPC is willing to contract with any juvenile board which meets the federal requirements for Title IV-E and the Social Security Act, 42 USC §622. A juvenile board that wants to contract with TJPC to access these funds must perform in the ways described in the following rules, and in certain rules of the TDPRS referred to in these rules.~~

§347.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) ~~Periodic review--A review open to the participation of the caregiver and parents of the child. The purposes of the review are to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, the extent of progress on issues that led to the child's removal from the home, and to project a likely date for permanency.~~
- (2) ~~Aid to families with dependent children (AFDC)--A financial assistance program available to low-income families who meet categorical requirements described in 40 TAC Part 1, Chapter 3. The ADFC program has been renamed Temporary Assistance for Needy Families (TANF). However, Title IV-E eligibility continues to be based on AFDC criteria in effect on July 16, 1996.~~
- (3) ~~Billing level of care--Rate of payment based on the level of services a facility is licensed or approved to provide.~~
- (4) ~~Caregiver or substitute care facility--Any IV-E approved facility or foster family.~~
- (5) ~~Date of actual placement--The date the child enters an eligible foster care setting.~~
- (6) ~~Disposition order--A court order that results in the child's placement in substitute care.~~

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- ~~(7) TJPC eligibility specialist--A person employed and trained by TDPRS to make IV-E eligibility determinations.~~
- ~~(8) Initial order of removal--The first order that removes the child from the home and which culminates in the child's placement in substitute care without the child having returned to the home.~~
- ~~(9) Juvenile board--An administrative body established by state statute that is responsible for the provision of juvenile probation services within a defined jurisdiction.~~
- ~~(10) Juvenile court--A court designated by the juvenile board under the Texas Family Code, §51.04, or other state law, which hears cases involving delinquent conduct or conduct indicating a need for supervision.~~
- ~~(11) Level of care--A numerical rating based on an assessment of the services a child will need while in substitute care.~~
- ~~(12) Permanency hearing--A judicial hearing required by 42 USC §675. The hearing must be held no later than 12 months after the child's date of actual placement in a Title IV-E approved facility, and every 12 months thereafter throughout the child's stay in substitute care.~~
- ~~(13) Permanency plan--A description of the planned living arrangement for the child following a stay in substitute care. It may include, but is not limited to:
 - ~~(A) return to parent;~~
 - ~~(B) placement with a relative(s);~~
 - ~~(C) adoption;~~
 - ~~(D) emancipation/independent living; or~~
 - ~~(E) another permanent living arrangement.~~~~
- ~~(14) Reasonable efforts--Judicial findings regarding efforts made to prevent or eliminate the need to remove the child from the home, and if the child must be removed, judicial findings regarding efforts made to finalize the permanency plan.~~
- ~~(15) Specified relative--A relative within the degree of relationship specified under AFDC rules with whom the child lived within six months prior to removal from the home.~~
- ~~(16) Substitute care--The placement of a child in a foster home, residential treatment center, or other child care institution.~~
- ~~(17) Texas Department of Protective and Regulatory Services (TDPRS)--The state agency responsible for the administration of the Title IV-E program in Texas.~~
- ~~(18) Title IV-E (IV-E)--A federal foster care program established under 42 USC §670 et seq. which, among other things, assists states with the cost of care for children who qualify for financial assistance through the Aid to Families with Dependent Children Program, and who meet the eligibility requirements described in 42 USC §672(a).~~
- ~~(19) Title IV-E approved facility--Facilities licensed and/or approved by the Texas Department of Protective and Regulatory Services (TDPRS) for Title IV-E participation.~~

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~~§347.5 — Specific Language Required in Court Orders~~

- ~~(a) — The initial order of removal shall be issued no later than six months after the last day on which a child lived with a specified relative and shall include one of the following findings:~~
- ~~(1) "The court finds that it is in the best interest of the child for the child to be placed outside of (his or her) home"; or~~
 - ~~(2) "The court finds that continuation in the home is contrary to the child's welfare".~~
- ~~(b) — The initial order of removal or any subsequent orders shall include the following additional findings:~~
- ~~(1) — "The court finds that reasonable efforts have been made to prevent or eliminate the need for the child to be removed from (his or her) home, and to make it possible for the child to return to (his or her) home";~~
 - ~~(2) — "It is ordered that the (name of county in which the court's jurisdiction arises) juvenile probation department be responsible for the child's care and placement"; and~~
 - ~~(3) — "The court finds that the child has been removed from (his or her) home and the court approves the removal."~~
- ~~(c) — The safety of the child is of paramount concern when determining the level of reasonable efforts that are necessary.~~
- ~~(d) — This finding must be entered within 60 days of the child's removal from the home; and~~
- ~~(e) — A child is not IV-E eligible until the findings described in subsection (a) and (b) of this section have been made and all other IV-E eligibility requirements are met.~~
- ~~(f) — Findings regarding reasonable efforts and best interest of the child must be based on documentation of the child's specific circumstances and so stated in the court order.~~

~~§347.7 — Screening and Eligibility of IV-E Juveniles~~

- ~~(a) — The juvenile board shall ensure that the juvenile probation department develops and implements a procedure to screen all children placed outside the home by the juvenile court for the following IV-E eligibility criteria:~~
- ~~(1) — whether court orders used to remove the child from the home contain language required by §347.5 of this Chapter; and~~
 - ~~(2) — whether the child would have been eligible for AFDC at the time of removal from a specified relative; and~~
 - ~~(3) — whether the child has been placed in a IV-E eligible setting as described in §347.9 of this Chapter.~~
- ~~(b) — If a child meets the requirements in subsection (a) of this section the juvenile probation department shall complete and submit to TJPC within 30 calendar days of the child's date of actual placement a foster care assistance application with all required attachments.~~
- ~~(c) — TJPC shall forward the application to the Eligibility Specialist who shall determine the child's IV-E eligibility and notify TJPC in writing of the child's IV-E eligibility status. TJPC shall notify the juvenile probation department of the determination.~~
- ~~(d) — A juvenile probation department has the right to appeal any eligibility determination. The department shall submit the appeal to TJPC in writing. TJPC shall forward the appeal to TDPRS for a ruling and report the results of the ruling to the department.~~

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~~§347.9 — Placement in IV-E Approved Facilities~~

- ~~(a) — Facilities shall be licensed or approved by TDPRS to be eligible for Title IV-E participation.~~
- ~~(b) — Facilities eligible for IV-E participation include:~~
- ~~(1) — private residential facilities which are licensed or certified as:
 - ~~(A) — an emergency shelter;~~
 - ~~(B) — a foster family home;~~
 - ~~(C) — a foster group home;~~
 - ~~(D) — a therapeutic foster family home;~~
 - ~~(E) — a therapeutic foster group home;~~
 - ~~(F) — a residential treatment center;~~
 - ~~(G) — a maternity home;~~
 - ~~(H) — a halfway house;~~
 - ~~(I) — a child placing agency;~~
 - ~~(J) — a therapeutic camp; or~~
 - ~~(K) — a basic child care facility as these facilities are defined in 40 TAC Chapter 720.~~~~
 - ~~(2) — public residential child care institutions which:
 - ~~(A) — meet the definition of one of the facilities in paragraph (1) of this subsection;~~
 - ~~(B) — are licensed or certified for no more than 25 children; and~~
 - ~~(C) — are not operated primarily for the detention of children determined to be delinquent.~~~~
- ~~(c) — Facilities not licensed by TDPRS shall comply with minimum licensing standards equivalent to those described in 40 TAC §720.~~
- ~~(d) — A juvenile board may assist a facility who meets the requirements of subsection (b)(1) or (b)(2) of this section in obtaining approval from TDPRS for IV-E participation by ensuring that the following information is provided to TJPC:~~
- ~~(1) — the type of license or certification held by the facility;~~
 - ~~(2) — the agency that issued the certification or license;~~
 - ~~(3) — whether the facility is a private residential facility or a public residential child care institution as these terms are defined in subsection (b)(1)(2) of this section;~~
 - ~~(4) — a description of the facility;~~
 - ~~(5) — a description of the services provided by the facility and corresponding per diem rates; and~~

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- ~~(6) a copy of the written agreement between the facility and the juvenile probation department, if one exists.~~
- ~~(e) For programs operated by a juvenile board and administered by a juvenile probation department, the juvenile board shall verify that upon approval for participation in the Title IV-E program, the department shall:
 - ~~(1) complete cost reports as required by TDPRS and obtain approval of the report by an independent auditor;~~
 - ~~(2) implement procedures to ensure compliance with TDPRS or equivalent licensing standards; and~~
 - ~~(3) allow TJPC or its designee to conduct quality assurance monitoring to measure compliance with levels of service provision as determined by TDPRS standards.~~~~
- ~~(f) For private facilities that are approved for participation in the Title IV-E program but that are not under contract with TDPRS, the juvenile board shall ensure that the provider:
 - ~~(1) completes a cost report as required by TDPRS and obtains approval of the report by an independent auditor;~~
 - ~~(2) implements procedures to ensure compliance with TDPRS or equivalent minimum licensing standards; and~~
 - ~~(3) contracts with an independent party to measure compliance with levels of service provision in accordance with TDPRS standards.~~~~

§347.11 — Eligibility Recertification

- ~~(a) The juvenile board shall ensure that the juvenile probation department administers a process to recertify a child's IV-E eligibility status twelve months from the child's date of actual placement and every twelve months thereafter.~~
- ~~(b) The juvenile board shall ensure that the juvenile probation department:
 - ~~(1) develops and implements procedures to track each child's IV-E eligibility status and recertification date; and~~
 - ~~(2) submits to TJPC the foster care assistance review information every twelve months and when changes affecting eligibility occur.~~~~
- ~~(c) TJPC shall forward the foster care assistance review information to the Eligibility Specialist who shall make a redetermination of the child's IV-E eligibility and notify TJPC in writing of the child's eligibility status. TJPC shall notify the department of the determination.~~
- ~~(d) A department has the right to appeal any eligibility determination as described in §347.7(d) of this chapter.~~

§347.13 — Family Reunification

- ~~(a) The Child/Family Case Plan includes family reunification services. The juvenile board shall ensure that the juvenile probation department:
 - ~~(1) assesses the home situation and offers services to the family to help them safely resume supervision, care, and control of the child;~~
 - ~~(2) plans for permanent placement for a child, if a child cannot safely return home; and~~~~

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~~(3) — documents in the child's case record a chronology of all contacts and services offered to the family, child, and caregiver.~~

~~(b) — The juvenile board shall ensure that the juvenile probation department maintains contact with the child, the child's family, and the caregiver monthly, or more frequently as required by the child/family case plan.~~

§347.15 — Case Plan and Review System

~~(a) — The juvenile board shall ensure that the juvenile probation department develops a case plan that meets the requirements of 42 USC §675 for each IV-E eligible child within 30 calendar days of the child's date of actual placement. The case plan shall outline actions designed to facilitate the safe return of the child to his or her own home or other permanent placement and assure that the child receives safe and proper care while in substitute care.~~

~~(b) — The status of each IV-E eligible child shall be reviewed periodically but no less frequently than once every six months from the date of actual placement.~~

~~(1) The purpose of the review is to determine:~~

~~(A) — the safety of the child;~~

~~(B) — the continuing necessity for and appropriateness of the placement;~~

~~(C) — the extent of compliance with the case plan;~~

~~(D) — the extent of progress on issues that led to the child's removal from the home; and~~

~~(E) — to project a likely date for permanency.~~

~~(2) — The review may be a judicial review or an administrative review, and shall be open to the participation of the parent and the caregiver.~~

~~(3) — If the review is an administrative review, it shall be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of or the delivery of services to either the child or the parents who are the subject of the review. Others with a legitimate interest in the child's welfare who may participate in the review include the juvenile probation officer, the probation officer's supervisor, the child's counselor, the child's attorney, guardian ad litem, and a representative from the child's school.~~

~~(c) — A permanency hearing open to the participation of the parent and the caregiver shall be held for each child no later than 12 months after the child's actual date of placement and every 12 months thereafter. The juvenile board shall ensure that the juvenile probation department provides sufficient information for the court to review the child's status as described in subsection (b) of this section and to determine whether:~~

~~(1) — the permanency plan for the child is appropriate;~~

~~(2) — reasonable efforts to finalize the permanency plan have been made;~~

~~(3) — for a child 16 or older, services are needed to assist the child in the transition to independent living;~~

~~(4) — for a child placed outside the state, whether the placement continues to be in the best interests of the child; and~~

~~(5) — procedural safeguards have been applied regarding parental rights to notification regarding removal of the child from the home, any change in the child's placement, and any determination affecting parental visitation privileges.~~

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- ~~(d) In accordance with 42 USC §675(5)(E), the juvenile probation department shall notify the appropriate local entity responsible for filing a petition to terminate parental rights for any child who has been in substitute care under the responsibility of the juvenile court for 15 of the most recent 22 months unless:~~
- ~~(1) the child is being cared for by a relative; or~~
 - ~~(2) the child's case plan includes documentation of the compelling reason that such a petition would not be in the best interests of the child; or~~
 - ~~(3) the family has not been provided services described in the case plan as being necessary for the safe return of the child to the child's home.~~

§347.17 Information System

- ~~(a) The juvenile board shall ensure that the juvenile probation department maintains a system to track at least the following for children in substitute care:~~
- ~~(1) current level of care;~~
 - ~~(2) name;~~
 - ~~(3) date of birth;~~
 - ~~(4) ethnicity;~~
 - ~~(5) sex;~~
 - ~~(6) present location;~~
 - ~~(7) permanency plan; and~~
 - ~~(8) who is responsible for the child's care and placement.~~
- ~~(b) The juvenile board shall ensure that the juvenile probation department notifies TJPC within 5 days of any changes in the child's location or any other change that would affect the child's eligibility.~~

§347.19 Foster Care Assistance Payments

- ~~(a) A juvenile board shall ensure that the juvenile probation department submits to TJPC:~~
- ~~(1) a request for reimbursement of substitute care costs by the tenth of the month following the month in which the services were provided.~~
 - ~~(2) a request for reimbursement of IV-E related administrative expenses within 30 calendar days of the close of each TJPC fiscal quarter; and~~
 - ~~(3) a request for correction of a prior month's reimbursement as soon as any discrepancy or need for adjustment is discovered.~~
- ~~(b) TJPC shall review all reimbursement requests for accuracy and forward the requests to TDPRS for payment. All payments are contingent on the availability of federal funds and shall be forwarded to juvenile probation departments upon receipt from TDPRS.~~

§347.21 Program Monitoring

- ~~(a) The juvenile board shall allow staff from TJPC to review IV-E case management systems and case records, fiscal operations, and Title IV-E approved residential programs operated by the juvenile board for~~

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~~compliance with TJPC, TDPRS, and related federal standards. These reviews shall be conducted on a regular basis as determined by TJPC.~~

- ~~(b) TJPC shall notify the juvenile board in writing of the monitoring results.~~
- ~~(c) The juvenile board shall ensure that the juvenile probation department responds to written notice of noncompliance with a written corrective action plan that includes a projected date of compliance within 30 calendar days of receipt of the notice.~~
- ~~(d) If a juvenile probation department fails to respond to the written notice of noncompliance, or continues to be out of compliance with one or more of these rules, then TJPC may pursue further action, which may include one or more of the following:
 - ~~(1) arranging a meeting with the juvenile probation department to discuss:
 - ~~(A) problems with noncompliance and reasons for noncompliance;~~
 - ~~(B) identification of needed resources to assist with correcting problem areas; and~~
 - ~~(C) strategies to correct problem areas;~~~~
 - ~~(2) requiring a written corrective action plan and expected date of compliance to be submitted to TJPC within 30 calendar days of conference date;~~
 - ~~(3) suspending federal funds to the juvenile probation department temporarily until compliance with federal standards is accomplished;~~
 - ~~(4) requiring the juvenile probation department to reimburse funds to TJPC; and~~
 - ~~(5) terminating the IV-E contract between TJPC and the juvenile board.~~~~



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND RULE REVIEW WITHIN
37 TAC CHAPTER 347, RELATING TO TITLE IV-E FEDERAL FOSTER CARE PROGRAMS, IN THE *TEXAS REGISTER*
FOR A 30-DAY PUBLIC COMMENT PERIOD.**

On this **27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

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

WHEREAS, the Probation and Community Services Division staff has completed this review for 37 TAC Chapter 347 (Title IV-E Federal Foster Care Programs); and

WHEREAS, the staff has recommended the repeal of all existing rules and the adoption of a new rule;

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

NOW, THEREFORE BE IT RESOLVED THAT the Board grants approval to publish the proposed repeals and new rule and a proposal to complete the rule review for 37 TAC Chapter 347 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 27th day of March 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO PUBLISH REVISIONS WITHIN 37 TAC CHAPTER 343, RELATING TO STANDARDS FOR SECLUDING RESIDENTS FROM THE GENERAL FACILITY POPULATION, IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD (ACTION)**

Date: March 17, 2015

Staff from the Probation and Community Services Division, Monitoring and Inspections Division, and Office of General Counsel, in collaboration with the Advisory Council's Standards Committee, have proposed changes to several standards within Texas Administrative Code Chapter 343. The changes relate to the different types of seclusion used within county pre- and post-adjudication secure facilities.

A detailed summary of the proposed changes is included on the attached table. The major changes are:

- Limit disciplinary seclusion to 48 hours.
- Prohibit disciplinary seclusion for residents with serious mental illnesses.
- Require consultation with a mental health provider *before* imposing disciplinary seclusion for a resident designated as high or moderate risk for suicide.
- Require a formal disciplinary review *before* disciplinary seclusion is imposed.
- For all other sanctions for major rule violations, reduce the deadline for formal disciplinary review to *five days* after a resident's request (rather than 10 days).
- Remove the requirement for appeals of formal disciplinary reviews to include an in-person hearing.
- Create a new category of seclusion called "Safety-Based Seclusion" that allows residents to be secluded for safety-and-security reasons based on current behavior. (This type of seclusion is currently documented as Disciplinary Seclusion)
- Create a new category of seclusion called "Resident-Initiated Separation" that allows facilities to accurately document situations when a resident's seclusion is voluntary.

The staff requests the Board's approval to publish the proposed changes in the *Texas Register* for a 30-day public comment period.

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.
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 TJJD.	<ul style="list-style-type: none"> • Added a requirement for each department to report to TJJD 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 TJJD 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 TJJD: <ul style="list-style-type: none"> ○ total number of residents in safety-based seclusion diagnosed with a serious mental illness or 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 TJJD 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.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.274	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 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.
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.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.282	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.
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 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.

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

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.286	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.
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 <i>Resident-Initiated Separation</i>. 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.

SUMMARY OF CHANGES

Selected Rules Relating to Seclusion from 37 TAC Chapter 343

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.288 (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 <i>Safety-Based Seclusion</i>. 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 or is designated as high or moderate risk for suicide. 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.
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.

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

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
343.290	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.
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 and room restriction to the list of reasons a resident may be required to eat a meal in his/her room.
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.

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 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.

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Seclusion-Related Standards

§343.100. Definitions.

Effective Date: 4/1/15

- (1) **Administrative Designee**--A juvenile probation department staff member who is above the level of a facility administrator.
- (24) **Bed**--Includes a bed frame or platform and a mattress. The bed frame or platform may be a permanent or portable fixture.
- (32) **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 (36) (35) 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) psycho-social evaluation, 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;
 - (F) diagnostic impression; and
 - (G) review of risks, strengths, and recommendations for intervention.

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Seclusion-Related Standards

- (43) **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.
- (54) **Confidential Setting**--A room or area that provides sound separation from other residents and unauthorized staff.
- (65) **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.
- (76) **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.
- (87) **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.
- (98) **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.
- (109) **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.
- (1140) **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.
- (1244) **Designee**--The person authorized to perform a specific duty as assigned by the facility administrator.
- (1342) **Detention**--The temporary secure custody of a child as defined in and authorized by Title 3 of the Texas Family Code.
- (1443) **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.
- (1544) **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.
- (1645) **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.

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Seclusion-Related Standards

- (1746) **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.
- (1847) **Hazardous Material**--Any substance that is explosive, flammable, combustible, poisonous, corrosive, irritating, or otherwise harmful and is likely to cause injury or death.
- (1948) **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.
- (2049) **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.
- (2120) **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.
- (2224) **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.
- (2322) **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).
- (2423) **Housing Unit**--A single-occupancy housing unit (SOHU) or a multiple-occupancy housing unit (MOHU).
- (2524) **Individual Resident Sleeping Quarters**--A cell or room designed and constructed to securely house one resident.
- (2625) **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.
- (2726) **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.
- (2827) **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.
- (2928) **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.
- (3029) **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.
- (3130) **Major Violations**--Rule violations that constitute only the following:
- (A) serious ~~threat behavior~~ against persons or property; ~~or~~

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Seclusion-Related Standards

- (B) ~~behavior that poses a~~ serious threat to facility safety and/or security; or institutional order and safety.
(C) repeated minor rule violations, consistent with requirements listed in §343.274 of this title.

- (3234) **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.
- (3332) **Medical Diet**--Special diet ordered for a temporary or permanent health condition that restricts the type, preparation, and/or amount of food.
- (3433) **Medical Entity**--An agency or organization that is primarily composed of health care professionals.
- (3534) **Medical Treatment**--Medical care, including diagnostic testing (e.g., x-rays, laboratory testing, etc.), that is performed or ordered by a physician or physician assistant or is performed by a licensed nurse practitioner, emergency medical technician (EMT), paramedic, or licensed vocational nurse (LVN) according to their respective licensure.
- (3635) **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;
 - (E) Texas Medical Board; or
 - (F) Texas State Board of Social Worker Examiners.
- (3736) **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.
- (3837) **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.
- (3938) **Minor ~~Violations--Infractions~~**--Rule violations that do not represent a serious ~~threat behavior~~ against persons or property and that do not pose a serious threat to facility safety and/or security; institutional order and safety.
- (4039) **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.
- (4140) **Non-Program Hours**--Time period when all scheduled resident activity for the entire resident population in the facility has ceased for the day.
- (4244) **Oral Cavity Search**--The visual examination of a resident's open mouth.
- (4342) **Pat-Down Search**--A manual search in which the resident's outer clothing is patted down or searched.
- (4443) **Perimeter**--The contiguous property on the exterior of the building to which residents have access for recreational activities, physical exercise, and other outdoor activities.
- (4544) **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).
- (4645) **Positive Screening**--A scored result of a completed mental health screening instrument requiring referral to a mental health provider.

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(4746) 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.

(4847) 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.

(4948) Premises--One or more buildings together with their grounds or other appurtenances.

(5049) 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.

