



Texas Juvenile Justice Department

Board Meeting

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

Austin, Texas 78757

Friday, March 28, 2014 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable Jimmy Smith
Scott Matthew
Jane Anderson King
The Honorable John Brieden III
Melissa Weiss
The Honorable Becky Gregory
The Honorable Carol Bush
Calvin Stephens
Joseph Brown

BOARD MEMBERS ABSENT:

MaryLou Mendoza

EXECUTIVE STAFF PRESENT:

Mike Griffiths, Executive Director	Eleazar Garcia, Chief Internal Auditor
Linda Brooke, Chief of Staff	Roland Luna, Chief Inspector General
Chelsea Buchholtz, Deputy General Counsel	Jim Hurley, Communications Manager
Elaine Mays, Chief Information & Technology Officer	Jeannette Cantu, Executive Assistant
Royce Myers, Human Resource Director	Mike Myer, Chief Financial Officer
Lisa Caper, Senior Director of Administration & Training	
James Williams, Senior Director of Probation & Community Services	
Teresa Stroud, Senior Director of State Programs & Facilities	

OTHER GUESTS PRESENT:

Robert Kimbrell, Palo Pinto Co.
Susan Humphrey, Bell Co.
Ashley Kintzer, TJJJ
Rod Venner, TJJJ – OIG
Estela Medina, Travis Co.
Terry Kennedy, TJJJ

Ona Trubee, Parrie Haynes
Ranch
Art Hinojosa, TJJJ
Lisa Smith, TJJJ
Kevin DuBose, TJJJ
Rebecca Thomas, TJJJ

Darryl Beatty, Travis Co.
Terra Tucker, Criminal Justice
Committee
Kris Johnson, Comal Co.

Elizabeth Henneke, TCJC

Jerome Williams, TJJJ
Tina Lincoln, Hill Co.
Kenneth Ming, TJJJ
Lisa Tomlinson, Johnson Co.
Bill Bristow, Grayson Co.
Mayor Wayne Mask, City of
Crockett
Randy Turner, Tarrant Co.

Thom Lambert, Crockett
Jennifer Lopez, Falls Co.
Vanessa Burgess, TJJJ
Kevin Niemeyer, LBB

Mel Brown, Mel Brown & Assoc.
Jim Southwell, TJJJ

Terri Dollar, TJJJ

Shakira Pumphrey, Texas
House of Representatives

Katrena Plummer, TJJJ
Ron Quiros, Guadalupe Co.
Fred Meinke, TJJJ
Pam Huffman, Collin Co.
Bill Austin, Wise & Jack Co.
Dr. Dona Otabachia, Friends of
Parrie Haynes
Connie Simon, TJJJ

Steve Roman, TJJJ
Luther Talliafero, TJJJ
Kati Kiffer, TJJJ
Bobby Williamson, Governor's
office
James Smith, Vision Quest
John Isle, TJJJ

Lauren Rose, Texas Care for
Children
Jennifer Carreon, TCJC

Call to Order

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

Prayer

Chaplain Terry Kennedy, Giddings State School Chaplain, opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Excused Absences

Ms. Weiss moved to excuse the absences of Judge Parker and Ms. Mendoza. Mr. Brown seconded. The motion passed.

Public Comments

Wayne Mask, Mayor of the City of Crockett, addressed the Board. He referenced the recent public hearing held by Senator John Whitmire. He applauded Mr. Griffiths for the direction and vision he's taken this department in such a very short time. It is our hope that the new leadership will have the courage to lead the department where the public and private partnerships can thrive and continue to be successful. Our community lost its largest employer when the then, Texas Youth Commission, closed the Crockett State School. The location of the Davy Crockett Regional Juvenile Center, now located on the ground of the former Crockett State School, is currently under management by Cornerstone Programs, a company that has a long standing relationship with the agency. He assured the Board that the problems that lied within the former Crockett State School are dead and buried. With the encouragement of this department, our community has gone through what we thought were the right steps to secure and repurpose the Crockett State School property. We were given some assurance that this department would continue to use private facilities as they have in the past. Unfortunately, the politically winds have shifted and we remain on unshaken grounds, not totally sure which direction to turn. In the meantime, we want this Board of Directors to know that we stand behind you 100% remain committed to your goals and visions. It is also our hope that this department will remain steady, bravely hold strong and not be broadly or bullied off course.