(5150) 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
 - (v) the Texas State Board of Dental Examiners;
- (D) mental health providers as defined in paragraph ~~(36)~~ ~~(35)~~ of this section;
- (E) qualified mental health professionals as defined in paragraph ~~(55)~~ ~~(54)~~ 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.

(5254) 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.

(5352) 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.

(5453) 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) psycho-social evaluation, to include:
 - (i) family history;
 - (ii) community/living environment;

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- (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.

(5554) 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 guidelines of the Texas Department of State Health Services.

(5655) Rated Capacity--The maximum number of beds available in a facility that were architecturally designed as a housing unit.

(57) Reasonable Belief--A belief that would be held by an ordinary and prudent person in the same circumstances as the actor.

(5856) 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.

(59) 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.

(6057) Room Restriction--~~The separation of a resident from other residents for behavior modification and the~~ placement of ~~a the~~ resident alone in an area from which egress is prevented for 90 minutes or less ~~for~~ behavior modification purposes as directed by staff.

(61) 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.

(6258) 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.

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- (6359) **Serious Mental Illness**--A mental health professional 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.
- (6460) **Serious Property Damage**--Any damage equal to or greater than \$50.00.
- (6564) **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.
- (6662) **Specialized Housing**--Any room or cell used for disciplinary seclusion, safety-based seclusion, protective isolation, assessment isolation, or medical isolation.
- (6763) **Standard**--An administrative rule adopted by TJJD in accordance with Texas Government Code Chapter 2001.
- (6864) **Strip Search**--A visual inspection of a resident's body in a state of full or partial undress.
- (6965) **TJJD**--The Texas Juvenile Justice Department.
- (7066) **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.
- (7167) **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.

§343.214. Data Collection.

Effective Date: 4/1/15

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

- (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;

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- (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;
 - (C) 24 hours or more but less than 48 hours;
 - (D) 48 hours or more but less than 72 hours; and
 - (E) 72 hours or more;
- (7) total number of disciplinary seclusions in each of the following categories: ; and
 - (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 and/or a current designation as high or moderate risk for suicide;
- (9) total number of residents placed in disciplinary seclusion who have a current designation as high or moderate risk for suicide; and
- (10) total number of staff injuries requiring medical treatment, as defined in §358.100 of this title, resulting from resident assault or restraint, interaction with residents.

§343.230. Specialized Housing.

Effective Date: 1/1/15

- (a) ~~A resident in specialized housing. Any room or cell used for disciplinary seclusion, protective isolation, assessment isolation, or medical isolation during program hours~~ 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.
- (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: 1/1/15

- (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 A resident discipline~~ plan shall ~~include~~:

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- (1) ~~organize~~ resident rule violations ~~as categorized into~~ minor ~~violations infractions~~ and major violations ~~and list, as well as~~ the corresponding sanctions available ~~for each violation, to staff; 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 provisions to ensure that rule infractions or~~ resident behaviors that constitute probable cause for a class B misdemeanor ~~offense or above shall be referred to the law enforcement agency with applicable jurisdiction for possible investigation and/or prosecution;~~
- (3) ~~prohibit the following: a listing of prohibited sanctions for residents that includes:~~
 - (A) corporal punishment;
 - (B) humiliating punishment, including verbal harassment ~~of a sexual nature or that relates to a resident's sexual orientation or gender identity;~~
 - (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) deprivation of clean and appropriate clothing;
 - (G) deprivation or intentional disruption of scheduled sleeping opportunities;
 - (H) deprivation or intentional delay of medical ~~or and~~ mental health services; ~~and~~
 - (I) physical exercises imposed for ~~the purposes of~~ compliance, intimidation, or discipline with the exception of practices allowed in §343.710 of this title; ~~and~~
 - (J) ~~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;~~
- (4) ~~require provisions requiring that a resident shall be provided~~ written notice of ~~an the~~ alleged major rule violation ~~to be provided to the resident against him or her~~ no more than 24 hours after the violation;
- (5) ~~provisions for an informal process for residents to resolve rule infractions and the corresponding sanctions, if the facility chooses to employ such a process. This shall include established guidelines that provide instruction for residents and staff in using this informal process to review and resolve resident concerns. In no case shall a resident be sanctioned or retaliated against for electing to forego the informal disciplinary review process when they are eligible for formal disciplinary reviews;~~
- (56) ~~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; provisions for disciplinary reviews for major rule violations, including established requirements for when to initiate formal disciplinary reviews and any ensuing appeals. The facility's policies and procedures shall~~

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- (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 provisions for the administrative review and closure of formal disciplinary reviews or appeals that are not resolved before the resident is released disposed of prior to a resident's discharge 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: ~~1/1/10~~

- (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.~~

~~Residents that receive a major rule violation or sanction are eligible to request a formal disciplinary review. Upon such a request, a resident shall receive a formal disciplinary review within ten calendar days.~~

§343.278. Disciplinary Reviews for Residents in Disciplinary Seclusion.

Effective Date: ~~1/1/10~~

- (a) ~~Residents in disciplinary seclusion shall receive the following due process reviews during the period of their seclusion. The reviews in paragraphs (1) and (2) of this subsection shall be conducted in a face-to-face setting by supervisory-level staff which shall not include any staff member involved in the alleged rule violation or the imposed sanction(s). Each of these two review procedures shall be appropriately documented and the corresponding documentation shall be retained in the resident's file. The following procedures shall be conducted:~~
 - (1) ~~If a resident is secluded for at least 24 hours, then the resident shall receive an informal disciplinary review which includes an overview of the facility's formal disciplinary review process. If the 24th hour of seclusion occurs during non-program hours, then the informal review shall be conducted no later than two hours after the start of ensuing day's program hour schedule.~~
 - (2) ~~A resident assigned to an extended period of seclusion beyond 24 hours shall have a formal disciplinary review no later than his or her 72nd hour of seclusion per §343.280 of this chapter. If the 72nd hour of seclusion occurs during non-program hours, then the formal disciplinary review shall be conducted no later than two hours after the start of the ensuing day's program hour schedule.~~
- (b) ~~A resident may choose to waive the right to a disciplinary review provided proper notification is given prior to the signing of the waiver. The waiver shall include the applicable rule violation and sanction plan.~~

§343.280. Formal Disciplinary Review Process.

Effective Date: ~~1/1/10~~

The formal disciplinary review process shall include, ~~at a minimum, adhere to~~ the following elements: requirements:

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- (1) ~~The review shall be held by one or more Disciplinary reviews must be before a~~ neutral and impartial ~~persons who were not person or board that shall not include any staff member~~ directly involved in ~~either~~ the alleged rule violation or the imposed sanction.
- (2) ~~All evidence shall be disclosed to the resident unless: Provisions shall be made for the disclosure of the evidence against the resident accused with a rule violation on his or her behalf.~~
 - (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 A-resident shall have the opportunity to be heard in person and to present evidence~~ ~~on his or her behalf.~~
- (4) ~~The A-resident shall have the opportunity to present request~~ relevant witnesses ~~on his or her behalf.~~
- (5) ~~A staff member and/or translator shall be appointed to assist the resident if: A resident shall have the opportunity to secure the aid of a staff member if~~
 - (A) ~~the resident is illiterate, limited English proficient, disabled, or otherwise unable to understand the nature of the proceedings; or~~
 - (B) ~~the resident requests assistance.~~
- (6) If the ~~disciplinary~~ review determines that the resident did not commit a rule violation or that the ~~corresponding~~ sanction ~~is not appropriate, was inappropriate,~~ facility staff shall:
 - (A) ~~not impose the sanction; or~~
 - (B) ~~if the sanction has already been imposed, restore or reinstate any denied or modified resident 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 At the conclusion of a disciplinary review, a written statement by the individual who conducted the disciplinary review or disciplinary board shall be prepared~~ 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: 1/1/10

A resident may appeal the findings of a formal disciplinary review. The appeal process shall include the following elements. ~~facility's resident discipline plan shall minimally include:~~

- (1) ~~The appeal shall be decided by one or more provisions for a documented appeals process before a~~ neutral and impartial ~~person or persons who were not directly involved in the formal disciplinary review and not directly involved in the disciplinary process. not a member of the disciplinary board.~~ ~~The appeals process shall afford each of the due process provisions enumerated in §343.280(2)-(7) of this chapter;~~
- (2) ~~The resident shall be allowed provisions that require the resident~~ to submit the request for an appeal ~~within no later than~~ 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 provisions that require 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 to be heard within ten 30 calendar days after the date the resident requested the appeal. ~~of resident's request~~ Any delay beyond 10 calendar days must be supported by

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documented justification explaining why it was impossible, impractical, or inappropriate to answer the appeal within ten calendar days.; and

- (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.
- (54) The appeal response shall be made available to the resident for review and provisions for a written statement by the appeals officer or appellate board at the conclusion of the review indicating the evidence relied upon and 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.

§343.284. Disciplinary Review Log.

Effective Date: 1/1/15

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. Seclusion/Isolation Log

Effective Date: 1/1/15

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

- (1) resident's name;
- (2) type of seclusion or isolation (i.e., disciplinary, room restriction, protective, medical, or assessment);
- (3) time and date the seclusion or isolation began; and
- (4) time and date the seclusion or isolation ended.

§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 a serious mental illness.
- (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 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 apply.

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§343.286. Room Restriction.

Effective Date: 4/1/10

- (a) ~~The facility shall maintain documentation of the reason for each room restriction.~~
- ~~(a) Room restriction may be used in increments of up to 90 minutes for behavior modification.~~
- (b) While a resident is in ~~During~~ 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 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 apply.

§343.288. Disciplinary Seclusion.

Effective Date: 9/1/13

- ~~(a) Disciplinary seclusion may be used when a resident commits a major rule violation or poses an imminent physical threat to self or others.~~
- ~~(b) A written disciplinary report which describes the resident's precipitating behavior and identifies the staff's response shall be completed promptly, but no later than the end of the shift on which the seclusion occurs. The report shall be submitted immediately to the facility administrator for review.~~
- ~~(c) Seclusion in excess of 24 hours shall be approved in writing by the facility administrator. The written approval of the facility administrator shall also be required for each subsequent 24-hour extension.~~
- ~~(d) The seclusion of a resident with a known diagnosis of a serious mental illness requires consultation with a mental health provider prior to the authorization of any seclusion beyond a 24-hour period. If the seclusion occurs on a holiday or weekend and no mental health provider is available, the facility administrator or~~

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~~designee shall make a referral to a mental health provider and notify the mental health provider of the seclusion. The facility administrator shall consult with the mental health provider as soon as possible after the referral.~~

- ~~(e) During disciplinary seclusion, a juvenile supervision officer shall personally observe and record the resident's behavior at random intervals not to exceed 15 minutes.~~
- ~~(f) In addition to the requirements enumerated in subsections (a)–(c) and (e) of this section, the facility shall provide the secluded resident the disciplinary review mechanisms contained in §343.278 of this chapter.~~

§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 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 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)(J) of this title are temporarily restricted, the facility shall maintain documentation of each restriction and the justification.

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§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.
- (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 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 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: 1/1/10

- (a) Protective isolation may be used as a last resort only ~~ordered~~ 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
 - (3b) the This ~~is shall be~~ decision is ~~shall be~~ approved in writing by the facility administrator ~~or designee.~~
- (b) Protective isolation may be used only until alternative means for keeping the resident safe can be arranged.

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- (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 72 hours, the facility administrator ~~or designee~~ 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 ~~or designee~~ shall ensure that the ~~formalized written~~ review document includes a an alternative service delivery plan to ensure the isolated resident is provided afforded all required program services during the their 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: 4/1/15

- (a) Residents shall not eat meals in their rooms unless:
 - (1) the resident is in it is necessary for facility safety and security (e.g., assignment to 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, 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.

§343.486. Program Hours.

Effective Date: 4/1/15

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.

37 TAC Chapter 343 Seclusion-Related Standards

§343.498. Recreation and Exercise.

Effective Date: 4/1/15

- (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
 - (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: 4/1/15

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: 4/1/15

- (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.

37 TAC Chapter 343 Seclusion-Related Standards

- (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.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS WITHIN 37 TAC CHAPTER 343, RELATING TO STANDARDS FOR SECLUDING RESIDENTS FROM THE GENERAL FACILITY POPULATION, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this 27th day of March 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					
Melissa Weiss					
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 TJJD staff has recommended revisions to the following rules: §§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; and

WHEREAS, the TJJD staff has recommended to repeal the following rules: §§343.278, 343.285, and 343.288; and

WHEREAS, the TJJD staff has recommended the following new rules: §§343.285, 343.287, 343.288, 343.289, and 343.294; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the submission of the above-mentioned revised, repealed, and new rules for publication in the *Texas Register* for a 30-day public comment period.

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

Signed this 27th day of March 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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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 FINAL ADOPTION OF REVISIONS TO 37 TAC §380.8787, RELATING TO SEX OFFENDER RISK ASSESSMENT (ACTION)**

Date: March 8, 2015

At the October 2014 Board meeting, the Texas Juvenile Justice Board approved the posting of proposed revisions to 37 TAC §380.8787, relating to Sex Offender Risk Assessment, in the *Texas Register* for a 30-day public comment period.

The comment period has ended, and TJJJ did not receive any comments on the proposed rule. The staff is not recommending any further revisions.

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

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

- Clarification has been added to show that the sex offender risk assessment used by TJJJ is a validated instrument.
- Clarification has been added to show that there is no requirement for staff to be certified in administering the risk assessment instrument. Staff must be trained by a qualified trainer, but there is no certification process for those who are trained.

Draft 2/11/15

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Programs for Youth with Specialized Treatment Needs Rule: Sex Offender Risk Assessment ACA: N/A Statute(s): Code of Criminal Procedure §62.007	Effective Date: Page: 1 of 1 Replaces: GAP.380.8787, 11/15/11
--	--

RULE

(a) **Purpose.**

The purpose of this rule is to ensure compliance with Chapter 62 of the Texas Code of Criminal Procedure, regarding the assignment of a risk level for sex offenders who are in the custody of the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies to youth who have been adjudicated for a sex offense that requires sex offender registration.

(c) **Definitions.**

As used in this rule, the following terms have the following meanings, unless the context clearly indicates otherwise.

- (1) **Risk Assessment Review Committee (RARC)**--A statutorily mandated committee created to oversee the assignment of sex offender risk levels. The committee is administered by the Texas Department of Criminal Justice.
- (2) **Sex Offender Risk Assessment**--The validated instrument used to determine the risk for sexual re-offending.

(d) **Risk Assessment.**

Each youth adjudicated for a sex offense that requires sex offender registration must have a risk assessment completed by trained staff prior to the youth's release from a secure facility operated by or under contract with TJJD. The youth is then assigned a risk level based on the risk assessment instrument(s) approved by the RARC.

(e) **Overrides.**

If a risk level is not believed to be an accurate prediction of the risk the youth poses to the community, TJJD may override the risk level or submit a request to the RARC for an override decision. The justification for a decision to override a risk level must be documented and filed in the youth's case file.

(f) **Notifications.**

TJJD notifies the youth and, if the youth is under 18 years of age, the youth's parents/guardian, of the result of the risk assessment and the outcome of any override requests.

See CMS.05.61 for implementation procedures.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS TO 37 TAC §380.8787, RELATING TO
SEX OFFENDER RISK ASSESSMENT**

On this **27th day of March 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					
Melissa Weiss					
Motion:		Second:			

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

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

WHEREAS, the Board previously approved the publication of 37 TAC §380.8787 in the *Texas Register* for a 30-day public comment period;

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

WHEREAS, the staff does not recommend any additional revisions;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of revisions to 37 TAC §380.8787 as proposed.

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

Signed this 27th day of March 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Jill Mata, General Counsel

Subject: **DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION TO APPROVE THE SETTLEMENT AGREEMENT WITH RODNEY PEGRAM (ACTION)**

Date: March 15, 2015

Pursuant to General Administrative Policy .09.63, we are seeking authorization from the TJJJ Board for the Executive Director to sign and honor the attached settlement agreement between TJJJ and former employee Rodney Pegram.

If approved, financing of this agreement will come from the State Operations Budget, unless the Finance Department determines that the payment out of a different account will minimize the impact to agency operations. In addition to the TJJJ Board, approval is being sought from the Attorney General's Office as is required by statute.



**Texas Juvenile Justice Department
MASTER DEFAULT ORDER**

A RESOLUTION TO APPROVE DELEGATION OF AUTHORITY TO TJJJ EXECUTIVE DIRECTOR

On this the **27th day of March, 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					
Melissa Weiss					
Motion:		Second:			

WHEREAS the General Administrative Policy 09.63.b.1.C specifies Executive Director’s authority to settle lawsuits with the written approval of the Board; and

WHEREAS, staff requests the Board accept and confirm the Executive Director’s signature on the Settlement Agreement with Rodney Pegram within the limits of the Board’s authority as discussed in Executive Session; and

WHEREAS, the settlement would be funded from the State Operations Budget, unless the Finance Department determines that the payment out of a different account will minimize the impact to agency operations.

NOW, THEREFORE BE IT RESOLVED THAT the Board accepts and confirms the Executive Director’s signature on the TJJJ Settlement Agreement with Rodney Pegram.

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

Signed this 27th day of March, 2015.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



Texas Juvenile Justice Department
Trust Committee Meeting
11209 Metric Boulevard, Building H – Lone Star Conference Room
Austin, TX 78758
Thursday, January 29, 2015 – 10:00a.m.

COMMITTEE MEMBERS PRESENT:

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

EXECUTIVE STAFF PRESENT:

Karen Kennedy, Deputy General Counsel

OTHER GUESTS PRESENT:

Kathryn Mattingly, Staff Attorney, Office of the General Counsel
Maria Tissing, Executive Assistant, Office of the General Counsel
Debbi McDaid, Administrative Assistant, Office of the General Counsel
Vivian Cohn, Auditor
Charles Trubee, Friends of Parrie Haynes Ranch
Marianne Trubee, Friends of Parrie Haynes Ranch
Fred Morse, Friends of Parrie Haynes Ranch

Call to Order

Committee Chairman Jimmy Smith called the meeting to order at 10:01 a.m. All committee members were present.

Discussion, Consideration, and Possible Approval Regarding the October 23, 2014 Meeting Minutes

Judge Brieden moved to approve the minutes of the October 23, 2014 meeting. Chairman Scott Fisher seconded. The motion passed unanimously.

Staff report on issues related to the Parrie Haynes and Wende Trusts

Kathryn Mattingly, Staff Attorney, Office of the General Counsel, updated the board on:

- Negotiations with the Texas Parks & Wildlife Foundation (the Foundation) regarding funds for the Parrie Haynes wildlife management plan (the plan);
- Lease negotiations with C-5 Texas (C-5) and Spotted Horse Livery (SHL); and
- Request for Qualifications (RFQ) to obtain an appraisal of the properties at 1207 and 1209 Barton Springs Road, Austin, Texas

Funding for the Wildlife Management Plan

Ann Brown, Executive Director of the Foundation, Christine Williams, U.S. Fish and Wildlife Service (USFWS), and Ms. Mattingly met in early December, 2014, to identify options for transferring the funds presently held by the Foundation for developing the plan to TJJJ. The position of the Foundation, according to Ms. Brown, is that the funds cannot be transferred to another entity because they were given to the Foundation in the form of a non-wasting endowment; however, she offered little or no specific information or documentation supporting this position and seemed unclear as to how the funds came to the Foundation. Judge Brieden commented that, normally, the trustee(s) of a trust can change without affecting the endowment.

In the December meeting, Ms. Brown suggested the following alternatives to transferring the funds to TJJJ: 1) the Foundation would keep the money and distribute a certain amount annually to TJJJ for the development and implementation of the plan; 2) the Foundation would keep the money, develop, implement, and report on the plan to TJJJ; or 3) the Foundation would return the funds to Oncor, which, in turn, could possibly give the funds to the TJJJ.

Chairman Fisher questioned how the funds had been transferred to the Foundation, since they were payment from Oncor related to mitigation on the Parrie Haynes Ranch and the reasoning of retaining the funds for property not owned by either the Foundation or the Texas Parks and Wildlife Department (TPWD). Chairman Fisher said TPWD seemed to view the lease for the ranch with TJJJ more like an ownership. There was an agreement among committee members that the Oncor funds should have been originally paid to TJJJ and that TPWD and the Foundation have potentially infringed on TJJJ rights.

Ms. Mattingly suggested TJJJ work to reach an agreement with Oncor and USFWS to discuss how to remove the funds for the plan from the control of the Foundation.

Lease negotiations with C-5 Foundation and Spotted Horse Livery

Ms. Mattingly reported that negotiations have continued with C-5 since the board meeting in October, 2014, but proved to be unsuccessful because TJJJ could not accommodate C-5's remaining concerns, including: 1) not being permitted to retain control of the Hoover house, located on Tract 2, in order to generate more income; and 2) increased costs associated with mowing and the alleged increased risk and exposure.

Prior to the meeting, Chairman Smith had a conversation with Mr. Burkhart who reiterated that C-5 still wants the Hoover house. Chairman Smith reminded Mr. Burkhart that the revised lease limits their liability, whereas that is not the case under the current lease. Chairman Smith also discussed how a new lease would allow TJJJ to sublease the other side. Chairman Smith added that C-5 is in negotiations with a third party, so they [C-5] need the lease in place because the third party is seeking confirmation from C-5 that they have something long term in place. C-5's current lease has a termination clause of a 60 day notice; the new lease has a different default provision.

Chairman Smith said the Trust would prefer a lessee with fewer issues and problems.

TJJJ has been very accommodating to C-5 and all their requests, including a reduction in rent, and each time the response from C-5 includes requests that TJJJ cannot agree to, according to Chairman Smith.

The Committee members discussed the advantages and disadvantages of C-5 continuing as lessee and emphasized the importance of seeking new tenants. Chairman Fisher advocated taking a strong position with C-5 - that if they decide not to negotiate further, that there will be no future opportunities to do so.

The Committee members discussed the need to evaluate a rent increase, the Committee's fiduciary responsibility, and any perceived benefits TJJJ is receiving from leasing to C-5.

Judge Brieden stated that if the Trust were receiving more money, more could be done with the programs that are in place.

Chairman Fisher stated C-5 has invested around two million dollars on improvements to the property, and because of that investment he is sympathetic to their request for a reduced rent. However, he added, "there is a limit on how many ongoing accommodations we can make." Chairman Smith agreed. He pointed out that TPWD paid a lot of C-5 expenses, which are no longer being paid.

The Committee instructed Ms. Mattingly to inform C-5 that the concessions made are the final offer. Furthermore, the process of looking for a new lessee needs to begin now. Because of the size of the ranch, potential lessees may need as long as three years to evaluate the property and make a commitment.