Discussion, consideration, and possible approval regarding the January 31, 2014 Board meeting minutes

Chairman Fisher noted two minor edits that would be made prior to approval. Mr. Matthew moved to approve the amended minutes. Ms. Weiss seconded. The motion passed.

Report from the Chairman

Chairman Fisher stated today is a sad day. I hate that today is the last day we will receive a report from Mr. Griffiths. You have really taken the bull by the horns. The respect that you have commanded from around the state is deserved. We have navigated through some rough waters with your direction. The political pressures of the job have weighed heavy on you and I appreciate the grace with which you've handled that.

Report from the Executive Director

I am the proud Executive Director of the Texas Juvenile Justice Department. The agency oversees the best system in the country, made up of 165 Juvenile Probation Departments and state services. I have evidence and proof that will show that you really should be proud of this system. Many of these things are highlighted in my written Executive Director's Report that you have been provided a copy of including: TJJD Employees who bravely responded and provided aide to victim of head on automobile collision in Brownwood; TJJD's partnership with Navarro College continue to show positive youth success and the trend showing commitments from counties continue to decline.

Dr. Terry Smith lead a team who looked closely at the policy of highly aggressive youth housed in residential settings. Their study showed that current policy should remain intact and should not be changed at this time.

Lisa Capers and Nydia Thomas lead a team to develop a special report on the classification of a 17 year-old as adults in the criminal justice system. That report has also been provided to the Board as a handout.

The agency's bill implementation progress is well underway. An update has been provided to the Board as a handout. Staff is preparing a response to issues raised during the recent public hearing that were not addressed at the time of the hearing.

In closing, Mr. Griffiths gave a special note of appreciation to the thousands of juvenile justice professionals around the state; TJJD & County Juvenile Probation Departments.

Chairman Fisher requested Mr. Griffiths elaborate on the testimony provided at the recent public hearing; issues being raised, the appropriate response and how the Board can be effective in carrying that out. Mr. Griffiths stated the issues raised at the hearing by the members of the committee were not founded on fact. TJJD staff worked on preparation for the testimony for many days and met with the Chairman of the Senate Criminal Justice Committee (SCJC) prior to the hearing. The issues included co-mingling of the age populations of youth and the December draft report from the Ombudsman's office regarding an incident at the Evins facility.

The challenge regarding co-mingling is only having 5 facilities and how to you separate youth who are of 3 years age difference who come to the agency with highly specialized treatment needs. The agency has a committee that has been working on this issue since December.

What occurred in this particular incident of the Ombudsman's report was concerning but the agency took immediate response and I apologize that wasn't communicated in my testimony during the SCJC hearing.

There were also misrepresentations from the SCJC about alleged financial mis-matters of the agency. I quickly rebutted this and representatives of the Legislative Budget Board (LBB) were in attendance and also addressed this matter stating they had no concerns about the agency's financial management. There was an assertion by SCJC members that Rider 35 regarding the Corsicana facility was not being followed accurately. Again, I as well as the LBB cleared that that up as inaccurate. Discussion ensued regarding Mr. Griffiths' as well as the Boards discomfort with the actions and accusations of the members of the SCJC and their attempt to discredit an agency that has worked so hard with so little and has continue to take budget and staff reductions in the process.

I recommend the Board reach out to your local legislative representatives to clarify the agencies position and the issues alleged at the hearing and to reiterate that this agency has been and continues to move

forward. Staff will provide you with the response that the agency prepares and provides to the committee as a follow up to the hearing. I recommend that the Board and the agency be very bold in their requests to the legislature. There are many legislative representatives supportive the agency and entertaining an agency design that would be the best practice. We all know that it's not the staff in our state facilities that are the issue, it's the make-up and design of the facilities; they are not cost effective. They were built on a 1:8 staffing ratio and the statute says they should be manned by a 1:12 staffing ratio. I would encourage you to ask for a facility acutely mentally ill and special needs and additional Goal A funds; more ways to keep kids out of state care. You should also look at staff compensation in terms of comparison to other state agencies. I think it's time to look at the future of the agency in terms of capital as well as operational.

Chairman Fisher commented on the media article stating the agency was broken. Mr. Griffiths stated that he categorically rejected that statement during his testimony the hearing. Chairman Fisher opened the floor for comments or questions from the Board members.

Judge Brieden requested permission to speak. Given that hearing and the contentious nature, there are a number of things that come to mind and one of them is the fact that is the number of facilities that have been closed. What I hear over and over is that we're saving money and that seems to be almost all that is looked at by the legislature, is that we're saving money, not indicating the cost associated with what they're doing with the riders and some of the things going on. I have been with other agencies and I'm not sure I've ever seen an agency that's micromanaged the way this one is, in fact, with some of the things that's happened, it's not micromanaged, it's punishment of this agency, and particularly the senior staff and that's just absolutely ridiculous and it's there and should stop and somebody needs to say something and that's why I'm saying something at this point. I was listening to a hearing on the house side about cutting funds on the state side and having more people go to the county. But not once did they talk about funding the county for what they are supposed to do. So they're going to save it and allow the county to work it into their budget. That's unfunded mandate. As we talked budget, they think the decline in commitments to state will continue but the hardcore group sent to the state level will take more hard core treatment that cost more to treat and to train staff. The future decline they envisioned isn't happening. In Fiscal Year 2011, 60% of new state facility admissions had committed violent offenses. The following information is Fiscal Year 2011 demographic features about TJJD youth; an excerpt from the agency's draft strategic plan:

- 89% were boys
- 11% were girls
- 48% were Hispanic
- 31% were African-American
- 19% were Anglo
- 44% known to be gang affiliated at intake
- Median age at admission was 16
- Median reading achievement level was 6th grade (four years behind their peers)
- Median math achievement level was 5th grade (five years behind their peers)
- 35% were identified as eligible for special education services
- 83% had IQs below the mean score of 100
- 72% had a need for treatment by a licensed or specially trained provider for alcohol or other drug abuse or dependency
- 44% had a need for treatment by a licensed or specially trained provider for a mental health related issue
- 84% had parents who never married, parents who had divorced or separated, or at least one parent was deceased

- 38% had a documented history of being abused or neglected
- 43% had families with histories of criminal behavior
- 35% had more than one felony adjudication

This is what we're working with in our state facilities. It takes more intense rehab and treatment; it takes more people to be involved with it at the same time their slashing and saying our objective is to cut money.

Commissioner Smith said the counties are starting to see this trend more and more at the county level and it's starting to cost the counties. They need to start to fix their house before they try to fix ours.

In response to a question by Chairman Fisher regarding the agency morale, Mr. Griffiths stated when there is change there is concern about what direction the agency will go. If I had to make a recommendation of the board regarding the selection of the next Executive Director for the agency, I would look for someone who can make a commitment of five or six years, and who can weather the legislature. As best you can, the agency needs to maintain the direction it's going. You have the right people in place.

Report from the Inspector General

Roland D. Luna, Inspector General, provided a detailed report, highlighting many improvements, on OIGs summary indicators for Investigative Analysis and Investigative Life Cycle for second quarter FY 2014. The detailed report was presented in the Board materials.

Chief Luna reported the OIG has had some other significant agency activity including working on a streamlined incident reporting center, participating in a consolidated incident reporting center workgroup, conducting over 1,200 status checks for state programs, part of long lasting working group on visitation to try and improve the safety and security of visitors having contact with the youth. The department has developed an active shooter preparedness program for the Austin office and has been working closely with many divisions on the contraband prevention detection and awareness program. Several policies and policy teams include PREA visitation and incident reporting, and through the second quarter we have had approximately 25 process improvements for this fiscal year that have all positively impacted training, personnel development, procedures and overall efficiencies of the office.

Chairman Fisher asked to what Chief Luna attributes the decrease in the number of days to final disposition shown in the Investigative Life Cycle chart. Chief Luna stressed that all successes are due to team efforts, and mentioned increased communications with Mark Edwards with the Special Prosecutions Unit. With the type of training and the partnerships the OIG has internally, we are able to conduct a more clear and concise, fact-based, thorough and timely investigation. At the time we are completing the investigation we are sending over a much better investigative product. Once they receive it, there is less communication that has to occur to make sure all the elements are met.