Ona Trubee [Marianne Trubee], Friends of Parrie Haynes Ranch, addressed the committee. She is encouraged that TJJ, the Committee, and the Friends of the Parrie Haynes Ranch seemed to be in agreement about the ranch. She said the present lease with C-5 negatively affects her business [SHL], adding that she has maintained everything as agreed to, and that everything is in good operating order. She has repaired the Hoover house, including the plumbing and water lines, and has been cleaning it [Tract 2] up, and no one from C-5 has ever visited her. Ms. Trubee stated TJJ inspected the SHL safety programs to ensure they were in place and TJJ had visited yesterday [January 28, 2015].

She added that because of bad renters at the Hoover house, she has not made any money, but she has kept her part of the contract by paying out of her own pocket. Ms. Trubee detailed how she has been harassed every month by C-5 with a 24 hour notice of eviction. There was a discussion regarding how much mowing C-5 is requiring. Ms. Trubee pointed out that the contract does not contain sufficient language about the mowing - how often and the height. The Committee acknowledged the lease [between SHL and C-5] is inadequate. Ms. Trubee confirmed that though it will be difficult to deal with C-5 for the remaining three years she will make it work. Ms. Trubee thanked the Committee for their time.

Ms. Mattingly confirmed that the agency [TJJ] will tell C-5 that unless they accept the revised lease as it has been negotiated, they are staying with the current lease which expires in 2018, and we [TJJ and the Committee] will look at other options for the use of the Parrie Haynes Ranch.

RFQ for appraisal services for the properties at 1207 and 1209 Barton Springs Road

Ms. Mattingly explained that she has been working with the TJJ contracts department to prepare the RFQ requested by the committee at the October, 2014, meeting. The RFQ has been delayed because of the unique specifications that are needed. The staff has contacted the General Land Office staff who will be providing assistance in writing the RFQ. The Committee discussed a previous appraisal which was completed by a highly recommended appraiser who handled ranch land specifically. The Committee also discussed the differences with this appraisal with a RFQ and an evaluation of the responses prior to a contract being awarded.

In response to a question from Chairman Fisher, Ms. Mattingly said the goal is to have the two or three most qualified applicants to the RFQ make presentations at the March board meeting. Chairman Fisher said he did not believe it was necessary to have the applicants present to the board.

The Committee discussed the RFQ procedure including time frame, advertising, and the number of times the advertisement needs to be published. The Committee agreed that they thought this process could be completed by the next board meeting. Ms. Mattingly clarified why the process was taking some time to complete. Chairman Fisher stated he wanted it done, if possible.

Chairman Smith asked if the McDonald's Corporation had provided a time line for their project. Ms. Mattingly stated that McDonald's had not and their lease does not expire until 2024. However, she
Trust Committee
January 29, 2015

added, McDonald's wants to tear down their existing structure so they want to lock into a longer term lease.

Ms. Mattingly stated that there had been some interest regarding the property from a third party. She has requested information from the third party, but she has received no response.

Chairman Fisher asked if McDonald's had gone through the city process to obtain a permit. Ms. Mattingly said that McDonald's probably wants to get the long term lease negotiated before they begin the city planning board.

Chairman Smith emphasized that the third party should understand that the land cannot be sold. Ms. Mattingly stated she had informed the third party of that and that the third party had assured her he had been a part of projects such as this before. She added that one of his partners owns a business in the area and he has done a number of multi-use developments in downtown [Austin]. Chairman Smith noted how difficult it is to obtain the funds for a project when the developer does not own the land.

Chairman Smith recognized Mr. Fred Morse, representing the Friends of Parrie Haynes Association (the Friends). Mr. Morse voiced his concern about the \$1.6 million fund for the plan. He explained that the Friends have been supporting the development of the plan for many years. Mr. Morse stated he met with TPWD 5 years ago and feels that TPWD is not dealing in good faith. Mr. Morse added that he is confused how TPWD "got the money in the first place and he believes it should have gone to the Texas Youth Commission (TYC) in the first place." Mr. Morse offered to contact his legislator regarding the matter.

Judge Brieden answered that TJJ and the Committee members need to go to Oncor first and have them go back to TPWD.

The Committee discussed the funds and the fund's earnings and expressed concern about the handling of the funds.

Chairman Smith recognized Karen Kennedy, Deputy General Counsel.

Ms. Kennedy explained that part of the issue is that the funds are in the control of the Foundation, which is a separate entity from TPWD, a state agency. Judge Brieden acknowledged that is the problem. Chairman Fisher inquired if the endowment is being accounted for and kept separate from their other operations.

Ms. Kennedy stated the Foundation is now saying it is being kept separate. Ms. Kennedy added that the third option Ms. Mattingly "offered has less to do with Oncor and more to do with US Fish and Wildlife coming more strongly into play. The purpose of this [endowment] was to mitigate the damages. The Fish and Wildlife Department are the ones who want the damages mitigated one way or the other, either through the Parks and Wildlife Plan or some other plan. They [US Fish and Wildlife] want the money

used for its purpose. The third option the agency [TJJD] has is for the US Fish and Wildlife and the foundation to determine how to bring the money to TJJD and/or how get a mitigation plan in place." Ms. Kennedy's impression is that the USFWS is fairly disappointed in how this has been handled, because funds that were allocated to mitigate the damage have not been used for that purpose. Ms. Kennedy agreed with Ms. Mattingly in that Oncor has discharged their rights because Oncor has paid the money. They have mitigated their damages to the property because they have paid the money. Ms. Kennedy stated she would not endorse an earlier suggestion to involve the State Auditor at this time.

Judge Brieden agreed with Ms. Kennedy's recommendation, however, he added that "if we [the Committee] tell them [TPWD] if you [TPWD] are not going to move forward in good faith and do something, we [the Committee] has the fact that you have not done anything with the money and you have disavowed yourself from doing anything with the money but you continue to hold on to the money, this in fact is something we are willing to do, to bring this out and get something done." Judge Brieden stated to let them [the Foundation] know this is something we are considering in order to get something done.

Adjournment

Mr. Matthew moved to adjourn the meeting. Chairman Fisher seconded. There being no objection, the meeting was adjourned at 10:48 a.m.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Kathryn R. Mattingly, Staff Attorney

Subject: Funding for the Parrie Haynes Wildlife Management Plan

Date: March 17, 2015

The following is the history of how the mitigation funds for the wildlife management plan (WMP) for the Parrie Haynes Ranch (PHR) came to be placed with the Texas Parks and Wildlife Foundation (the Foundation) from my review of board minutes, old memoranda, and information I have received from the U.S. Fish and Wildlife Service (USFWS).

In 2000, Texas Youth Commission (TYC) was in discussions with TXU Electric Delivery (now Oncor Electric Delivery Company) about having the transmission line built on the PHR property. In April of 2005 the easement was granted to TXU/Oncor and signed by TYC. In August of 2006, Texas Parks and Wildlife Department (TPWD) reported to the TYC Board that discussions were occurring between TYC, TPWD, TXU/Oncor, the Foundation, and USFWS about having the mitigation funds placed at the Foundation. Then in December of 2006, TYC representatives met with TPWD, USFWS, TXU/Oncor, and the Foundation to discuss the next steps in the WMP process. In January of 2007, the permit was issued to TXU/Oncor by USFWS. Due to changes in the plans for the transmission line the amount needed to mitigate was amended, and in December of 2007, \$1,532,500 was sent to the Foundation.

The Environmental Assessment/Habitat Conservation Plan (EA/HCP) that TXU/Oncor submitted to USFWS to get the permit to construct the line provides that if the partnership between USFWS, the Foundation, TPWD, and TYC does not actualize satisfactorily, the funds may revert to USFWS to work with TXU/Oncor to find the most appropriate use. However, there is no provision in the EA/HCP to provide transfer of the money to TYC (now TJJJ).

Christina Williams from USFWS has provided us an accounting of the mitigation funds from the Foundation. She has explained that TYC was involved in the negotiations that placed the money at the Foundation and she believes the money has been properly handled since that time.



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

3-201
(1/97)

2. AUTHORITY-STATUTES
16 USC 1539(a)(1)(B)
REGULATIONS (Attached)
50 CFR §§ 13 & 17

3. NUMBER
TE-125388-0

4. RENEWABLE	5. MAY COPY
<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE 1/16/2007	7. EXPIRES 1/16/2012
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1. PERMITTEE

TXU Electric Delivery
Lincoln Plaza, Suite # 11-031
500 N. Akard
Dallas, Texas 75201
Phone: 214/486-2815
ray_averitt@txu.com

8. NAME AND TITLE OF PRINCIPAL OFFICER (if #1 is a business)
Deborah A. Boyle, Director of Environment, Safety and Industrial Health

9. TYPE OF PERMIT
Endangered Species – Incidental Take

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
approximately 1,365 acres in portions of Bell and Coryell counties, Texas.

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2, ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORDANCE WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW. THIS PERMIT DOES NOT WAIVE THE OBLIGATION TO ABIDE BY OTHER FOREIGN, STATE, LOCAL OR FEDERAL LAW IN CARRYING OUT AUTHORIZED ACTIVITIES.
- C. VALID FOR USE BY PERMITTEES NAMED ABOVE.
- D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE UNDERSTANDS AND AGREES TO ABIDE BY THE "GENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS" (copy enclosed).

12. REPORTING REQUIREMENTS

Annual reports shall be submitted by October 1 of each year permit is in effect.

ISSUED BY:

TITLE
Regional Director

DATE

1/19/07

- E. The Permittee is authorized to "Take" (kill, harm, or harass) the golden-cheeked warbler and black-capped vireo on approximately 1,365 acres in portions of Bell and Coryell Counties, Texas, incidental to activities necessary for the construction of a new 138 KV transmission line as described in the Permittee's application.
- F. The authorization granted by the permit is subject to full and complete compliance with, and implementation of the approved Environmental Assessment and Habitat Conservation Plan (EA/HCP), and all terms and conditions contained in this permit.
- G. The Permittee shall not begin any vegetation clearing that disturbs the overstory canopy of golden-cheeked warbler habitat during the breeding season, which is defined as March 1 through July 31. The Permittee will also not begin any vegetation clearing, including brush clearing, in black-capped vireo habitat during the breeding season, which is defined as March 15 through August 31. Vegetation clearing within any particular patch of golden-cheeked warbler or black-capped vireo habitat that begins before March 1 for the golden-cheeked warbler or March 15 for black-capped vireo and proceeds as a single, continuous activity may carry on to completion, provided the clearing is completed as quickly as possible.
- H. The Permittee shall not begin any construction activities involving the use of heavy machinery or equipment (e.g., heavy trucks, cranes, bulldozers, backhoes, and similar equipment) within golden-cheeked warbler or black-capped vireo habitat during the breeding season. However, construction activities within any particular patch of woodland habitat that began prior to the breeding season may continue into the breeding season if these activities constitute a continuous endeavor and are completed as quickly as possible.
- I. The Permittee shall comply with all applicable local, state, and federal regulations for sedimentation loss and erosion control during the construction process. Several control measures, such as seeding with native species, will be employed during construction in accordance with Texas Commission on Environmental Quality's General Permit for Construction Activities (TXR150000). A Storm Water Pollution Prevention Plan outlining the best management practices will be in place prior to construction.
- J. The Permittee shall follow Texas Forest Service guidelines for preventing the spread of oak wilt.
- K. The Permittee shall ensure adherence to all of the best management practices identified in this permit, and the approved EA/HCP. This shall be ensured by including construction phase best management practices on its construction plans and inspecting all work by construction contractors to ensure adherence to the plans. Additionally, an on-site environmental monitor will be contracted to ensure adherence to all best management practices.
- L. To mitigate impacts to golden-cheeked warbler and black-capped vireo, the Permittee shall provide \$1,690,000 to fund conservation projects for each species. The anticipated

use of these funds is identified in the approved HCP and shall be provided prior to any substantial vegetation clearing (i.e., results in take) or construction activities within 300 feet of either species' habitat. In the event the funds cannot be reasonably expended prior to clearing and construction activities within 300 feet of identified habitat areas, then the Permittee will provide a Letter of Credit to the U.S. Fish and Wildlife Service (Service) guaranteeing payment of the full mitigation amount.

- M. The Permittee shall submit an annual report to the Service by October 1 of each year the permit is in effect. This report will include, but is not limited to the status of the project, documentation of compliance with all terms and conditions of the permit, implementation of mitigation measures, and any management actions taken. A copy of the annual report shall be submitted to the U.S. Fish and Wildlife Service Field Office 10711 Burnet, Suite 200, Austin, Texas 78758; and to the U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Additional monitoring requirements to adequately monitor the use of the mitigation funds shall be the responsibility of the receiving entity.
- N. Upon locating a dead, injured, or sick golden-cheeked warbler or black-capped vireo, or any other endangered or threatened species, the Permittee is required to contact the Service's Law Enforcement Office, in Georgetown, Texas, (512) 863-5972, for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological material in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered/threatened species or preservation of biological materials from a dead specimen, the Permittee and its contractor/subcontractor have the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.
- O. If during the tenure of the permit the project design and/or the extent of the habitat impact described in the HCP is altered, such that there may be an increase in the anticipated take of the golden-cheeked warbler or black-capped vireo, the Permittee is required to contact the Service and obtain authorization and/or amendment of the permit before commencing any activities that might result in take beyond that described in the EA/HCP.
- P. The current "No Surprises" policy of the Service provides that additional mitigation requirements for land, water, or financial obligations shall not be required of the Permittee beyond the level of mitigation provided for in the permit and the HCP, if fully and completely complied with and implemented. With respect to the permit, the HCP and supporting documents adequately addressed the federally listed golden-cheeked warbler and black-capped vireo.
- Q. Acceptance of the permit serves as evidence that the Permittee understands and agrees to abide by the terms and conditions of the permit and all applicable sections of Title 50 CFR Parts 13 and 17 pertinent to issued permits.

-----End of Terms and Conditions Permit # TE-125388-0-----



ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

GENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS

1. All sections of Title 50 *Code of Federal Regulations* Part 13 are conditions of the permit.
2. All applicable foreign, State, local, or other Federal laws, including those requiring permit, must be observed.
3. Living specimens must be handled and shipped so as to minimize risk of injury, damage to health or cruel treatment.
4. The container in which authorized wildlife is shipped must be plainly marked with names and addresses of shipper and consignee and an accurate description of the contents including common and scientific name and number of each within.
5. Permittee must carry a copy of permit while conducting authorized activities.
6. Permit number must be legibly printed on all documents and advertisements involving activities conducted under permit.
7. Any dead or injured specimens of the authorized wildlife found may be salvaged or cared for.
8. Unless otherwise authorized on the face of the permit, the wildlife must be immediately released at or near the capture site after the permitted activity.
9. Unexpected death, injury, or escape of the authorized wildlife shall be reported to the Fish and Wildlife Service before the end of the next business day.
10. BIRD BANDING, marking, radio tagging, etc., must be conducted in accordance with a Federal Bird Marking and Salvage permit.

THE FOLLOWING CONDITIONS APPLY UNTIL AUTHORIZED DISPOSAL OF THE WILDLIFE,
REGARDLESS OF THE EXPIRATION DATE OF THE PERMIT:

11. The authorized wildlife may NOT be sold, donated, or transferred unless the receiver has first been issued authorization by the Director.
12. Any dead authorized wildlife shall be preserved and held for scientific purposes whenever practical.
13. Any live SEA TURTLES held must be maintained in accordance with the "Standards for Care and Maintenance of Sea Turtles Held in Captivity" specified by the Fish and Wildlife Service.

Implemented June 1982

(selected pages)

FINAL
Environmental Assessment/Habitat Conservation Plan
For Issuance of an Endangered Species Act
section 10(a)(1)(B) Permit For Incidental Take of
the Golden-cheeked Warbler (*Dendroica chrysoparia*) and
Black-capped Vireo (*Vireo atricapilla*) by TXU Electric Delivery
During the Construction of a New 138 kV Transmission Line
in Portions of Bell and Coryell Counties, Texas

Prepared for
TXU Electric Delivery
500 N. Akard Street
Dallas, TX 75201

For Submittal to
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758

Prepared by
LOPEZGARCIA GROUP
1825 Market Center Boulevard, Suite 500
Dallas, Texas 75207

and

Loomis Austin, Inc.
3103 Bee Cave Road, Suite 225
Austin, Texas 78746

January 5, 2007

vireo by helping to ensure that work in habitat will not directly disrupt ongoing breeding and nesting activities within and adjacent to the right-of-way.

In addition, the Applicant will comply with all applicable local, state, and federal regulations for sedimentation loss and erosion control during the construction process. Several such control measures, such as seeding with native species, will be employed during construction in accordance with TCEQ's General Permit for Construction Activities (TXR150000). A Storm Water Pollution Prevention Plan outlining the best management practices will be in place prior to construction.

As previously stated, the Applicant will ensure adherence to all of the above-mentioned best management practices by contracting an on-site environmental monitor.

6.3.2.2 Oak Wilt Precautions

The Applicant will follow Texas Forest Service guidelines for preventing the spread of oak wilt. Oak wilt precautions will help ensure that construction activities do not cause long-term damage to habitat adjacent to the right-of-way.

6.4 Mitigation for Unavoidable Impacts

Based on the worst-case scenario (Alternative A), approximately 52 acres of warbler habitat and 7 acres of vireo habitat within the project right-of-way will be directly affected by the construction of the proposed project. An additional 500 acres of warbler habitat and 57 acres of vireo habitat lie within 300 feet of the edge of the proposed right-of-way. Some of this habitat was shown to be occupied in 2005. Habitat that is near the proposed project, but not adjacent to habitat directly impacted by the right-of-way, is not likely to be affected by the proposed project.

While the avoidance and minimization measures described in Section 6.3 have reduced or are expected to reduce the amount of adverse impact on listed species, the loss, fragmentation, and degradation of occupied and potential endangered species habitat is expected. The proposed mitigation funding is based on the following calculations:

Habitat type	Area (acres)
Warbler habitat directly affected by right-of-way	52
One-half of 500 acres warbler habitat indirectly affected (within 300 feet of the edge of the right-of-way)*	250
Vireo habitat directly affected by right-of-way	7
One-half of 57 acres vireo habitat indirectly affected (within 300 feet of the edge of the right-of-way) *	29
Total acres calculated for mitigation	338

*Per Service guidance, the acreage of indirect impacts was calculated as ½ of the total acreage identified as golden-cheeked warbler and black-capped vireo habitat within 300 feet of the right-of-way as the indirect effects of the proposed transmission line are not complete, but could affect warblers and vireos 300 feet away from the proposed right-of-way.

Based on the average land prices in the vicinity of the project area, land values are approximately \$3,000 to \$5,000 per acre for land with low development potential (Garland Black, TXU Electric Delivery Lead Land Agent, 2005, pers. comm.). The applicant proposes to use the higher value of \$5,000 per acre, for a total funding proposal of \$1,690,000. These funds constitute the mitigation proposed under this habitat conservation plan and are to be used for the conservation of both species. The intended use of these funds is described below. This

habitat mitigation funding proposal is the maximum extent practicable, given the size and cost of the project and the necessity of constructing the proposed transmission line.

The mitigation that is being proposed under this HCP is the donation of the \$1,690,000, the intention of which is to fund conservation projects for each species. Based on negotiations between TXU Electric Delivery, the Service, Texas Parks and Wildlife Department, Texas Parks and Wildlife Foundation, and the Parrie Haynes Trust/Texas Youth Commission (the landowner), which were initiated on November 15, 2005, this funding may be used for the establishment of the 4,500-acre Parrie Haynes Ranch as an endangered species management site for the affected golden-cheeked warbler and black-capped vireo habitat. As shown in Appendix A, golden-cheeked warblers and black-capped vireos currently utilize habitat within Parrie Haynes Ranch, thus providing an ideal location for management. Additionally, this property is located adjacent to Fort Hood, and thus creates an even larger block of actively managed habitat for both species.

The Parrie Haynes Ranch is owned by the Parrie Haynes Trust. All board members of this trust are composed of the Texas Youth Commission. This property was donated to Texas Youth Commission by Mrs. Parrie Haynes for the "orphans of Texas". To provide for the "orphans of Texas", Texas Parks and Wildlife Department has a lease agreement and is responsible for management of the site. Due to a lack of funding resources, this site has never been managed for endangered species. Currently it provides limited recreational and educational opportunities to the public, with a focus on youth. The Coca-Cola Foundation utilizes the Ranch for a 4-year long disadvantaged youth leadership program, which takes place every summer for two months and includes approximately 100 youths per year. The management action would not discontinue these activities, but allow for incorporation of endangered species management and public education on endangered species.

The proposal under consideration consists of the creation of a non-wasting endowment fund to be maintained by the Texas Parks and Wildlife Foundation, a non-profit organization. As determined by the Foundation, to maintain the endowment and management of the site in perpetuity, approximately three to four percent of the interest would be rolled back into the account each year for inflation. The remaining interest would be used for endangered species restoration/enhancement activities and to fund a Texas Parks and Wildlife Department Wildlife Biologist/Technician position for endangered species management of the site. It is anticipated that Texas Parks and Wildlife Department would fill this position as soon as possible. If the endowment were established, Texas Parks and Wildlife Department would be responsible for ongoing operations, management, and reporting.

This proposal would enable the Service and Texas Parks and Wildlife Department to actively manage significantly more vireo and warbler habitat as opposed to acquiring habitat elsewhere. The proposal would assist the agencies in developing sound land management plans and practices, including but not limited to assessing habitat conditions, developing land and wildlife/endangered species management plans, endangered species monitoring, vegetation management/manipulation, cowbird management, livestock management, exotic species control, public education, and fencing and other access provisions. The Service acknowledges that these and other similar type beneficial management actions could result in short-term negative impacts to the golden-cheeked warbler and black-capped vireo. However, since they would ultimately be beneficial, and extend beyond the life of the permit, their short-term impacts (take) would be covered under the Service's intra-Service section 7 consultation and associated biological opinion. Any separate non-beneficial actions taken by the Texas Parks and Wildlife

Department, Texas Youth Commission, or others that are not related to this endowment and its agreements would not be covered.

As the endowment fund, management agreement, and contract described above are not currently in place, it is possible these negotiations may not materialize. Additionally, it is possible it may be determined this agreement is not working satisfactorily. In the event this occurs, all funds, including any interest in the account would revert back to the Service who would work with TXU Electric Delivery to determine the most appropriate use. To prepare for this, a contingency plan with the Nature Conservancy has been discussed. Regardless of what strategy is chosen, these funds will be used for golden-cheeked warbler and black-capped vireo recovery efforts.

6.5 Implementation

All avoidance, minimization, and mitigation measures have been or will be implemented by the Applicant. Routing and design measures to reduce the project impacts were completed by the Applicant during the planning phase, including following existing roads and fence lines, and by reducing the right-of-way width as much as practicable. All construction phase best management practices will be implemented by the Applicant or their contractors, including limitations on seasonal clearing and taking appropriate precautions to prevent the spread of oak wilt. The Applicant will include construction phase best management practices on its construction plans and inspect all work by construction contractors to ensure adherence to the plans. Additionally, an on-site environmental monitor will be contracted with to ensure adherence to all best management practices.

The Applicant's implementation responsibilities may include finalizing a contract and management agreement with Texas Parks and Wildlife Department, and providing funding to the Texas Parks and Wildlife Foundation to establish the endowment discussed in Section 6.4, up to the limit of \$1,690,000. All proposed agreements would be submitted to the Service for review, approval and signature. Texas Parks and Wildlife Department would be responsible for ongoing habitat and species management on Parrie Haynes Ranch, as stipulated in the agreements. The Applicant would include terms in any agreements for the Texas Parks and Wildlife Department to report on their habitat and species management activities under the agreements with the Applicant. During the proposed permit duration, the Applicant would report on those activities in its annual permit reports, after which the Texas Parks and Wildlife Department would continue its annual reporting requirements. Should this strategy fail, a contingency plan with The Nature Conservancy or other similar entity will be developed.

Regardless of the conservation strategy, within reason, the Applicant will complete negotiations, finalize all necessary agreements, and provide the \$1,690,000 prior to any significant vegetation clearing (i.e. results in take) or construction activities within 300 feet of either species' habitat. In the event these agreements cannot be reasonably completed prior to the desired clearing and construction activities within 300 feet of identified habitat areas, TXU Electric Delivery will provide a Letter of Credit to the Service guaranteeing payment of the full mitigation amount.

6.5.1 Annual Reports

The Applicant will provide annual reports to the Service during the five-year permit duration. These reports will include information relative to TXU Electric Delivery's clearing and construction activities, and its compliance with all permit terms and conditions. A separate annual report (or more frequently as identified in the final agreements) will be prepared by the Texas Parks and Wildlife Department and include information related to all endangered species management actions, public education, and any other related actions taken on the Parrie Haynes Ranch over the past year. An account statement including all funds received into and expended from the endowment, should the agreement with the Texas Parks and Wildlife Department be implemented, will also be included. The Texas Parks and Wildlife Department's reporting requirements will continue as long as the management agreement, contract, and/or endowment are in place. In the event an agreement is not reached regarding management of the Parrie Haynes Ranch, a similar agreement will be reached with a separate entity. At which time that entity would be responsible for the annual reporting requirement described above. These reports are to be submitted by October 1 of each year to the Austin Ecological Services Field Office 10711 Burnet Road, Suite 200, Austin, Texas 78758 and to the U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, NM 87103.

6.6 Funding Best Management Practices and Mitigation Measures

The Applicant will fund the proposed best management practices and habitat mitigation costs out of the capital improvement budget allocated to the proposed project. The applicant has the financial capability to ensure proper planning, management and completion of the mitigation proposal as described in this HCP.

6.7 Changed and Unforeseen Circumstances

The Service provides economic and regulatory assurances under the No Surprises policy (63 FR 8859, Section 1.7.1) to incidental take Permittees who incorporate provisions for changed or unforeseen circumstances in their HCP and fully and completely implement the terms and conditions of the HCP and incidental take permit. These assurances give Permittees certainty regarding the costs of mitigation and conservation of protected species.

6.7.1 Changed Circumstances

Changed circumstances are defined as "circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by plan developers and the Service and that can be planned for..." (50 CFR 17.3). A HCP must identify provisions to help compensate for any negative impacts to covered species from changed circumstances to qualify for No Surprises assurances. If the Service determines that a changed circumstance has occurred, the Permittee must implement any provisions included in the HCP and/or incidental take permit that address such circumstances. If a changed circumstance has not been addressed by the HCP and/or incidental take permit, the Service will not require additional conservation or mitigation measures of the Permittee, provided that the terms of the HCP and incidental take permit are being properly implemented. Under these conditions, any additional conservation measures deemed necessary by the Service to compensate for a changed circumstance could be implemented at the expense of the Service.

6.7.1.1 Emergency Repair

Emergency repair situations are foreseeable, though not expected, by the Applicant and could represent a changed circumstance. Damage to the transmission line caused by weather or

other factors may require emergency repair. It is possible that damaged lines or emergency repair operations could necessitate activities that may impact endangered species habitat outside of the proposed right-of-way. Quick action to repair damaged or threatened lines is absolutely necessary to protect the safety of people and property in the vicinity of the proposed project and to maintain a dependable source of electricity to energy customers. As such, the Applicant can conduct any emergency repairs or emergency maintenance on the proposed transmission line as needed without prior notification to the Service.

The Applicant will notify the Service within ten working days of any utility-related activity that occurs outside of the proposed right-of-way, such as from emergency repair or maintenance situations. The Service will then determine whether the activity resulted in a changed circumstance with respect to endangered species. If the Service determines that a changed circumstance has occurred, the following measures will be implemented:

1. The Applicant and the Service will determine the amount of negative impacts to endangered species as a result of the changed circumstance based on the best available information;
2. The Service will determine whether additional mitigation is needed to offset any negative impacts of the changed circumstance;
3. If additional mitigation is needed, the Applicant will work with the Service to prepare a written plan that identifies how the Applicant will mitigate for the additional impacts to the maximum extent practicable;
4. Once the mitigation plan is approved by the Service, the Applicant will implement the mitigation plan.

6.7.1.2 Development of New Black-capped Vireo Habitat

Black-capped vireos are known to utilize re-growth woody vegetation in utility right-of-ways, particularly overhead transmission lines. Vireo habitat could develop within the proposed right-of-way after the initial clearing if the area is not re-cleared at sufficient intervals during the operation of the proposed project (generally less than five years). This could result in the creation of new vireo habitat in the right-of-way for which negative impacts associated with future brush clearing are currently unknowable and therefore not covered by the proposed permit.

The development of new vireo habitat in the proposed right-of-way after construction is a foreseeable event, but not expected, as the Applicant will clear the right-of-way as practicable to prevent the potential development of black-capped vireo habitat. It is the Applicant's intent to keep the project right-of-way maintained to prevent the reestablishment of black-capped vireo habitat. In the event that habitat encroaches within the right-of-way prior to vegetation maintenance activities, the Applicant will seek an individual section 10(a)(1)(B) incidental take permit on a project-by-project basis. Therefore, the development of new vireo habitat within the proposed right-of-way would constitute a changed circumstance.

The Applicant will maintain records of clearing activities within the proposed right-of-way. If more than five years have passed since the right-of-way was last cleared, the Applicant will implement the following procedures prior to any further brush clearing:

1. The Applicant will obtain a habitat assessment to determine whether black-capped vireo habitat occurs within the right-of-way. The habitat assessment will include field inspections of current conditions and a delineation of habitat;
2. The assessment should be conducted no more than six months prior to the desired clearing date;

3. If vireo habitat is determined to exist within the right-of-way, the Applicant will notify the Service of the intent to clear brush and submit the results of the habitat assessment to the Service. If no potential vireo habitat is observed within the right-of-way, the Applicant may clear brush within six months of the date of the habitat assessment without further coordination with the Service.

6.7.1.3 Oak Wilt

Oak wilt precautions will help ensure that construction activities do not cause long-term damage to habitat adjacent to the right-of-way. However, should oak wilt occur as a result of the Applicant's activities, the Applicant will follow the current recommendations by the Texas Forest Service.

6.7.1.4 New Species Becomes Federally Listed

The Services will work with TXU Electric Delivery to identify measures necessary to avoid take of, jeopardy to, or adverse modification of the critical habitat of a species, in the event such species not covered under the proposed permit becomes listed under the Act and may be affected by covered activities. TXU Electric Delivery will implement these measures until the permit is amended to include such species, or until the Service notifies TXU Electric Delivery that such measures are no longer needed to avoid jeopardy to, take of, or adverse modification of the critical habitat of, the non-covered species.

6.7.2 Unforeseen Circumstances

Unforeseen circumstances are "changes in circumstances affecting a species or geographic area covered by a conservation plan that could not reasonably have been anticipated by plan developers or the Service at the time of the conservation plan's negotiation and development, and that result in a substantial and adverse change in the status of the covered species" (50 CFR 17.3). The No Surprises policy assures incidental take Permittees that the Service will not require additional mitigation or resources (other than those available under the original terms of the conservation plan) without the consent of the Permittee (63 FR 8859).

The No Surprises policy states that the Service may require additional conservation measures of an incidental take Permittee as a result of unforeseen circumstances "only if such measures are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species, and maintain the original terms of the conservation plan to the maximum extent possible." The Service shall not require the commitment of additional land, water, or financial resources by the Permittee without the consent of the Permittee, or impose additional restrictions on the use of land, water, or other natural resource otherwise available for use by the Permittee under the original terms of the incidental take permit. No Surprises assurances apply only to the species adequately covered by the HCP, and only to those Permittees who are in full compliance with the terms of their HCP, incidental take permit, and other supporting documents. This EA/HCP adequately covers the golden-cheeked warbler and black-capped vireo, and the Applicant is eligible for the assurances of the No Surprises policy pertaining to these species.

The Service determines whether unforeseen circumstances have occurred based on, but not limited to, the following considerations (63 FR 8871):

1. Size of the current range of the affected species;
2. Percentage of range of covered species adversely affected by the HCP;

3. Percentage of range of covered species conserved by the HCP;
4. Ecological significance of that portion of range affected by the HCP;
5. Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the HCP; and
6. Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

A determination by the Service that unforeseen circumstances exist must be documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. In the case of an unforeseen circumstance, the Service, any federal, state, or local government agency, non-government organization, or private entity may take any actions necessary in order to conserve a species, as long as the actions are at the expense of that organization and the approval of the Permittee is obtained.

In the event of an unforeseen circumstance, the Service shall provide at least 30 days notice of a proposed finding of unforeseen circumstances to the Applicant and will work with the Applicant to develop an appropriate response to the new conditions. The Applicant shall have the opportunity to submit information to rebut the proposed finding, if it deems necessary. The Service may request that the Applicant alter the HCP described in this section to address the unforeseen circumstance, if the requested alterations are limited to the conservation program and maintain the original terms of the HCP to the maximum extent possible. Pursuant to the No Surprises policy, the Service also may not require the dedication of additional resources, including land, water, funding, or restrictions on the use of resources otherwise available for development or use by the Applicant.

6.8 Amendment Procedures

Amendments to this EA/HCP and/or the associated incidental take permit may be necessary during the term of the permit. These amendments may include relatively minor changes to the EA/HCP and/or incidental take permit, or major changes that substantially alter the covered activities, conservation program, or implementation of the EA/HCP. Amendments to the EA/HCP and associated incidental take permit may be made through an expedited administrative process or through a formal amendment procedure that would require additional notification through the Federal Register and NEPA analysis (Service and NMFS 1996), depending on the scope of the proposed changes. All amendments to the EA/HCP or incidental take permit will require the consent of both the Permittee and the Service.

6.8.1 Minor Amendments

Minor amendments are defined as those that have little or no impact on the amount of incidental take authorized by the permit, the degree of negative impacts to the golden-cheeked warbler or black-capped vireo from covered activities, or the effectiveness of the conservation program. Minor amendments include, but are not limited to:

1. Administrative changes addressing the implementation of the conservation program, such as avoidance and minimization measures and reporting requirements; and
2. Similarly minor alterations to the EA/HCP and/or incidental take permit that could arise from changed or unforeseen circumstances or other circumstances.

Minor amendments may be incorporated into the EA/HCP and/or incidental take permit administratively provided that both the Applicant and the Service agree on the proposed changes, the proposed amendments are documented in written form, and the proposed amendments do not significantly change the net effect of the proposed project on the covered species or the amount of incidental take authorized by the permit. The following procedure will be used to process an administrative amendment to the EA/HCP and/or incidental take permit:

1. The Permittee will submit a draft of the proposed minor amendment to the Service;
2. The Service will review the draft amendment and provide comment on the proposal. The Service will consult with the Permittee, as needed, to reach consensus on the requested changes;
3. Upon reaching an agreement with the Service, the Permittee will prepare the final amendment language, including any applicable changes to other implementing documents (e.g., implementing agreement or conservation easements), and forward the proposed changes to the Service;
4. The Service will administratively process the agreed-upon changes, and append the amendment to the EA/HCP and other related documents, as appropriate, and make any necessary changes to the incidental take permit.

6.8.2 Major Amendments

Major amendments are those that would substantially alter the effects of the proposed project or the conservation program. Major amendments are likely to change the amount of take or impacts authorized by the incidental take permit, and/or have a significant impact on the structure, implementation, or effectiveness of the conservation plan. Major amendments may include, but are not limited to:

1. Changing the boundaries of the permit area;
2. Reducing the amount of mitigation provided by the conservation plan;
3. Reducing the use of construction phase best management practices that avoid and minimize impacts; and
4. Similar modifications to the EA/HCP and/or incidental take permit that could arise from changed or unforeseen circumstances or other circumstances.

Incorporating major amendments will require completion of a formal amendment procedure similar to the original permit application process. This procedure may include public review through the Federal Register, additional analysis to comply with NEPA requirements, and an intra-Service Act section 7 consultation (Service and NMFS 1996).

6.9 Compliance with Issuance Criteria and Policies

The Secretary of the Interior (through the Service) shall issue an incidental take permit provided the applicant prepares and implements an HCP that satisfies the criteria specified in Section 10(a)(2)(A) and has met the permit issuance criteria stated in section 10(a)(2)(B) of the Act:

In accordance with section 10(a)(2)(A), the Applicant has prepared and submitted an EA/HCP that identifies the impacts to endangered species from the proposed permitted taking (Section 5.0), describes minimization and mitigation measures that will offset the impacts of the authorized taking (Section 6.3 and Section 6.4), identifies the funding that will be used to

implement minimization and mitigation measures (Section 6.6), and addresses alternatives to the proposed taking (Section 4.0 and Section 5.0).

The Applicant has also met the incidental take permit issuance criteria of section 10(a)(2)(B), such that:

1. The proposed taking will be incidental to otherwise lawful activities

The construction of a 138 kV transmission line by the Applicant is a lawful activity. All take associated with this lawful activity will be incidental to it.

2. The applicant will, to the maximum extent practicable, minimize and mitigate for the impacts of such taking.

The minimization and mitigation measures proposed by the Applicant in Section 6.3 and Section 6.4 of this EA/HCP are to the maximum extent practicable, given the Applicant's standard operating procedures, funding, capabilities, and the critical need for this transmission line. This critical need was identified in 1995 when TXU Electric Delivery indicated that the system had the capability to serve Copperas Cove at the current growth rate for the next 5-10 years. As 10 years have passed and growth within the city has increased, there is a demand for additional capacity in the system. In addition, the proposed transmission line is required to provide needed transmission capacity for continuing load growth and relief of contingency overloads (110 to 150 percent of the emergency rating) and voltage drops (10 to 25 percent from normal) in the Killeen - Copperas Cove area. The Public Utility Commission of Texas has found this project to be needed as evidenced by its granting of the requested Certificate of Convenience and Necessity in Docket No. 27179.

Routing and design phase avoidance and minimization measures evaluated several alternative routes, including those that avoided all impacts to endangered species. These alternative routes did not meet other project goals and/or were otherwise not feasible to construct (Sections 4.0 and 5.0). The route that is proposed will minimize impacts to the maximum extent practicable, given other project constraints. The proposed project will include all practicable construction phase avoidance and minimization measures to reduce impacts to endangered species, including placement of 70 percent of the line within existing maintained right-of-way. These measures include seasonal clearing and construction restrictions and oak wilt precautions. The detailed habitat mapping and presence/absence surveys conducted in 2005 further support these construction phase avoidance and minimization measures by clearly identifying areas of concern for construction workers. No other feasible management practices were identified that would provide significant benefits to the golden-cheeked warbler or black-capped vireo.

Despite these avoidance and minimization measures, the proposed project will directly and indirectly affect endangered species. The Applicant proposes to mitigate for these unavoidable effects to the maximum extent practicable by providing funding (\$1,690,000) to be used for conservation projects (recovery actions) for both species. It is anticipated the Texas Parks and Wildlife Foundation and ultimately Texas Parks and Wildlife Department will use these funds to establish an endowment and subsequent management of golden-cheeked warbler and black-capped vireo populations and habitat on the 4,500-acre Parrie Haynes Ranch. In the event these negotiations do not materialize the Service has also been in negotiations with the Nature Conservancy as a contingency plan. The proposed level of funding is based on an evaluation of impacted habitat within and adjacent to the project right-

of-way and a general estimation of land values in the area that may be suitable for purchase. These funds are anticipated to be used to actively manage a significantly larger amount of habitat for the golden-cheeked warbler and black-capped vireo than acquisition alone. Given that Fort Hood is actively managed to maintain a viable, self-sustaining golden-cheeked warbler and black-capped vireo population, any additional long-term management actions will only further enhance and ensure the viability of this population. The Parrie Haynes Ranch is adjacent to Fort Hood, and thus creates an even larger block of actively managed endangered species habitat. This level of proposed funding is the maximum extent practicable for the Applicant without significantly affecting the costs of providing reliable electrical service, and is commensurate with the level of take anticipated, given the necessity of the line as identified in Section 1.0.

Furthermore, the Applicant has included provisions for changed circumstances that are foreseeable, but not expected, which will help ensure that impacts from the proposed taking are minimized and mitigated to the maximum extent practicable.

3. The applicant ensures that adequate funding for the plan will be provided.

The Applicant will fund the proposed best management practices and mitigation costs out of the capital improvement budget allocated to the proposed project. The applicant has the financial capability to ensure proper planning, management, and completion of the mitigation proposal as described in this HCP. Within reason, the Applicant will complete negotiations, finalize all necessary agreements, and provide the \$1,690,000 prior to any significant vegetation clearing (i.e. results in take) or construction activities within 300 feet of either species' habitat. In the event these agreements cannot be reasonably completed prior to the desired clearing and construction activities within 300 feet of identified habitat areas, then TXU Electric Delivery will provide a Letter of Credit to the Service guaranteeing payment of the full mitigation amount.

4. The proposed taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

The proposed project is expected to directly or indirectly affect 16 golden-cheeked warbler territories (9 within the proposed right-of-way, and 7 within 300 feet of the right-of-way) and nine black-capped vireo territories (7 within the proposed right-of-way, and 2 within 300 feet of the right-of-way) over the 16-mile proposed alignment. The proposed project is also located adjacent to Fort Hood, which is actively managed to maintain habitat for 2,000 adult golden-cheeked warbler males and 1,000 adult black-capped vireo males. This population size is consistent with maintaining a viable and self-sustaining population of both species. Recent population data from Fort Hood suggest that the actual number of warblers and vireos on the installation exceed the population goals by two to seven times (Service 2005). Fort Hood has the largest known populations of both the golden-cheeked warbler and the black-capped vireo under one management authority. The data collected and analyzed at Fort Hood represents some of the most comprehensive work done on both species in their respective ranges (Service 2000). It is estimated Fort Hood currently contains approximately 17,216 acres (6,967 hectares) of suitable habitat for the black-capped vireo and 56,051 acres (22,683 hectares) of suitable habitat for the golden-cheeked warbler based on remote sensing data and ground-truthing (Nesvacil et al. 2004), with an estimated population of more than 8,000 territorial males for the vireo and 4,514 territorial males for the warbler (Cimprich 2005, Service 2005). Therefore, the level of taking expected to occur from the construction of

the proposed project will not appreciably reduce the likelihood for survival and recovery of either species in the wild.

5. The applicant has met other requirements imposed by the Secretary of the Interior, such as monitoring and reporting.

This EA/HCP includes annual reporting for the life of the permit that will allow the Service to adequately monitor the implementation of the avoidance and minimization practices described in Section 6.3. Annual reports will be submitted by the Permittee to the local and regional offices of the Service by the reporting deadline. Monitoring and reporting for the anticipated endowment and management of the Parrie Haynes Ranch will continue as long as those agreements are in place.

6. The Secretary of the Interior has received assurances that the plan will be implemented.

Section 6.5 addresses the implementation of the HCP, including identifying how the Applicant will ensure that avoidance and minimization measures will be properly implemented, outlining the responsibilities of Texas Parks and Wildlife Department, who is responsible for the protection and management of the conservation area on Parrie Haynes Ranch, and a timeframe for the transfer of mitigation funds. This plan for implementation provides assurances to the Service that the Applicant will fully implement this HCP.

The Service issued additional policy statements in recent years that are intended to enhance the effectiveness of the HCP process and provide assurances to landowners who are properly implementing approved HCPs. This includes the five-point policy.

The Service included the five-point policy as an addendum to the Habitat Conservation Planning Handbook on July 3, 2000 (65 FR 35242). The policy emphasizes the development of biological goals and objectives, adaptive management strategies, monitoring provisions, permit duration considerations, and public participation into HCPs as a way to increase their effectiveness. This HCP addresses each of the criteria for permit issuance and incorporates the relevant aspects of the five-point policy. These measures not only help fashion a successful plan, but also help facilitate approval by the Service, leading to permit issuance.

7.0 Public and Agency Coordination

The Applicant has been actively pursuing public and agency acceptance of the proposed alternative, and will continue making significant efforts through numerous meetings with concerned groups, individuals, public officials, and agencies, to properly coordinate this proposal with all potentially concerned entities.

The following agencies, organizations, and individual have been consulted or coordinated with during the process of addressing endangered species concerns:

TXU Electric Delivery
LOPEZGARCIA GROUP
Loomis Austin, Inc.
Texas Parks and Wildlife Department
Texas Parks and Wildlife Foundation

Parrie Haynes Trust
Texas Youth Commission
The Nature Conservancy
United States Fish and Wildlife Service, Austin, Texas
United States Fish and Wildlife Service, Albuquerque, New Mexico

Public notification of the availability of the Draft EA/HCP was published in the *Federal Register* on May 26, 2006 initiating a 60 day public comment period. All concerned agencies and entities were provided a copy for review and comment upon request. One set of comments was received by the Save Our Springs Alliance. All comments were addressed.

Texas Parks & Wildlife Foundation
Project Financial Statements
Parrie Haynes Historical Activity

	<u>8/31/08</u>	<u>8/31/09</u>	<u>8/31/10</u>	<u>8/31/11</u>	<u>8/31/12</u>	<u>Stub Yr 12/31/12</u>	<u>12/31/13</u>	<u>12/31/14</u>
BEGINNING BALANCE	<u><u>\$0.00</u></u>	<u><u>\$1,427,625.25</u></u>	<u><u>\$1,197,627.82</u></u>	<u><u>\$1,251,586.91</u></u>	<u><u>\$1,376,392.59</u></u>	<u><u>\$1,447,495.24</u></u>	<u><u>\$1,477,565.53</u></u>	<u><u>\$1,670,484.84</u></u>
INCOME STATEMENT								
REVENUE:								
Contributions - Individual	\$1,532,500.00	\$0.00	\$0.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00
Interest & Dividends	\$14,989.02	\$39,702.34	\$23,654.51	\$22,830.24	\$28,737.90	\$21,332.58	\$40,484.68	\$51,091.56
Realized Gain/(Loss)	\$6,733.94	(\$208,038.85)	(\$27,624.87)	\$77,250.58	\$28,630.21	(\$13,183.14)	\$30,438.08	\$153,024.95
Unrealized Gain/(Loss)	(\$114,984.09)	(\$45,744.16)	\$77,285.15	\$70,300.27	\$22,919.25	\$41,433.93	\$146,771.41	(\$123,563.86)
Accrued Income	\$2,565.50	\$1,762.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL REVENUE	<u><u>\$1,441,804.37</u></u>	<u><u>(\$212,318.38)</u></u>	<u><u>\$73,314.79</u></u>	<u><u>\$170,431.09</u></u>	<u><u>\$80,287.36</u></u>	<u><u>\$49,583.37</u></u>	<u><u>\$217,694.17</u></u>	<u><u>\$80,552.65</u></u>
EXPENSES:								
Bank Service Charges	\$0.00	\$0.00	\$0.00	\$2.07	\$0.00	\$0.00	\$0.00	\$0.00
Investment Management Fees	\$4,078.94	\$4,889.05	\$5,884.15	\$5,665.77	\$4,695.69	\$1,190.48	\$4,931.34	\$6,795.17
Administrative Fees - Internal	\$0.00	\$12,790.00	\$13,471.55	\$17,642.48	\$4,489.02	\$18,322.60	\$19,843.52	\$21,419.89
Program Expenses	\$0.00	\$0.00	\$0.00	\$92.62	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL EXPENSES	<u><u>\$4,078.94</u></u>	<u><u>\$17,679.05</u></u>	<u><u>\$19,355.70</u></u>	<u><u>\$23,402.94</u></u>	<u><u>\$9,184.71</u></u>	<u><u>\$19,513.08</u></u>	<u><u>\$24,774.86</u></u>	<u><u>\$28,215.06</u></u>
TRANSFERS	(\$10,100.18)	\$0.00	\$0.00	(\$22,222.47)	\$0.00	\$0.00	\$0.00	\$0.00
NET SURPLUS	<u><u>\$1,427,625.25</u></u>	<u><u>(\$229,997.43)</u></u>	<u><u>\$53,959.09</u></u>	<u><u>\$124,805.68</u></u>	<u><u>\$71,102.65</u></u>	<u><u>\$30,070.29</u></u>	<u><u>\$192,919.31</u></u>	<u><u>\$52,337.59</u></u>
ENDING BALANCE	<u><u>\$1,427,625.25</u></u>	<u><u>\$1,197,627.82</u></u>	<u><u>\$1,251,586.91</u></u>	<u><u>\$1,376,392.59</u></u>	<u><u>\$1,447,495.24</u></u>	<u><u>\$1,477,565.53</u></u>	<u><u>\$1,670,484.84</u></u>	<u><u>\$1,722,822.43</u></u>
BALANCE SHEET								
ASSETS:								
Investments	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,473,086.96	\$1,667,599.71	\$1,718,775.45
Cash - Schwab LT	\$1,542,609.34	\$1,195,865.53	\$1,249,451.91	\$1,374,169.12	\$1,445,892.58	\$0.00	\$0.00	\$0.00
Unrealized G/L Schwab LT	(\$114,984.09)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Accrued Income Receivable	\$0.00	\$1,762.29	\$2,135.00	\$2,223.47	\$1,602.66	\$4,478.57	\$2,885.13	\$4,046.98
TOTAL ASSETS	<u><u>\$1,427,625.25</u></u>	<u><u>\$1,197,627.82</u></u>	<u><u>\$1,251,586.91</u></u>	<u><u>\$1,376,392.59</u></u>	<u><u>\$1,447,495.24</u></u>	<u><u>\$1,477,565.53</u></u>	<u><u>\$1,670,484.84</u></u>	<u><u>\$1,722,822.43</u></u>
TOTAL NET ASSETS	<u><u>\$1,427,625.25</u></u>	<u><u>\$1,197,627.82</u></u>	<u><u>\$1,251,586.91</u></u>	<u><u>\$1,376,392.59</u></u>	<u><u>\$1,447,495.24</u></u>	<u><u>\$1,477,565.53</u></u>	<u><u>\$1,670,484.84</u></u>	<u><u>\$1,722,822.43</u></u>

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**Texas Juvenile Justice Department
Finance and Audit Committee Meeting**

11209 Metric Blvd., Building H, Austin, Texas 78758
Thursday, January 29, 2015– 1:00 p.m.

BOARD MEMBERS PRESENT:

Calvin Stephens, Committee Chairman
Jane King
Scott W. Fisher, Board Chairman
The Honorable Judge John Brieden

EXECUTIVE STAFF PRESENT:

Elaine Mays, Chief Information & Technology Officer
Eleazar Garcia, Internal Audit
Lisa Capers, Sr. Director of Training and Organizational Development
Teresa Stroud, Sr. Director of State Programs & Facilities

OTHER GUESTS PRESENT:

Art Hinojosa, TJJD
Carolyn Beck, TJJD
Deidre Hernandez, TJJD
Emily Anderson, TJJD
Jim Southwell, TJJD
John R. Isle, TJJD
Karen Kennedy, TJJD
Kati Kieffer, TJJD

Katrena Plummer, TJJD
Kyle Dufour, TJJD
Luther Taliaferro, TJJD
Matthew Segura, TJJD
Rebecca Walters, TJJD
Rejeana Reynolds, TJJD
Steven Vargas, TJJD
Vivian Cohn, TJJD

Call to order

Committee Chairman Calvin Stephens called the meeting to order at 1:05 p.m.

Excused Absences

No individuals were absent from this committee meeting.

October 23, 2014 Meeting Minutes

Committee Chairman, Calvin Stephens moved to recommend approval by the full board. Judge John Brieden seconded. The motion passed.

Updates from the Chief Information Officer

Elaine Mays, Chief Information Officer, presented this informational report. Ms. Mays stated the Juvenile Case Management Standards (JCMS) implementation is ahead of the original target completion date of August 2015. Staff is pleased to announce the new date of June 2015 as the target completion date with 31 departments left to implement. The JCMS team traveled and provided internal training to TJJJ staff in the field and received positive feedback. Another project, headed by Jim Southwell and his team, is the re-banding of our radio systems.

In response to a question asked by Judge Brieden, Jim Southwell, Deputy Chief Information Officer, stated the agency will continue to use the 700 megahertz radios. Five years ago the Department of Public Safety (DPS) authorized the agency to operate under certain frequencies. However the radios were never reprogrammed to operate on those frequencies. Once this issue was discovered, a plan was developed to reprogram each device, individually, as well as the cell towers for overall radio communications.

Judge Brieden stated at one point the Federal Communications Commission (FCC) was in the process to implement standards which would lead to everyone being up-graded to the 800 megahertz radios. Thus causing agencies to purchase new radios and make all other radios obsolete. This decision was postponed due to agencies asking the FCC to test the process for a few years so when a radio does need to be replaced one time fees will not be overly expensive because the costs are spread out over time.

Mr. Southwell stated this is a standard TJJJ will have to adhere to sometime in the future but is not currently part of our radio frequency re-banding initiative.

Judge Brieden stated each time a radio is replaced staff should ensure it is replaced with something that will meet the standard so we get there little by little and not be hit with a one-time charge. Mr. Southwell stated this will be done and also mentioned this has been requested in the Legislative Appropriations Request (LAR) for this session.

Ms. Mays reported Information Technology (IT) is focused on staff changes and the impact they have on staff vacancies. New employees have been hired in the Applications Department. The IT Helpdesk is completely staffed, lowering the number of vacancies to seven. Modifications were made following the retirement of Jim Rockafellow and the departure of Mac McLeod. The roles and responsibilities associated with Mr. Rockafellow's position were split amongst the two field operations staff. With this added responsibility adjustments were made to their salaries. The remaining monies were used to bring about an additional FTE to assist with the shortage IT has experienced as well as having another tactical person to provide support in the field. A similar model, created from Mac McLeod's position, was done for the Austin area. Staff will continue to move forward to fill the remaining vacancies as soon as possible.

TJJD was fortunate to take advantage of funding, offered by the State, to perform a department of defense wipe on hard drives. Staff continues to work on staff development and leadership training which will assist with developing a five year road map. This involved looking at current processes and how things can be streamlined. This information will be useful in developing guiding principles as our agency moves forward. Ms. Mays also reported IR Logons is no longer behind and caught up with setting up new user accounts. The additional FTE brought on board, the team looking at current processes, and streamlining those processes, as well as addressing the requests from account management as soon they come in, contributed to this.

Staff has enhanced these processes and will continue to partner with the different departments and look at how they can streamline even further. Staff will continue to look at roles and responsibilities, what that individual was hired to do and what access they will need to perform their daily tasks. Based on the information pertaining to the roles and responsibilities, associated with that position, will enable staff to provide this access with the click of a button.

In a response to a question asked by Chairman Stephens, Ms. Mays stated it took three IR Logon staff to catch up. Two full time; one part time.

The analytics of KRONOS is active and providing data. The Human Resources (HR) department will work with the various divisions to see exactly what type of reporting will benefit the most. The only outstanding piece is a patch KRONOS needs to update and modify.

Ms. Mays acknowledged HR staff and all their hard work and dedication in making this a success considering all the changes in the agency. She thanked Diana Sawyers for overseeing the overall project from a project management stand point. In February the Department of Information Resources (DIR) and Department of

Information Security Office will release new security standards which will be based off of the National Institute Standards of Technology (NIST). To prepare for this, staff has begun a gap analysis. This comparison is directed to the legacy security requirements which were the Texas Administrative Code 202. The reason for this comparison is to see what those standards look like compared to the new standards; thus identifying our gaps. TJD will be given 18 months, as an agency, to implement the new required standards.

Judge Brieden commented on the graphs provided in the board materials. He stated the graph showed IT is closing more then is opened and that in itself is impressive. Ms. Mays stated this was due to the team taking ownership to streamline. Staff went through training of the lean six sigma and talked about how they can provide better customer service. Judge Brieden asked Ms. Mays to thank the team for him.

Updates from the Chief Financial Officer

Emily Anderson, Fiscal Affairs & Budget Director, presented this informational report on behalf of Mike Meyer, Chief Financial Officer. Staff has been able to identify \$2.6 million expended balances in 2014 that were able to move forward to 2015. Expenditures through December totaled \$107 million which is about 32.8% of our total amended budget.

At 33% of the year lapsed, the agency is right on target with expenditures. The agency has spent over 53% of its overtime budget. This is typical with what has happened in years past. The agency is able to manage the additional expenditures through salary savings that were realized from the Juvenile Corrections Officer (JCO) turnover or vacancy rates.

In response to a statement made by Judge Brieden, Ms. Anderson stated yes, vacancies contributed to the reason for high JCO overtime.

Updates to 2016-2017 Exceptional Item Requests

Carolyn Beck, Governmental Relations Specialist, presented this informational report on behalf of Mike Meyer, Chief Financial Officer. At a hearing last October, a question was raised to Mr. Reilly regarding what the agency really needs to make it work. Staff met and discovered there were additional items needed on top of the original exceptional items previously requested.

To enhance cyber security, an additional \$2.3 million was requested for IT Modernization. This will involve adding initiatives related to an active directory, disaster recovery and battery back-up.

An additional \$19.8 million for 326 FTE's will enhance the safety, security and training in state facilities. Staff would like to look at using staffing posts currently used on the County side. There are classrooms where teachers do not have any Juvenile Correction Officer (JCO) assistance and have to do a dual job of teaching and managing behavior. Staff feel hiring a recruiter, for each of the five secure facilities, would be beneficial in bringing more JCO staff on board. After talking to people in the field, it is apparent they do not feel safe nor do they feel they are trained well enough. This makes them feel uncomfortable which causes them to leave. When folks are trained better and better equipped to do their job, they feel comfortable and want to stay.

In response to a question asked by Chairman Stephens, Ms. Beck stated she feels it would be difficult for anyone to get the extra amount of money requested. However, it's going to be more difficult to have two different conversations going on during session about our budget. Essentially staff are going to discuss what the agency needs now and what the agency would like to see as it moves forward. This might make it a little more difficult to sell but the agency might receive some of the extra funds requested.

In response to a question asked by Chairman Stephens, Ms. Beck stated in the event our request is denied, staff will negotiate those numbers and discuss moving more kids into contract facilities so the agency has more staff available.

In response to a question asked by Chairman Stephens, Ms. Beck stated it would be more beneficial to have a full time recruiter at the secure facilities instead of using consultant services. If the agency gets to a point where it reaches a positive cycle, and not having difficulties filling those positions, then staff will revisit.

A request for additional FTE's in the Administrative & Investigation (A&I) department is due to the volume of cases. At the moment, the work load is too much for staff to handle in an efficient manner.

A request for 4 FTE's and \$500,000 to expand training and support will assist with training staff in the juvenile probation departments. The agency has not been able to train staff in the probation departments as well as it has in the past. There has been a lot of focus on other issues over the past few years. Better training on the front end with probation staff will help with diverting more kids and keeping them out of state facilities and result in better out come with these youth.

A request to see a change in the educational instruction services enhancement was submitted. This involves taking the JCO's out of the classroom exceptional item and moving them to the safety and security exceptional item. The rest of the requests have to do with expanding probation, after care programs, replacing agency fleet vehicles, removing the exceptional item related to the CAPPs system, FTE's, vehicles and schedule C salary parity.

In response to a question asked by Judge Brieden, Ms. Beck stated staff testified for the House Corrections Committee and House Appropriations Committees.

In response to a question asked by Judge Brieden, Ms. Beck stated TJJJ has been moved from House Corrections to House Juvenile Justice and Family Issues. Once the new committee members are announced, TJJJ staff will arrange to meet with them and brief them on our agency and what we do.

Judge Brieden encouraged staff to mention where we've been and where we want to go. Ms. Beck stated she thinks it will tie in to House Bill 1.

In House Bill 1 there are funds assigned however, there are no strategies provided to indicate how the monies will be spent. The bill reads the legislature will provide TJJJ direction on where the funds will be spent. Information to be included in that direction will be the number, size and location of the facilities. The use of contractor operated facilities is another issue specifically pointed out and to what extent they will be used. Staff will begin creating a model on the new direction for the agency. That model will reflect smaller facilities, closer to home. Research shows the least amount restrictive that is effective, or necessary, for that youth is an important factor in turning their lives around.

Discussion will also include the agency's authority to transfer appropriation between different parts of the budget. In the past, TJJJ moved more than 20% of a section of the budget without permission. This is something we will fix in the future. Safety and security of staff and youth is also a matter of discussion. The agency's request to reduce training hours will be discussed. This request was made in order to reduce training hours in the front so they can be doled out to employees over time. This will provide a better foundation to understand the instruction given. Too much information before context is not worthwhile. More information over time will provide employees the means to be more effective in their job. It will also make them feel more comfortable doing their job, reduce turnovers and lead to safer facilities.

Staff will also discuss how they will ensure agency administration is transparent, responsive and adaptable. After meeting with the Legislative Budget Board (LBB), staff feels we are moving in the right direction to accomplish this.

In response to a question asked by Judge Brieden, Ms. Beck stated changing the training hours will allow staff to begin their job duties regardless of how many training hours they have.

Ms. Beck also mentioned the dual conversation regarding appropriations is set to take place this session. One conversation will consist of information regarding the new model. The other conversation will stem around the long term changes and the problems that need to be addressed now.

Discussion, consideration and possible approval regarding the JCMS 2015 Resource sharing addendum amendment (action)

Lisa Capers, Senior Director of Training and Organizational Development, presented this action item. Staff requested the committee to recommend approval of amendment two to the 2013 JCMS resource sharing agreement.

In response to a question asked by Ms. King, Ms. Capers stated this does not involve the detention module. Staff's primary focus is implementing Counties. The detention module will be brought to the forefront at the appropriate time. The Council of State Government (CSG) report will focus on data, analyzing and tracking recidivism.

Judge Brieden asked for clarity regarding the definition of the appropriate time to implement the data sharing module, and does that actually mean the agency will implement when the agency can handle it.

Ms. Capers stated it will need to be included as a priority in the work plan. Before that can happen there are other things that need to be addressed.

Mr. Fisher moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

Discussion, consideration and possible approval regarding the Fixed Assets Audit

Eleazar Garcia, Chief Auditor, presented this action item. Each state agency is required to complete an annual inventory of its fixed assets by August 31st and provide certification of the inventory report by Sept. 20th. The objective of the audit is to determine the agency's compliance with the expectations and requirements of the annual report. It's important to note that 99% of the fixed assets tested were accounted for. This reflects very well for the staff responsible for compiling the report.

The challenge is tracking the movement of the assets from departments, and or facilities, as not all the assets were where they were reported to be located. Assets identified as missing should be removed from inventory as appropriate and disposed assets should be documented as to why disposal is warranted. Accountability for missing assets could be aided by including the custodial party for the asset and by completing a periodic report to senior management on any missing assets.

In response to a question asked by Judge Brieden, Mr. Garcia stated the inventory report is conducted annually but only audited when included in the audit plan. Staff may also touch on the report during other audits as warranted. The purpose of this audit is to ensure information is being reported accurately.

In response to a question asked by Chairman Fisher, Mr. Garcia stated the threshold for including items on the inventory report is \$500, except all guns are to be reported regardless of the cost.

Staff requested the committee to recommend approval by the full board. Ms. King moved. Judge Brieden seconded. The motion passed.

Adjourn

The meeting was adjourned at 1:45 p.m.



Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Elaine Mays, Chief Information Officer

Subject: Updates from the Chief Information Officer

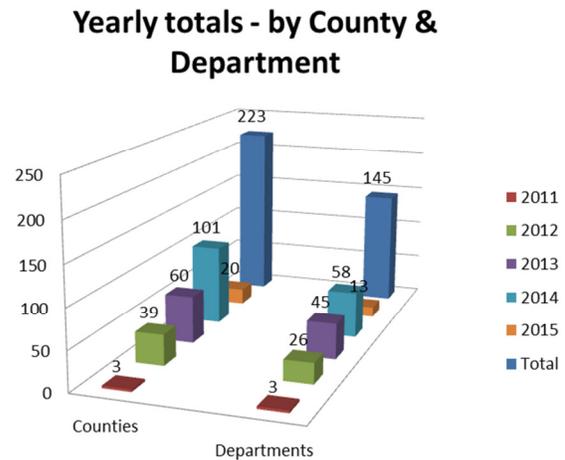
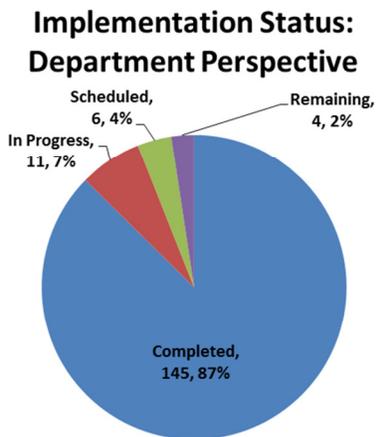
Date: March 15, 2015

This memo is for informational purposes; no formal Board action is required.

IT OPERATIONS & APPLICATION REPORT

JCMS Implementation: The Division ended the 2014 calendar year with 132 Juvenile Department operational under the JCMS environment. The implementation process has continued to roll forward with 13 more departments migrating to JCMS.Basic during the first 2 months of the year. These departments completed the 3-month migration process which includes hands on training of key JPD staff along the way. This sets the total at 145 Juvenile Departments having deployed the JCMS application.

There are currently 17 additional Juvenile Departments either in progress or on the schedule awaiting the start of the migration process. All of these should be completed by the summer of 2015. There are 4 departments who have not yet decided to adopt JCMS. Discussions with these departments will be ongoing to determine how they can best interoperate with the JCMS environment if they choose not to adopt the system.



TJJD Staff accessing JCMS: In an effort to more fully leverage the considerable information housed within the JCMS system, TJJD Intake and Treatment staff has been granted read only access to the JCMS system. This will allow agency staff members to gain access to the data recorded by the County-based Juvenile Probation departments when a youth is committed to the agency.

Radio Re-banding Initiative: The required formal MOU between TJJD and DPS authorizing the agency’s use of the specific radio frequencies has been fully executed and the work to re-band the radios used across the agency’s facilities is underway. IT Staff from the Ron Jackson facility will be leading the effort on this initiative. Currently all the radios in use at Ron Jackson have been re-banded. Radios at the remaining facilities will be addressed over the next several months as schedules allow. In addition to the re-banding of the radios, this process has expanded the overall interoperability of the devices for tactical and emergency purposes and provides P25 compliance.

The plan includes a relocation of the core servers used in support of the Agency’s radio system from Gainesville to Brownwood. This move will be handled as a second phase of the initiative.

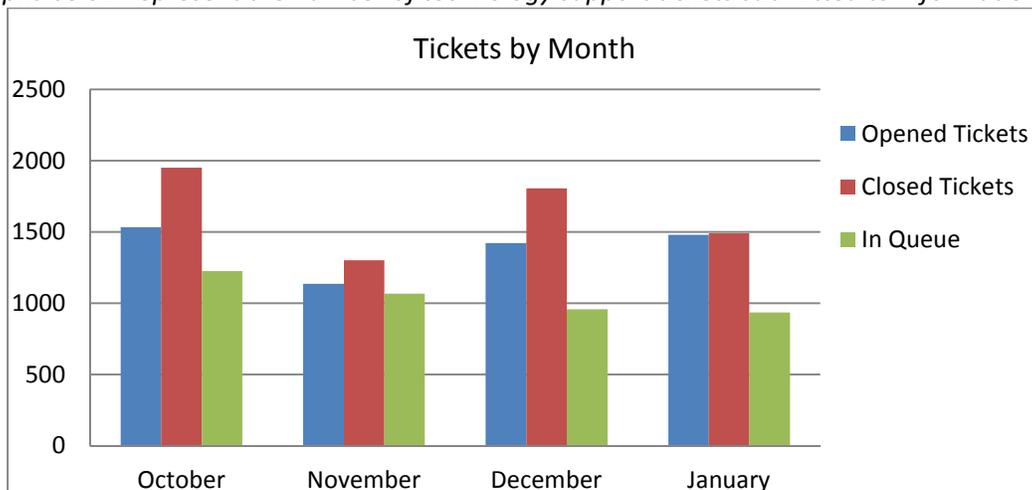
IT Leadership Staff Development: Ongoing efforts to develop increased synergy throughout the IT division continued as the Leadership team came together for a 2-day workshop recently in Austin. The focus of the gathering was both a restatement of our tactical administrative goals while at the same time the establishment and definition of our technical and project oriented goals. The team enjoyed great participation and made good progress to better defining the Division’s goals for the next biennium and beyond.

IT Staffing Changes: The Division has brought additional staff members on board in the area of IT Operations – Edwin Crespo joined the IT Division in February. Unfortunately, we have also lost an additional staff member but we are working to replace him as quickly as feasible. We currently have opportunities posted in IT Operations, Telecommunications, Project Management, Application Development and our Field IT Operations in both Gainesville and Brownwood.

Wireless initiative – Giddings: Work is proceeding on the installation of the wireless infrastructure within the Giddings facility to accommodate an Education Services initiative. Wiring to support the initial devices will be completed in early March with the installation of the wireless network components taking place later this spring.

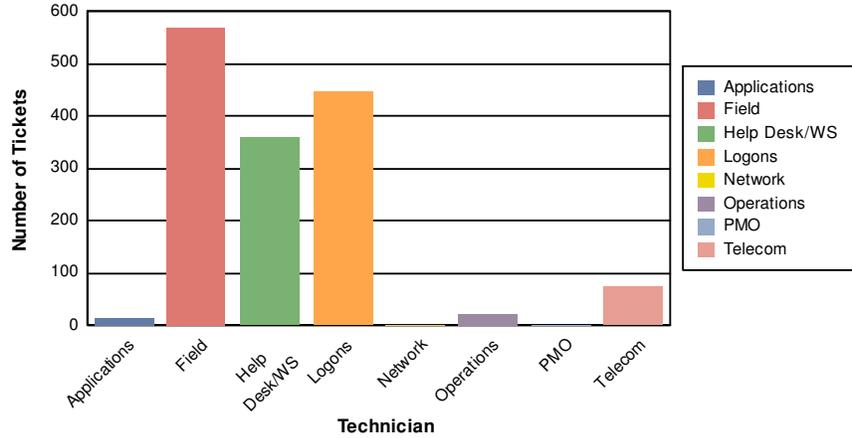
HELP DESK TICKET MANAGEMENT REPORT

The graphs below represent the number of technology support tickets submitted to Information Technology.



Tickets Closed by Team

Month of January

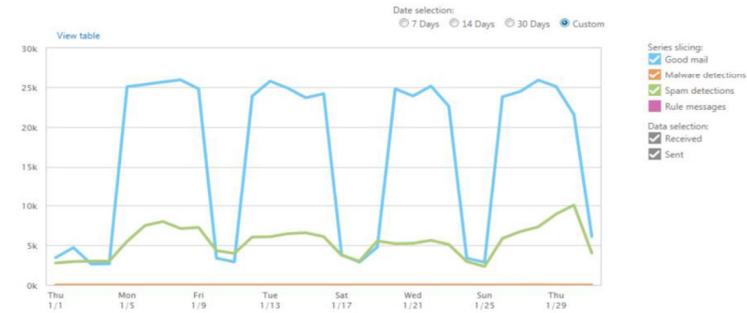


INFORMATION TECHNOLOGY SECURITY & ACCOUNT MANAGEMENT REPORTS

The graphs represent the proactive measures the Information Technology Team is taking to protect the agency assets

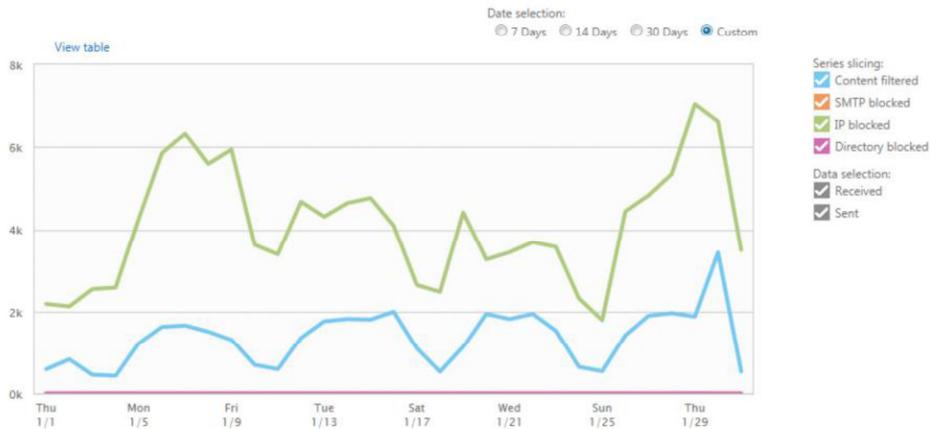
Sent/Received Email vs. Spam

sent and received mail



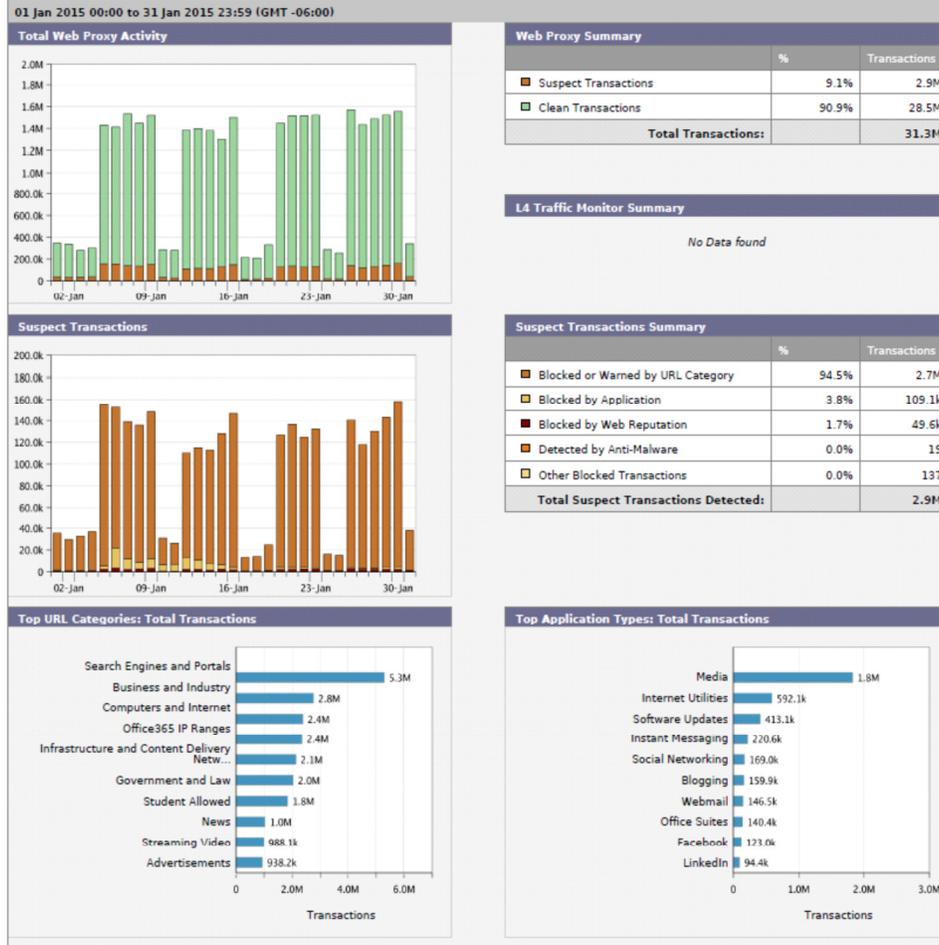
Total Daily Spam Detections for the Month of January

spam detections

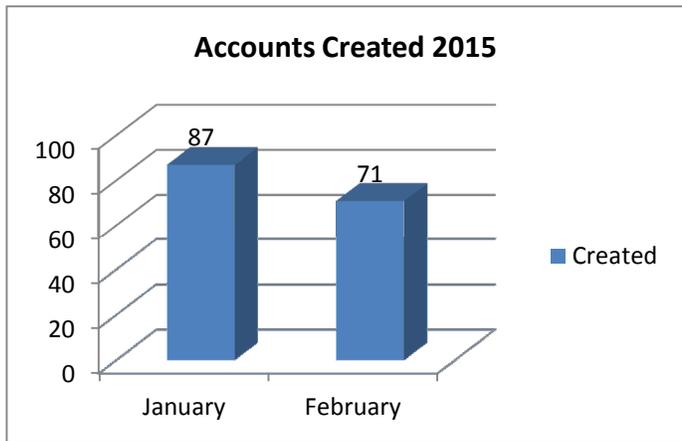
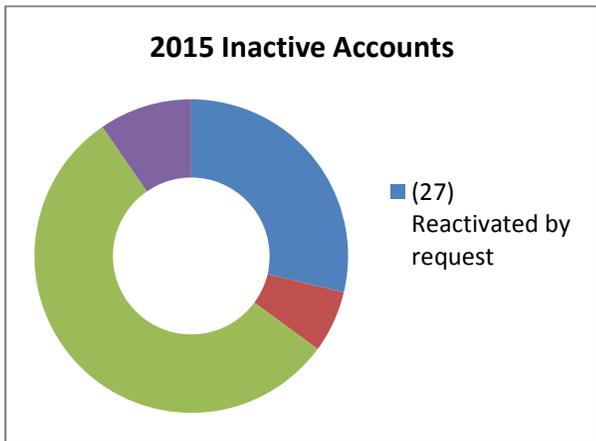


Monthly Overview Proxy01

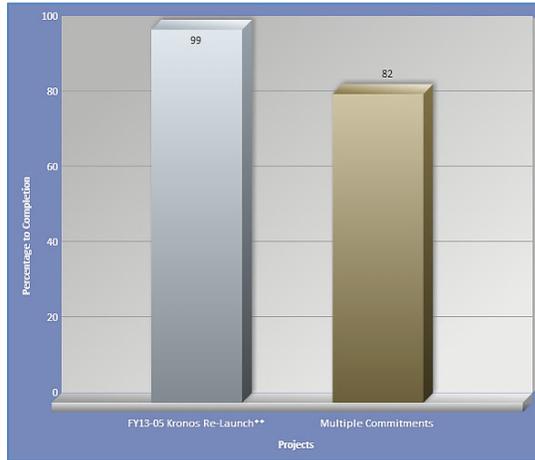
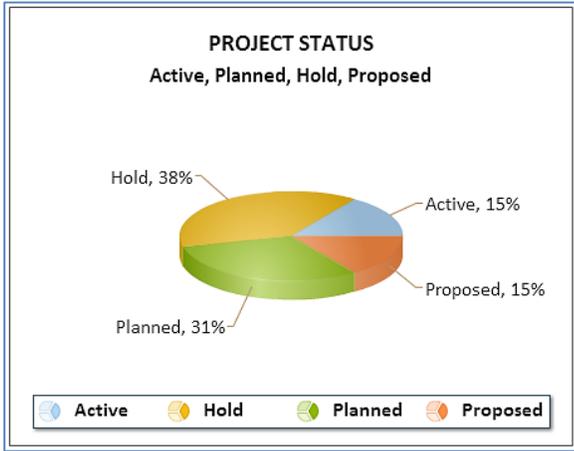
tyc-proxy-01.tyc.state.tx.us



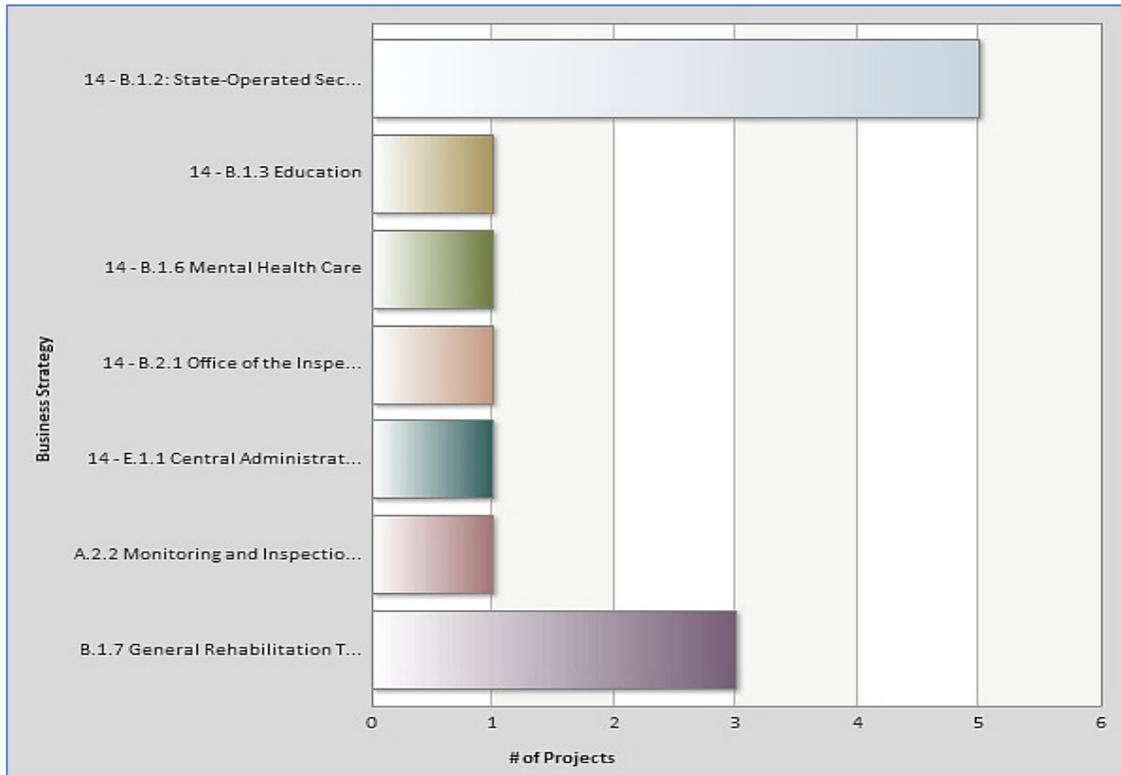
ACCOUNT MANAGEMENT



PROJECT MANAGEMENT REPORT



Business Strategies for All Projects Active, Planned, Proposed, and on Hold



Business strategy B.2.2 State-Operated Secured Facilities leads with 5 requested projects and B.1.7 General Rehabilitation Treatment Services has 3 requested projects.

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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: March 17, 2015

FY15 Expenditures. The Board will be provided with the mid-fiscal year (FY) 2015 financial report no later than the meeting of the Finance and Audit Committee. Highlights from the report will be discussed at that meeting. Staff are using mid-year expenditure data to project expenditures through the remainder of the year with the intent to reallocate funding as necessary to meet unbudgeted needs.

Performance Measures. Second quarter performance measure highlights will not be available in time for this month's Board activities but will be provided at the following meeting.

CAPPS. During the second quarter of FY 2015, Finance staff simplified CAPPS user information for targeted areas and conducted corresponding trainings. These trainings were very successful, and more will occur in the months to come. Staff also made a change to requisition workflow to decrease routing time: budget analyst approval now occurs earlier in the process. This allows staff to address coding errors before the requisition advances too far through the system. Comfort with the CAPPS system has dramatically improved, and errors on requisitions and process delays have significantly decreased. TJJJ's internal CAPPS Help Desk is addressing most user questions.

Appropriations. The following list summarizes legislative actions related to TJJJ's appropriations through March 17, 2015:

- The introduced versions of the General Appropriations Act were filed in both the House and Senate, were referred to and considered in (sub)committee.

- The introduced bills provide block funding for TJJJ and identify several high-level policy issues for consideration and resolution prior to allocating funding to specific items of appropriation.
- The Senate budget includes a provision requiring statewide coordination on spending related to behavioral health, and identifies approximately \$117.4 million per year of TJJJ funding that is subject to the requirement.
- These funding adjustments combine actions taken in the introduced bill and by the House subcommittee and Senate workgroup:
 - A decrease of \$10.3 million in Basic Supervision in response to lower population projections.
 - A shift of \$20.1 million out of Basic Supervision and into Community Programs to adjust the appropriated cost-per-day in Basic Supervision.
 - A decrease of \$1.7 million in Community Programs to match authority over probation refunds to current levels.
 - A decrease of \$4.7 million in Juvenile Justice Alternative Education Programs to match appropriations to current expenditure patterns.
 - A decrease of \$9.5 million in State Facilities in response to lower population projections.
 - A decrease of \$1.8 million in Contract Capacity to match current cost-per-day expenditure trends.
 - A decrease of \$0.6 million in Parole in response to lower population projections.
 - An increase of \$4.1 mil to support headquarters operations (rent, janitorial, etc.) and data center participation.

The total impact of adjustments adopted by both houses was a net decrease of \$24.6 million compared to the requested funding level, or \$29.8 million compared to the 2014-2015 base level.

- The Senate workgroup also adopted \$4.4 million in exceptional items, including \$3.0 million in probation grants (Prevention and Intervention, Community Programs, Commitment Diversion, and grants to defray the cost of local Prison Rape Elimination audits), \$0.3 million for workforce reentry positions in state facilities, \$0.9 million for additional parole officers, and \$0.2 million to replace 10 fleet vehicles. Exceptional items related to Information Technology Modernization and Schedule C salary parity for the Office of the Inspector General were still under consideration.
- The House version of the budget was in production and was slated to be voted out of committee and off the House floor by approximately the time of the TJJJ Board meeting. This session, the House must pass its budget before the Senate will officially propose their version for a vote in committee.
- Neither chamber had adopted a specific budget structure for TJJJ but retained the block funding rider with amounts reflective of their adopted adjustments. Structure and

funding allocations will be set after the relevant policy committees have determined the long-term direction of the agency and of juvenile justice in general.

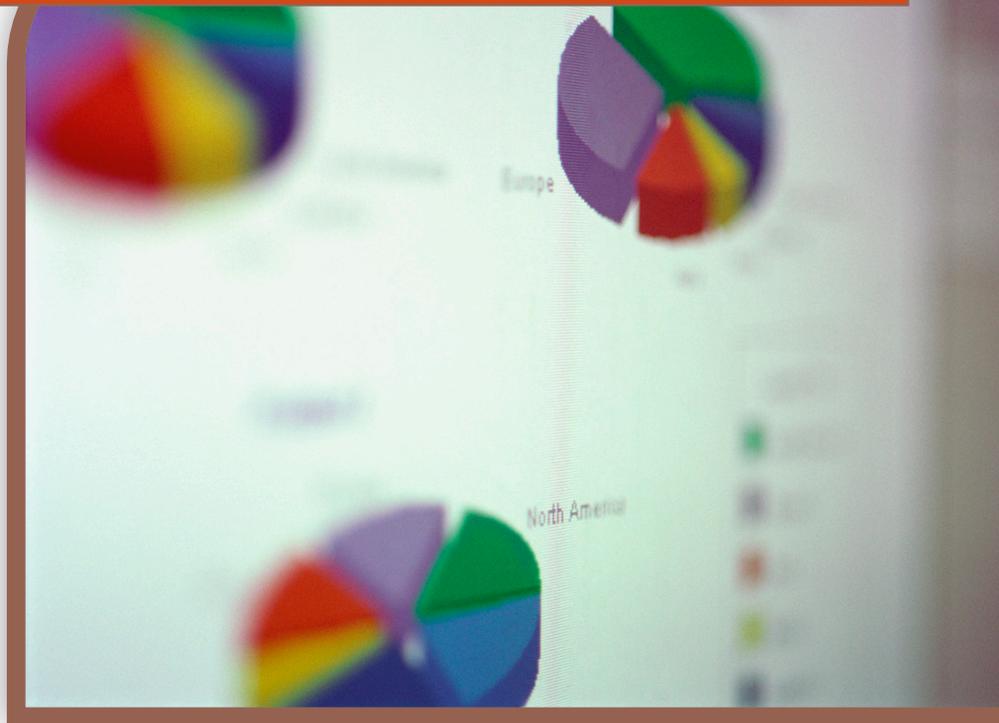
- TJJD appearances in hearings and meetings with legislators and staff have provided the agency with opportunities to offer staff and Advisory Council feedback on the direction of the policy conversation. A plan to focus on the regionalization of probation activities had emerged in the Senate via Senate Bill 1630 by John Whitmire, but no related funding decisions had been made.
- TJJD staff continued to provide analysis to offices upon request regarding funding levels and budget structure and allocation.

Additional updates will be provided at the meeting of the Finance and Audit Committee as they are available.

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Texas Juvenile Justice Department Financial Report FY 2015 through February 2015

Finance Department
March 2015





Texas Juvenile Justice Department

TJJD Budget Status Highlights FY 2015 through February 28, 2015

- ◆ **Population:** As of the end of February 2015, TJJD's institutional Average Daily Population (ADP) was as follows:

	GAA* Target	Close of Business, Feb. 28 th			Fiscal Year-to-Date		
		Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	1,045	1000	(45)	(4.4%)	1018.1	(26.9)	(2.5%)
Halfway Houses	196	118	(78)	(39.7%)	122.2	(73.8)	(37.6%)
Contract Care	78	92	14	17.9%	94.6	16.6	21.2%
Total	1,319	1,221	(98)	(7.4%)	1248.0	(71.0)	(5.4%)

These figures present a year-to-date total institutional population that is below projections, and a current total that is below projections by a greater margin. This is reflective of a decrease in population since the beginning of the fiscal year. These figures indicate available capacity in state facilities, which is currently spread across all units except Ron Jackson. 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.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of February totaled \$163.5 million, including \$154.6 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	52.4%	46.3%
All Methods of Finance	49.9%	44.8%

If monthly expenditures were even throughout the fiscal year we would expect the figures above to be 50 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. New this fiscal year, TJJD has a budgeted contingency to meet unanticipated needs. These funds currently total about \$1.8 million but will fluctuate over the course of the fiscal year.

- ◆ **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 February 28th were 2,491.15, which is 363.95 below the GAA* cap and 339.95 below the budgeted FTE cap. The agency expended \$2 million in overtime through the end of February, or 76.5 percent of the current budget for this purpose. Juvenile Correctional Officers accounted for 91.9 percent of overtime spent. Additional funds will need to be set aside for this purpose from among salary dollars.
- ◆ **Construction Projects:** Approximately \$447,000 remains from repair and rehabilitation funding provided by the 81st Legislature. TJJD staff are 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



Texas Juvenile Justice Department

**Financial Report
FY 2015 through February 28, 2015.**

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Average Daily Population

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						
Gainesville State School	255	244	246	243	244	244						
Giddings State School	209	211	213	209	204	200						
McLennan County SJCF	256	262	250	253	248	239						
Ron Jackson Unit I	173	186	195	182	169	188						
Total, Institutions	1,025	1,034	1,033	1,018	997	1,000						
Halfway Houses	120	123	132	123	116	118						
Total, TJJJ Operated Facilities	1,145	1,157	1,165	1,141	1,113	1,118						
Contract Care ADP	94	95	97	97	93	92						
TOTAL BUDGETED ADP	1,239	1,253	1,262	1,238	1,206	1,209						
GAA Population Targets	1,319	1,319	1,319	1,319	1,319	1,319						
Over (Under)	-80	-66	-57	-81	-113	-110						
Parole Services ADP	472	458	451	453	457	459						
GAA Population Targets	581	581	581	581	581	581						
Over (Under)	-109	-123	-130	-128	-124	-122						

Executive Summary By Strategy

		General Appropriations Act	Amended Budget	Expended/ Disbursed ² YTD	% Expended
<u>Strategies:</u>					
A.1.1	Prevention and Intervention	3,092,556	3,036,124	1,623,994	53.5%
A.1.2	Basic Supervision	45,844,595	45,844,595	26,447,642	57.7%
A.1.3	Community Programs	13,096,891	12,946,805	4,925,506	38.0%
A.1.4	Pre and Post Adjudication Facilities	59,733,847	59,738,847	34,918,035	58.5%
A.1.5	Commitment Diversion Programs	19,846,054	19,896,054	11,677,835	58.7%
A.1.6	JJAEP	8,614,302	8,614,302	2,588,404	30.0%
A.1.7	Mental Health Services	12,804,748	12,863,765	7,551,799	58.7%
B.1.1	Assessment & Orientation	1,804,161	2,100,317	885,701	42.2%
B.1.2	Facility Operations	76,665,848	78,123,036	37,937,818	48.6%
B.1.3	Education	16,953,047	16,797,620	7,214,694	43.0%
B.1.4	Halfway House Operations	9,423,608	9,688,378	4,538,855	46.8%
B.1.5	Health Care	9,645,738	9,109,624	3,887,915	42.7%
B.1.6	Mental Health (Psychiatric) Care	989,150	889,150	373,531	42.0%
B.1.7	General Rehabilitation Treatment	6,802,468	8,186,850	4,107,569	50.2%
B.1.8	Specialized Rehabilitation Treatment	5,724,350	5,313,731	2,375,057	44.7%
B.1.9	Contract Capacity	4,039,750	3,731,722	1,688,959	45.3%
B.1.10	Parole Services	3,889,053	4,352,925	1,762,467	40.5%
B.2.1	Office of the Inspector General	2,022,196	2,069,719	1,053,653	50.9%
B.2.2	Health Care Oversight	1,124,604	1,145,472	391,656	34.2%
B.3.1	Construct & Renovate Facilities	-	5,500,000	-	0.0%
C.1.1	Office of the Independent Ombudsman	438,831	526,097	248,699	47.3%
D.1.1	Training and Certification	963,585	1,205,197	642,633	53.3%
D.1.2	Monitoring and Inspections	3,335,906	3,301,768	1,522,241	46.1%
D.1.3	Interstate Agreement	283,998	289,315	124,021	42.9%
E.1.1	Central Administration	6,735,362	6,868,963	3,073,971	44.8%
E.1.2	Information Resources	5,429,686	5,571,704	2,000,792	35.9%
TOTAL - Strategy Budget		\$319,304,334	\$327,712,081	\$163,563,447	49.9%
<u>Method of Finance:</u>					
	General Revenue	290,632,958	295,049,450	154,648,490	52.4%
	Federal Funds	13,196,661	12,110,019	4,097,128	33.8%
	Criminal Justice Grants	-	75,780	42,164	55.6%
	General Obligation Bonds	-	5,500,000	-	0.0%
	Appropriated Receipts	1,628,913	1,286,030	16,698	1.3%
	Interagency Contracts	13,845,802	13,690,802	4,758,967	34.8%
TOTAL - Method of Finance		\$319,304,334	\$327,712,081	\$163,563,447	49.9%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 50% for February.

2. Amounts reflect grant funds disbursed to the counties.

3. Red represents areas ≥ (greater than or equal to) 52.5%.

Executive Summary by Strategy/Method of Finance

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>				
A.1.1. Prevention and Intervention				
General Revenue	3,092,556	3,036,124	1,623,994	
Subtotal	3,092,556	3,036,124	1,623,994	53.5%
A.1.2. Basic Supervision				
General Revenue	44,694,595	44,694,595	26,447,642	
Appropriated Receipts	1,150,000	1,150,000	-	
Subtotal	45,844,595	45,844,595	26,447,642	57.7%
A.1.3. Community Programs				
General Revenue	6,096,891	6,046,891	3,500,619	
Federal Funds	7,000,000	6,899,914	1,424,887	
Subtotal	13,096,891	12,946,805	4,925,506	38.0%
A.1.4. Pre and Post Adjudication Facilities				
General Revenue	59,733,847	59,738,847	34,918,035	
Subtotal	59,733,847	59,738,847	34,918,035	58.5%
A.1.5. Commitment Diversion Initiatives				
General Revenue	19,846,054	19,896,054	11,677,835	
Subtotal	19,846,054	19,896,054	11,677,835	58.7%
A.1.6. JJAEP				
Interagency Contracts	8,614,302	8,614,302	2,588,404	
Subtotal	8,614,302	8,614,302	2,588,404	30.0%
A.1.7. Mental Health Services				
General Revenue	12,804,748	12,863,765	7,551,799	
Subtotal	12,804,748	12,863,765	7,551,799	58.7%
B.1.1. Assessment, Orientation, Placement				
General Revenue	1,804,161	2,100,317	885,701	
Subtotal	1,804,161	2,100,317	885,701	42.2%
B.1.2. State Operated Secure Operations				
General Revenue	74,253,249	76,029,599	36,608,609	
Federal Funds	2,028,686	1,967,807	1,312,538	
Appropriated Receipts	383,913	125,630	16,671	
Subtotal	76,665,848	78,123,036	37,937,818	48.6%
B.1.3. Education				
General Revenue	10,402,547	10,158,004	4,513,277	
Federal Funds	2,010,000	2,254,116	842,011	
Interagency Contracts	4,540,500	4,385,500	1,859,406	
Subtotal	16,953,047	16,797,620	7,214,694	43.0%

Executive Summary by Strategy/Method of Finance

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>				
B.1.4. Halfway House Operations				
General Revenue	9,023,633	9,445,887	4,413,782	
Federal Funds	399,975	232,091	125,046	
Appropriated Receipts		10,400	27	
Subtotal	9,423,608	9,688,378	4,538,855	46.8%
B.1.5. Health Care				
General Revenue	9,645,738	9,109,624	3,887,915	
Subtotal	9,645,738	9,109,624	3,887,915	42.7%
B.1.6. Mental Health (Psychiatric) Care				
General Revenue	989,150	889,150	373,531	
Subtotal	989,150	889,150	373,531	42.0%
B.1.7. General Rehabilitation Treatment				
General Revenue	6,802,468	8,164,153	4,092,326	
Federal Funds	-	22,697	15,243	
Subtotal	6,802,468	8,186,850	4,107,569	50.2%
B.1.8. Specialized Rehabilitation Treatment				
General Revenue	5,033,350	4,622,731	2,063,900	
Interagency Contracts	691,000	691,000	311,157	
Subtotal	5,724,350	5,313,731	2,375,057	44.7%
B.1.9. Contract Capacity				
General Revenue	2,281,750	3,164,262	1,475,977	
Federal Funds	1,758,000	567,460	212,982	
Subtotal	4,039,750	3,731,722	1,688,959	45.3%
B.1.10. Parole Services				
General Revenue	3,889,053	4,287,077	1,698,666	
Federal Funds	-	65,848	63,801	
Subtotal	3,889,053	4,352,925	1,762,467	40.5%
B.2.1. Office of the Inspector General				
General Revenue	2,022,196	2,069,719	1,053,653	
Subtotal	2,022,196	2,069,719	1,053,653	50.9%
B.2.2. Health Care Oversight				
General Revenue	1,124,604	1,145,472	391,656	
Subtotal	1,124,604	1,145,472	391,656	34.2%
B.3.1. Construct & Renovate Facilities				
General Obligation Bonds	-	5,500,000	-	
Subtotal	-	5,500,000	-	0.0%
C.1.1. Office of the Independent Ombudsman				
General Revenue	438,831	450,317	206,535	
Criminal Justice Grants	-	75,780	42,164	
Subtotal	438,831	526,097	248,699	47.3%

Executive Summary by Strategy/Method of Finance

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>				
D.1.1. Training and Certification				
General Revenue	868,585	1,205,197	642,634	
Appropriated Receipts	95,000	-	-	
Subtotal	963,585	1,205,197	642,633	53.3%
D.1.2. Monitoring and Inspections				
General Revenue	3,335,906	3,201,682	1,421,621	
Federal Funds	-	100,086	100,620	
Subtotal	3,335,906	3,301,768	1,522,241	46.1%
D.1.3. Interstate Agreement				
General Revenue	283,998	289,315	124,021	
Subtotal	283,998	289,315	124,021	42.9%
E.1.1. Central Administration				
General Revenue	6,735,362	6,868,963	3,073,971	
Subtotal	6,735,362	6,868,963	3,073,971	44.8%
E.1.2. Information Resources				
General Revenue	5,429,686	5,571,704	2,000,792	
Subtotal	5,429,686	5,571,704	2,000,792	35.9%
Total - Strategy Budget	319,304,334	327,712,081	163,563,447	49.9%
<u>Method of Finance:</u>				
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2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas ≥ (greater than or equal to) 52.5%.

Executive Summary by Location

<u>Location/Program:</u>	<u>Amended Budget</u>	<u>Expended/ Disbursed YTD</u>	<u>% Expended</u>
Ron Jackson State School	19,826,491	9,631,260	48.6%
Gainesville State School	18,958,013	9,014,541	47.6%
Giddings State School	20,348,458	9,638,066	47.4%
Evins Regional State School	14,734,004	7,216,859	49.0%
Corsicana State School	266,530	139,765	52.4%
McLennan Cnty State School	21,144,328	9,986,612	47.2%
McLennan Cnty State Treatment Center	7,213,240	3,605,423	50.0%
Phoenix Facility	1,825,754	877,684	48.1%
Subtotal - State-Operated Secure Facilities	\$104,316,818	\$50,110,210	48.0%
Halfway House Operations	10,891,944	5,065,732	46.5%
Contract Care	3,955,715	2,006,410	50.7%
Parole	4,070,430	1,641,890	40.3%
County Disbursements	161,883,876	89,368,595	55.2%
Austin Office ³	42,593,297	15,370,610	36.1%
TOTAL	\$327,712,081	\$163,563,447	49.9%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 50% for February.

2. Red represents areas \geq (greater than or equal to) 52.5%.

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

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
A.1.1 Prevention and Intervention			
Grants	2,934,508	1,576,090	53.7%
Austin Office	96,466	46,400	48.1%
Contingency	856	-	0.0%
SORM / Unemployment	4,294	1,504	35.0%
Subtotal - Strategy	3,036,124	1,623,994	53.5%
A.1.2 Basic Supervision			
County Refunds	1,150,000	-	0.0%
Subtotal - Strategy	45,844,595	26,447,642	57.7%
A.1.3 Community Programs			
Title IV-E	6,899,914	1,424,887	20.7%
Subtotal - Strategy	12,946,805	4,925,506	38.0%
A.1.4 Pre and Post Adjudication Facilities			
JCMS	955,000	316,716	33.2%
Subtotal - Strategy	59,738,847	34,918,035	58.5%
A.1.5 Commitment Diversion Programs			
	19,896,054	11,677,835	58.7%
A.1.6 JJAEP			
County Grants	5,213,929	-	0.0%
Subtotal - Strategy	8,614,302	2,588,404	30.0%
A.1.7 Mental Health Services			
	12,863,765	7,551,799	58.7%
B.1.1 Assessment & Orientation			
Ron Jackson Unit Girls	151,882	57,962	38.2%
Ron Jackson Unit Boys	1,750,460	783,611	44.8%
Automated Assessment - Assessment.com	99,934	13,737	13.7%
Contingency	16,487	-	0.0%
SORM / Unemployment	81,555	30,391	37.3%
Subtotal - Strategy	2,100,317	885,701	42.2%
B.1.2 Facility Operations			
Ron Jackson Unit I	12,251,863	6,168,021	50.3%
Gainesville State School	13,252,534	6,430,638	48.5%
Giddings State School	14,543,947	6,885,485	47.3%
Evins Regional Juvenile Center	10,419,373	5,279,037	50.7%
Corsicana Treatment Center	266,530	139,765	52.4%
Mart Complex	14,375,587	7,071,741	49.2%
MTC	5,714,756	2,804,661	49.1%
Phoenix Program	1,418,568	675,961	47.7%
Austin Office	1,847,934	885,046	47.9%
Regions	317,350	157,254	49.6%
Data Center Services	418,030	296,238	70.9%
Contingency	289,450	-	0.0%
SORM / Unemployment	3,007,114	1,143,971	38.0%
Subtotal - Strategy	78,123,036	37,937,818	48.6%

Executive Summary by Strategy and Program

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.3 Education			
Ron Jackson Unit I	2,113,346	925,068	43.8%
Gainesville State School	2,496,341	1,087,176	43.6%
Giddings State School	2,318,049	1,142,655	49.3%
Evins Regional Juvenile Center	1,801,864	837,378	46.5%
Mart Complex	2,140,951	961,041	44.9%
MTC	1,122,773	611,534	54.5%
Federal Education Grants	2,306,677	830,178	36.0%
Halfway House Services	133,128	19,357	14.5%
Phoenix Program	216,489	97,767	45.2%
Parole	172,422	57,461	33.3%
Austin Office	799,678	345,298	43.2%
Contingency	738,814	-	0.0%
SORM / Unemployment	437,088	299,781	68.6%
Subtotal - Strategy	16,797,620	7,214,694	43.0%
B.1.4 Halfway House Operations			
Halfway House Services	9,400,529	4,414,034	47.0%
Contingency	9,975	-	0.0%
SORM / Unemployment	277,874	124,821	44.9%
Subtotal - Strategy	9,688,378	4,538,855	46.8%
B.1.5 Health Care			
Ron Jackson Unit I	1,990,778	984,858	49.5%
Gainesville State School	1,519,092	681,111	44.8%
Giddings State School	1,359,565	607,987	44.7%
Evins Regional Juvenile Center	1,343,510	536,669	39.9%
Mart Complex	2,540,179	970,592	38.2%
Halfway House Services	194,500	80,599	41.4%
Contract Care Services	162,000	26,099	16.1%
Subtotal - Strategy	9,109,624	3,887,915	42.7%
B.1.6 Mental Health (Psychiatric) Care			
Ron Jackson Unit I	175,000	79,363	45.4%
Gainesville State School	95,000	40,252	42.4%
Giddings State School	50,000	19,214	38.4%
Evins Regional Juvenile Center	52,295	13,706	26.2%
Mart Complex	350,000	151,161	43.2%
Halfway House Services	90,000	18,999	21.1%
Contract Care Services	73,000	50,836	69.6%
Contingency	3,855	-	0.0%
Subtotal - Strategy	889,150	373,531	42.0%
B.1.7 General Rehabilitation Treatment			
Ron Jackson Unit I	826,905	406,785	49.2%
Gainesville State School	1,317,231	632,135	48.0%
Giddings State School	1,095,469	559,372	51.1%
Evins Regional Juvenile Center	946,260	470,573	49.7%
Mart Complex	1,140,617	524,294	46.0%
MTC	352,818	189,228	53.6%
Phoenix Program	190,697	103,956	54.5%
Contract Care Services	619,835	459,057	74.1%
Halfway House Services	440,761	239,257	54.3%
HOGG	22,592	15,139	67.0%
Austin Office	776,755	383,495	49.4%
Contingency	130,261	-	0.0%
SORM / Unemployment	326,649	124,278	38.0%
Subtotal - Strategy	8,186,850	4,107,569	50.2%

Executive Summary by Strategy and Program

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.8 Specialized Rehabilitation Treatment			
Ron Jackson Unit I	449,837	211,855	47.1%
Gainesville State School	277,815	143,229	51.6%
Giddings State School	981,428	423,353	43.1%
Evins Regional Juvenile Center	170,702	79,496	46.6%
Mart Complex	596,994	307,783	51.6%
MTC	855,167	390,834	45.7%
Contract Care Services	22,893	-	0.0%
Halfway House Services	633,026	293,486	46.4%
Austin Office	305,220	132,518	43.4%
DSHS	691,000	311,157	45.0%
Contingency	108,333	-	0.0%
SORM / Unemployment	221,316	81,346	36.8%
	5,313,731	2,375,057	44.7%
B.1.9 Contract Capacity			
Contract Care Administration/Residential	3,077,987	1,470,418	47.8%
Title IV-E Contract Care	517,044	188,897	36.5%
Title IV-E - Austin Office	48,802	23,278	47.7%
Austin Office	50,416	-	0.0%
Contingency	19,610	-	0.0%
SORM / Unemployment	17,863	6,366	35.6%
Subtotal - Strategy	3,731,722	1,688,959	45.3%
B.1.10 Parole Services			
Parole	3,898,008	1,584,429	40.6%
PBIS	278,664	73,414	26.3%
GitRedy Grant - OJJDP	65,698	63,652	96.9%
Contingency	16,223	-	0.0%
SORM / Unemployment	94,332	40,972	43.4%
Subtotal - Strategy	4,352,925	1,762,467	40.5%
B.2.1 Office of the Inspector General			
Office of Inspector General	1,952,842	1,023,304	52.4%
Contingency	31,849	-	0.0%
SORM / Unemployment	85,028	30,349	35.7%
Subtotal - Strategy	2,069,719	1,053,653	50.9%

Executive Summary by Strategy and Program

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.2.2 Health Care Oversight			
Austin Office	959,355	376,958	39.3%
Contingency	144,966	-	0.0%
SORM / Unemployment	41,151	14,698	35.7%
Subtotal - Strategy	1,145,472	391,656	34.2%
B.3.1 Construct & Renovate Facilities			
Repair and Rehab	5,500,000	-	0.0%
Subtotal - Strategy	5,500,000	-	0.0%
C.1.1 Office of the Independent Ombudsman			
Austin Office	425,601	200,049	47.0%
CJD - OIO Expanded Services	75,780	42,164	55.6%
Contingency	6,573	-	0.0%
SORM / Unemployment	18,143	6,486	35.7%
Subtotal - Strategy	526,097	248,699	47.3%
D.1.1 Training and Certification			
Training and Certification	1,153,239	624,888	54.2%
Contingency	8,815	-	0.0%
SORM / Unemployment	43,143	17,745	41.1%
Subtotal - Strategy	1,205,197	642,633	53.3%
D.1.2 Monitoring and Inspections			
Monitoring and Inspection	3,000,119	1,372,040	45.7%
Title IV-E	96,766	98,961	102.3%
Contingency	68,406	-	0.0%
SORM / Unemployment	136,477	51,240	37.5%
Subtotal - Strategy	3,301,768	1,522,241	46.1%
D.1.3 Interstate Agreement			
Interstate Compact	250,030	120,704	48.3%
Contingency	29,956	-	0.0%
SORM / Unemployment	9,329	3,317	35.6%
Subtotal - Strategy	289,315	124,021	42.9%
E.1.1 Central Administration			
Austin Office	6,488,425	2,977,813	45.9%
Contingency	114,489	-	0.0%
SORM / Unemployment	266,049	96,158	36.1%
Subtotal - Strategy	6,868,963	3,073,971	44.8%
E.1.2 Information Resources			
Management Information Resources	3,390,254	1,455,039	42.9%
Data Center Services	1,657,960	419,965	25.3%
JCMS	375,000	75,000	20.0%
Contingency	47,501	-	0.0%
SORM / Unemployment	100,989	50,788	50.3%
Subtotal - Strategy	5,571,704	2,000,792	35.9%
TOTAL - TJJJ	327,712,081	163,563,447	49.9%

Executive Summary by Strategy and Program

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<i>Method of Finance:</i>			
General Revenue	295,049,450	154,648,490	52.4%
Federal Funds	12,110,019	4,097,128	33.8%
Criminal Justice Grants	75,780	42,164	55.6%
General Obligation Bonds	5,500,000	-	0.0%
Appropriated Receipts	1,286,030	16,698	1.3%
Interagency Contracts	13,690,802	4,758,967	34.8%
TOTAL - Method of Finance	327,712,081	163,563,447	49.9%

	Amended Budget	Expended/ Disbursed YTD *	% Expended
Goal A: Community Juvenile Justice	162,940,492	89,733,215	55.1%
Goal B: State Services and Facilities	147,008,545	66,217,875	45.0%
Goal C: Office of the Independent Ombudsman	526,097	248,699	47.3%
Goal D: Juvenile Justice System	4,796,280	2,288,895	47.7%
Goal E: Indirect Administration	12,440,667	5,074,763	40.8%
TOTAL - Goal Summary	327,712,081	163,563,447	49.9%

1. The normal range is +/- 5% of the straight-line projection of 50% for February.
2. Red represents areas greater than or equal to 52.5%

Staffing Report

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	233.96	14.04	30.00	29.00	1.00	31.00	27.41	3.59	105.00	93.50	11.50	414.00	383.87	30.13
Al Price	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gainesville	250.60	213.65	36.95	29.00	22.01	6.99	43.00	34.41	8.59	85.00	72.40	12.60	407.60	342.47	65.13
Giddings	277.60	243.30	34.30	25.00	20.65	4.35	44.00	38.03	5.97	96.50	85.95	10.55	443.10	387.93	55.17
Evins	179.60	168.13	11.47	16.00	15.95	0.05	30.00	28.00	2.00	77.00	67.52	9.48	302.60	279.60	23.00
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corsicana	-	-	-	-	-	-	-	-	-	3.00	3.00	-	3.00	3.00	-
McLennan	413.00	347.23	65.77	43.00	36.45	6.55	64.00	53.98	10.02	144.00	132.38	11.62	664.00	570.04	93.96
Halfway Houses	129.00	122.00	7.00	21.00	18.32	2.68	-	-	-	62.00	47.45	14.55	212.00	187.77	24.23
Contract Care	-	-	-	-	-	-	-	-	-	8.00	5.00	3.00	8.00	4.45	3.55
Parole	-	-	-	-	-	-	-	-	-	56.00	48.00	8.00	56.00	48.00	8.00
Inspector General Regions	-	-	-	-	-	-	-	-	-	24.00	23.00	1.00	24.00	23.00	1.00
Central Office Regions	-	-	-	-	-	-	-	-	-	2.00	4.00	(2.00)	2.00	4.00	(2.00)
Central Office	-	-	-	-	-	-	-	-	-	300.30	257.02	43.28	300.30	257.02	43.28
TOTAL	1,497.80	1,328.27	169.53	164.00	142.38	21.62	212.00	181.83	30.17	962.80	839.22	123.58	2,836.60	2,491.15	345.45

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			0.00
April			0.00
May			0.00
June			0.00
July			0.00
August			

General Appropriations Act (GAA) FTE CAP	2,855.10
Under/(Over) GAA FTE CAP	363.95
Budgeted FTE CAP	2,831.10
Under/(Over) Budgeted FTE CAP	339.95

Overtime Report

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	159,685	13,249	172,934	177,066	49.4%
Gainesville State School (24)	350,000	-	350,000	327,531	42,510	370,041	(20,041)	105.7%
Giddings State School (25)	500,000	-	500,000	301,838	23,774	325,612	174,388	65.1%
Evins Regional Juvenile Center (27)	500,000	-	500,000	478,262	27,419	505,681	(5,681)	101.1%
Corsicana Treatment Center (31)	-	-	-	-	-	-	-	
McLennan Cnty State Juv Corr Facility (34)	800,000	-	800,000	579,082	32,513	611,595	188,405	76.4%
Halfway Houses (51-61)	160,000	-	160,000	34,303	10,652	44,955	115,045	28.1%
Central Office (11)	-	-	-	-	6,105	6,105	(6,105)	
Service Regions (41-44)	-	-	-	-	4,344	4,344	(4,344)	
Office of Inspector General (Field)	15,000	-	15,000	-	3,788	3,788	11,212	25.3%
TOTAL	2,675,000	-	2,675,000	1,880,701	164,354	2,045,055	629,945	76.5%

NOTES:

1. The normal range is +/- 5% of the straight-line projection of 50% for February.
2. Red represents areas greater than or equal to 52.5%

Construction Report

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

80th Legislative Session - continued

Construction Report

#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			
			987,208		987,208	987,208			
	0	0	1,069,208		1,069,208	1,069,208		0	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	0	10,191	0	0	1,724,492	10,191	0	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	834,834	43,000	10,767
Construction Contracts	500,909	2,369,636	635,633	629,652	527,875	584,878	5,248,583	4,727,232	85,013	436,338
Total	762,423	2,413,268	697,890	708,588	980,316	882,767	6,445,252	5,870,134	128,013	447,105

* Group I: Gainesville

Group II: Evins, Giddings, and Mart

Group III: Corsicana, and Ron Jackson

Construction Report

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

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			374,500
						0			0
						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	0	0	5,500,000

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PROJECTS COMPLETED	REPORTED TO BOARD
Mandatory Audits	
15-1A Ron Jackson State School	3/2015
Discretionary Audits	
15-5 Fleet Management Audit	3/2015
Other Projects	
Internal Audit Charter	10/2014
Annual Quality Assurance and Improvement Program Review	10/2014
Annual Internal Audit Report	10/2014

ADDITIONAL REQUESTS (Consulting/Assistance Projects - No Report Issued to the Board)

IT Governance - The Chief Auditor is a non-voting member of the IT Steering Committee.

Safety and Security – Audit management participates in discussions regarding safety and security practices, training needs, and policies affecting TJJJ facilities.

Construction Committee Meetings – Audit staff participate in discussions of proposed construction projects.

UNDERWAY PROJECTS	PROJECTED PHASE COMPLETION DATE		
	Planning	Fieldwork	Report
Mandatory			
15-1B Contract Care Audit	2/2015	4/2015	5/2015
Discretionary			
15-6 Interstate Compact	4/2015	5/2015	8/2015
15-7 Staff Development & Training	2/2015	4/2015	5/2015
Other Projects			
	Start		Complete
FY 2015 Semi-Annual Follow Up	2/2015		5/2015
15-4 Annual Risk Assessment	12/2014		10/2015

PENDING PROJECTS	PROJECTED START DATE
Mandatory	
TAC 202	8/2015
Halfway House Audit	8/2015
Discretionary	
Human Resources Audit	6/2015
Other Projects	
FY 2015 Semi-Annual Follow Up	9/2015
External Quality Assurance Review –Reciprocating Services	8/2015
Annual Quality Assurance and Improvement Program Review	6/2015
Annual Internal Audit Report	8/2015

Report on Performance Measures

Performance Measures		
Measure	To Date	Goal
The percent of the approved 2015 audit plan completed.	25%	>= 80%
The percent of audits completed within 110% of budget.	100%	>= 75%
The percentage of high-risk areas included in audit work.	40%	>= 70%
The percent of staff time spent on planned audit activities.	86%	>= 70%



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 TJJJ 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
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
Scott Matthew
The Honorable Jimmy Smith
Melissa Weiss
MaryLou Mendoza

BOARD MEMBERS ABSENT:

None

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Teresa Stroud, Senior Director of State Programs & Facilities
Amy Lopez, Senior Director of Education Services
Royce Myers, Director of Human Resources
James Williams, Senior Director of Probation & Community Services
Eleazar Garcia, Chief Auditor

OTHER GUESTS PRESENT:

Connie Simon, TJJD
Karol Davidson, TJJD
Nancy Slott, TJJD
Vivian Cohn, TJJD
Steve Roman, TJJD
Madeleine Byrne, TJJD
Fred Meinke, TJJD
Karen Kennedy, TJJD
Luther Taliaferro, TJJD

Programs Committee Meeting
January 29, 2015

Call to Order

Dr. Olvera called the meeting to order at 3:59 p.m.

Discussion, Consideration, and Possible Approval Regarding Excused Absences

Not applicable; no members were absent.

Approval of October 23, 2014 meeting minutes

The Honorable Jimmy Smith moved to approve the minutes of the October 23, 2014 meeting. Scott Matthew seconded. The motion passed unanimously.

Special Education Services

Amy Lopez, Senior Director of Education Services, introduced Carter Wyatt, Special Education Monitor, to give a presentation on Special Education Services. She shared that in 2008 the agency was monitored for compliance in special education, and it failed on every indicator. Carter Wyatt was on the Texas Education Agency (TEA) team that gave the failing report, and this agency hired him to help correct the situation. Since then Mr. Wyatt has been responsible for the excellent services the agency now provides.

The Individuals with Disabilities Act (IDEA) is the cornerstone of the program. The IEP (Individual Education Plan) is the written plan for students with disabilities, based on the individual student's need, and by law the agency fulfills everything that is listed in the IEP.

Special Education is governed by the 34 code of federal regulations 300.1 which ensures the right of each student to have a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

The IEP is written by an Admission, Review and Dismissal (ARD) committee which includes parents or surrogate parents (as active members, not reviewers), diagnosticians, campus administrator, a general education teacher who works with the student, a special education teacher who works with the student, and when necessary, others such as case managers, dorm supervisors, interpreters, et cetera.

Mr. Wyatt also outlined some of the types of disabilities that TJJD accommodates and some of the special education services that are available to include both regular classroom support (direct or indirect) and itinerate services such as vision, hearing, sign language, and speech therapy.

TJJD tends to have more special education students as a percentage of the student body than the general public schools. The McLennan Residential Treatment Center (MRTC) has over 80% of the

students identified as special ed, yet often outscores the other campuses. The special education laws are the same for TJJD schools as with general public schools.

State Performance Tracking

Teresa Stroud, Senior Director of State Programs and Facilities first recognized Rebecca Thomas Walters, Director of Treatment. Ms. Walters recently attended a national PREA leadership summit has been asked to serve on a national committee looking at mental health treatment for juveniles, and another committee on issues affecting the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) population.

Ms. Stroud then provided an overview of the state performance tracking “report cards.” She shared the data for both October and November. November showed a decrease in major incidents for four out of the five facilities; the one with an uptick was under 4%. There was also a significant reduction in the use of force and use of OC pepper spray. She asked the committee to take note of the youth grievances completed in a timely manner. Youth can grieve anything; there may be over a thousand grievances from 200-plus youth, from very serious allegations to very minor. Despite the change of reducing the number of days that TJJD has to respond to the grievance, the staff has done an excellent job of keeping the compliance rate high. TJJD has begun to track family support and which youth have a visit within 60 days of placement, to see what impact that may have on the success rate.

Discussion, Consideration, and Possible Approval to Publish Revisions to 37 TAC 380.9103-380.9107 and 380.9115–380.9121, Relating To Basic Services, and 380.9187-380.9190, Relating To Suicide Prevention

Ms. Stroud reported that these rule changes have been reviewed by the committee and the full board previously, and have been posted to the *Texas Register* for the 30-day period. Public comment was received and the rule was amended as suggested. The change stemmed from a colloquial term “mid-level practitioner” and was clarified. The committee had no further questions or comments on these rules.

Discussion, Consideration, and Possible Final Adoption of Rule Review and Revisions within 37 TAC 380.9113, 380.9175-380.9816, 380.9191-3890.9194, and 380.9197-390.9198 Relating to Health Care Services

Nancy Slott, Director of Nursing Services, outlined the requested rule changes. These rules were previously discussed and have been posted in the Texas Register for the 30-day period. Two public comments were received from the Texas Academy of Physician Assistants, and the recommendations

Programs Committee Meeting
January 29, 2015

were incorporated into the proposal. The committee had no further questions or comments on these rules.

Discussion, Consideration, and Possible Final Adoption of Rule Review and Revisions within 37 TAC 380.9125-380.9163 Relating To Education Programs and Youth Employment/Work

Ms. Lopez outlined the requested rule changes. These rules were previously discussed and have been posted in the *Texas Register* for the 30-day period with no public comments. Staff did recommend two small grammatical changes. The committee had no further questions or comments on these rules.

Discussion, Consideration, and Possible Final Adoption of Revisions to 37 TAC 380.9981 Relating To Sick Leave Pool Administration

Royce Myers, Director of Human Resources, outlined the requested rule changes. These rules were previously discussed by both this committee and the Board, and have been posted in the *Texas Register* for the 30-day period with no public comments. The committee had no further questions or comments on these rules.

Adjourn

The meeting was adjourned at 4:40 p.m.

State Facilities Performance Tracking

DECEMBER	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	130	243	209	204	50	182
Releases on Stage Yes	40.0%	31.3%	100.0%	0.0%	0.0%	0.0%
Other Releases	60.0%	68.8%	0.0%	100.0%	100.0%	100.0%
Total Incidents	839	1224	921	1102	283	1007
Incident rate per 100 ADP	643.15	504.11	440.40	541.48	568.20	552.42
Total Major Incidents	269	212	142	170	74	131
Major Incident per 100 ADP	206.21	87.31	67.90	83.53	148.58	71.86
Total Minor Incidents	570	1012	779	932	209	876
Minor Incidents per 100 ADP	436.94	416.79	372.50	457.95	419.62	480.55
Total Uses of Force	184	129	106	67	50	45
Use of Force per 100 ADP	141.05	53.13	50.69	32.92	100.39	24.69
Total Uses of OC Spray	25	8	9	2	0	1
Use of OC Spray per 100 ADP	19.16	3.29	4.30	0.98	0.00	0.55
Youth Grievances Completed Timely	93.5%	85.9%	98.3%	83.9%	85.4%	95.9%
Staff						
Voluntary Turnover*	2.74%	1.94%	1.48%	1.02%	-	2.37%
Injury Frequency Rate (IFR)**	34.51	29.08	14.54	17.46	35.58	31.19
IFR Aggression**	24.80	20.53	9.18	14.97	29.11	26.73
IFR Industrial**	9.71	8.55	5.36	2.49	6.47	4.46
Employee Grievances Completed Timely	100.00%	33.33%	92.86%	40.00%	-	0.00%
Health Services						
Total Youth Injuries	64	71	93	124	68	103
Youth Injury Rate per 10 ADP	4.91	2.92	4.45	6.09	13.65	5.58
Total Self-Injuries	5	8	6	16	29	22
Self Injury Rate per 10 ADP	0.38	0.33	0.29	0.79	5.82	1.19
Medication Refusals	474	1210	459	686	509	509
ER Visits	1	3	5	0	1	2
Hospitalizations	1	0	0	0	0	0
Off Campus Medical Trips	17	11	19	21	7	18
Finance						
Amended Budget***	\$ 14,671,967	\$ 18,792,717	\$ 20,498,940	\$ 21,246,332	9,218,956	\$ 19,510,951
Expenses/Disbursed (YTD)***	\$ 4,657,868	\$ 5,931,214	\$ 6,253,276	\$ 6,450,240	3,000,966	\$ 6,226,756
% Expended (YTD)***	31.70%	31.56%	30.51%	30.36%	32.55%	31.90%
Volunteer Services						
Youth Matched to Mentor	2.30%	9.10%	10.60%	1.50%	7.69%	24.10%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Family Support						
Visitation within 60 Days of Placement	38.58%	35.04%	34.78%	37.69%	28.85%	24.76%

*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

† 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 actually occurring in the stated month, regardless of when the release decision was made. It does not include youth who may have had an RRP decision for release/discharge and were/have not been released/discharged.

JANUARY	EJC	GNS	GID	MART	MRTC	RJ
Quality						
ADP	131	244	204	204	49	169
Releases on Stage Yes	75.0%	14.3%	20.0%	33.3%	0.0%	0.0%
Other Releases	25.0%	85.7%	80.0%	66.7%	100.0%	100.0%
Total Incidents	888	1378	1003	1231	246	1022
Incident rate per 100 ADP	676.70	564.98	492.13	618.49	503.70	603.70
Total Major Incidents	370	221	126	192	61	77
Major Incident per 100 ADP	281.96	90.61	61.82	96.47	124.90	45.48
Total Minor Incidents	518	1157	877	1039	185	945
Minor Incidents per 100 ADP	394.74	474.37	430.31	522.03	378.80	558.21
Total Uses of Force	198	132	102	63	52	52
Use of Force per 100 ADP	150.88	54.12	50.05	31.65	106.47	30.72
Total Uses of OC Spray	37	7	5	4	1	0
Use of OC Spray per 100 ADP	28.20	2.87	2.45	2.01	2.05	0.00
Youth Grievances Completed Timely	94.9%	81.4%	98.1%	90.0%	90.9%	95.5%
Staff						
Voluntary Turnover*	0.00%	3.60%	1.49%	1.34%	-	0.80%
Injury Frequency Rate (IFR)**	32.55	26.61	15.5	16.17	40.13	27.47
IFR Aggression**	23.98	19.10	10.54	14.23	34.78	22.54
IFR Industrial**	8.57	7.51	4.96	1.94	5.35	4.93
Employee Grievances Completed Timely	0.00%	20.00%	100.00%	0.00%	-	0.00%
Health Services						
Total Youth Injuries	64	92	93	118	91	100
Youth Injury Rate per 10 ADP	4.88	3.77	4.56	5.93	18.63	5.91
Total Self-Injuries	2	3	5	14	36	38
Self Injury Rate per 10 ADP	0.15	0.12	0.25	0.70	7.37	2.24
Medication Refusals	441	971	555	777	520	506
ER Visits	0	2	1	0	0	2
Hospitalizations	0	0	0	0	0	0
Off Campus Medical Trips	21	8	7	7	2	29
Finance						
Amended Budget***						
Expenses/Disbursed (YTD)***						
% Expended (YTD)***						
Volunteer Services						
Youth Matched to Mentor	3.10%	8.00%	10.90%	1.00%	2.38%	25.92%
Chaplaincy						
Youth with Declared Religious Preference	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Family Support						
Visitation within 60 Days of Placement	38.64%	33.20%	34.16%	36.55%	30.43%	26.67%

*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

† 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.

youth who may have had an RRP decision for release/discharge and were/have not been released/discharged.

 First Program Graduates

Maria & Lillie



Samantha L. & Star



Mica & Oreo



Samantha S. & Tazz



Shyla & J

 How You Can Help:

- Volunteer
- Provide Education and Training
- Donate: Money, Crates, Dog Beds, Leashes and Collars, and Kong® Toys
- PAWS T-Shirts - Designed by Youth are available for a small donation

Tax deductible monetary donations should be made to the attention of the Brownwood Community Resource Council for the Benefit of TJJD Youth, a 501(c)(3) non-profit organization.

 For More Information:

Cris Burton, M.Ed.

*TJJD Lead Program Specialist
AKC Canine Good Citizen Evaluator*

Texas Juvenile Justice Department
P. O. Box 12757
Austin, Texas 78711

Office 512-490-7049

Holli Fenton

TJJD Dorm Supervisor

Ron Jackson State
Juvenile Correctional Complex
P.O. Box 1267
Brownwood, Texas 76804

Office 325-641-4200 Ext. 4260
Cell 325-203-7599

<http://www.tjtd.texas.gov/programs/PAWS.aspx>

PAWS

Pairing Achievement With Service



Ron Jackson State Juvenile Correctional Complex

A Texas Juvenile Justice Department Facility

<http://www.tjtd.texas.gov/programs/paws.aspx>

PAWS is a unique program that uses the natural relationship that comes from the bond between humans and animals living together and being responsible for each other.

PAWS



Therapeutic Benefits:

The Texas Juvenile Justice Department (TJJD) Ron Jackson State Juvenile Correctional Facility is home to some of the state's most serious and chronic young female offenders. Most of these young women will be returning home to their communities after successfully completing TJJD's Treatment Program.

PAWS compliments the TJJD Treatment strategy because it teaches the youth empathy, compassion, responsibility, patience, accountability, and dependability. The relationships the youth form with their K9 companions help them develop skills that can be transferred to their relationships with others, thereby increasing their chances for success in the community.

Youth at TJJD have individualized case plans, with unique objectives. PAWS helps the youth achieve some of their objectives in creative ways ranging from youth researching their dog's breed to writing autobiographies or community re-entry success plans for their dogs.

The TJJD therapeutic approach involves connecting youth with positive social forces and assets, drawing on community resources to engage youth, and engaging youth in pro-social activities and opportunities. PAWS is a natural fit.

THANK YOU SPONSORS!

- ★ Ag-Mart
- ★ Corinne T. Smith Animal Center
- ★ Dr. Joe Speck, DVM

"It's been about the best thing of my whole life," said Samantha L., gently stroking the silky ears of Star, a blue tick coon hound. Perhaps, if Star could talk, she would have agreed.

- the *Brownwood Bulletin*, April 11, 2010
Candace Cooksey Fulton, Reporter

"A dog's gonna love you no matter who you are or where you've been. The two things I've learned- Patience and unconditional love."

- Shyla, Program Graduate

It's an endeavor that for the girls (officials say) and the dogs (judging from their tail wags and good behavior) has been an "awesome" experience and "tremendous" success.

- the *Brownwood Bulletin*, April 11, 2010
Candace Cooksey Fulton, Reporter

"This has had a phenomenal impact on the culture of the dormitories."

- Thomas Adamski, Director of Operations,
Secure Facility

The PAWS program pairs select TJJD youth with K9 partners for 12 weeks. The dogs come from the **Corinne T. Smith Animal Center**, learn basic commands and improved socialization skills. Youth learn responsibility and benefit from the companionship.

During the 9-12 week program, youth are responsible for their dogs at all times. They must groom, feed, and train them. The dogs live on the dorm with their human caretakers. Sometimes, depending on circumstances, dogs may have different handlers during the 9-12-week training program. Youth who demonstrate exceptional abilities and motivation as handlers may continue to be mentors to new youth entering the program.

Behavior Consultants, who consider breed characteristics, temperament, and reaction to distraction and other dogs, screen the dogs before they are accepted into the program. Youth who are interested must apply and participate in psychological screening.

Once the training program is completed, the TJJD facility and **Corinne T. Smith Animal Center** hold an adoption day. This is a chance for youth to help their K9 friends demonstrate their new skills and tricks and meet prospective new owners.



Program Description:



Leadership Development



TEXAS JUVENILE JUSTICE DEPARTMENT
DIVISION OF EDUCATION

National Leaders in JJ Education:



Presentations by TJJD Education Instructional Technology Specialist:

California League of Schools (CLS) Education Conference, Monterey, CA, January 2014 and 2015

TCEA – Texas Computer Education Association, Austin, TX - February 2014 and 2015

TCEA – Adobe Summer Academy, Austin, TX - June, 2014

SNRPDP Summer Career & Technical Education Conference Vegas, NV - June, 2014

Southern Nevada Regional Professional Development Program & Clark County School District, Las Vegas, NV - January, 2015

Nebraska Department of Education, February 2014

Presentations by TJJD Education Leadership



Correctional Education Association, San Antonio Tx

Texas Bar Association, Austin Tx

Texas Computer Education Association (TCEA), Austin Tx

**Association for Supervision and Curriculum Development (ASCD),
Frisco Tx**

**Texas Association of School Administrators (TASA) Midwinter
Conference, Austin Tx**

***Upcoming in September of 2015: CCBD (Council for Children with
Behavioral Disorders), Atlanta Georgia***

Recent Authored Publications



- “An Exploratory Survey of the Perceived Value of Coaching Activities to Support PBIS Implementation in Secure Juvenile Educational Settings,” Education and Treatment of Children, Volume 36, No. 3, August 2013.
- “TJJD At a Glance: Texas Juvenile Justice Department Education Services,” State Bar of Texas: Special Education, Child Welfare, and the Juvenile Justice System, Chapter 7, June 13, 2014.
- Due for publication in summer 2015: “Spotlight: Texas Juvenile Justice Department: PBIS in Education and State Programs: Integrating Programs, and Developing Systems for Sustained Implementation,” Residential Treatment for Children and Youth.
- Due for publication in summer 2015: “Data for Monitoring PBIS Processes and Outcomes in Residential Settings,” Residential Treatment for Children and Youth.

Leadership Tools for 2014-2015



- Division of Education EXCEerator Plan
- District and Campus Improvement Plans
- Leadership Meetings
- State-wide Professional Development
- Campus Principals
 - Shirley Garcia, LSHS Central and East Central
 - Vikki Reasor, LSHS North
 - Dennis Smith, LSHS South East
 - Andre Jenerson, LSHS South
 - LSHS West currently vacant

Leadership Development



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