Chief Luna thanked Mr. Griffiths for all he has done for the agency, the OIG, and all those involved with the juvenile justice system.

Report from the Advisory Council

Estela Medina, Advisory Council on Juvenile Services Chair, reported that the council last met on March 26, 2014 and is assisting TJJD staff and leadership with strategic planning efforts. One of the priority areas

continues to be the work with the standards subcommittee. That committee is reviewing Chapter 343, the standards related to secure pre-adjudication and post-adjudication correctional facilities. The Advisory Council received an update from Lisa Capers, Senior Director of Administration & Training, regarding PREA (Prison Rape Elimination Act) and some of the upcoming responsibilities particularly around audits. TJJJD will be hosting a training conference on PREA for all of the field staff to attend, and the advisory council hopes to be a part of that as well.

To follow up on the use of chemical restraints policy, the discussion regarding the changes was healthy and a good opportunity to research and review the information. Committee members conducted research and submitted the recommendation that ultimately Mr. Griffiths presented and that was agreed upon by the Advisory Council at its March meeting. The standards subcommittee continues to look at some alternatives and best practices that could be utilized in the use of de-escalation or in lieu of restraints and the committee may present recommendations to the Board at a later time.

The Advisory Council restructured itself at the March 26, 2014 meeting, and identified five priorities areas and five subcommittees: Standards subcommittee; Performance measures and evaluation; Parole subcommittee; Mental health committee; and Finance and cost of probation.

We welcome Judge Mark Allen, county Judge in Jasper County and Deborah Emerson from DFPS as new members to the Advisory Council.

The Advisory Council would like to take this opportunity to join many people and thank Mr. Mike Griffiths for his leadership and advocacy.

Chairman Fisher stated the Board did meet last week via video to select an interim executive director, and Linda Brooke was selected for that role. Chairman Fisher also recognized Judge Carol Bush for winning her elected seat without having to have a run-off race. Chairman Fisher called for a brief recess.

Review of draft of Agency Strategic Plan 2015-2019

Lisa Capers, Senior Director of Administration and Training, presented the draft strategic plan. The plan is very long, over 200 pages, but there is a lot of good information in it. This is a draft and the shaded portions of the plan are still in progress and are being updated. The main activity for the month of April is the stakeholder survey, which is sent to parents, staff, volunteer coordinators, probation departments and juvenile justice practitioners statewide. It will be posted on the web site. TJJJD will build on the initiatives from last plan, not start from scratch. The complete plan should be ready for presentation at the May Board meeting but if Board members would like to provide any input prior to then, it is welcomed.

Report from the Finance and Audit Committee

Calvin Stephens, Chairman of the Finance and Audit Committee, reported the committee met yesterday and reviewed agenda items 13 – 22 in detail. He called on the next presenters to begin with first item discusses in the committee meeting.

Mike Meyer, Chief Financial Officer, expressed his thanks to Mr. Griffiths and the pleasure to work with and for him and the agency.

Discussion, consideration, and possible approval regarding the request for general obligation bond financing for new repair and rehabilitation projects at state operated facilities

Mr. Meyer began with the first component, a request for general obligation bond financing of \$5.5 million for capital projects at facilities. If approved, the resolution and letters attached will be sent to the Texas Public Finance Authority to secure to issue the bonds for FY 2014 – 2015. Mr. Stephens moved to approve the resolution. Ms. King seconded. The motion passed.

Mr. Meyer went on to the second component relating to the Corsicana facility. This item concerns a possible request for project substitution. If TJJD is given direction to continue utilizing the Corsicana facility in some fashion, several significant capital projects on the campus will be required. Agency staff have identified available funds of up to \$1.7 million from a previously approved but cancelled project which could be repurposed to address these needs. The resolution provides staff approval to request a project substitution and to pursue the projects, if and when the agency receives legislative direction regarding the facility. Prior to receiving direction or in the event the closure of Corsicana is approved, no action will be taken. Mr. Stephens moved to approve the resolution. Judge Brieden seconded. The motion passed.

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

- a. **Delegation of authority to the Executive Director to negotiate and award one or more contracts received from Request for Qualifications (RFQ) for professional engineering services for FY 2014-15 construction projects**
- b. **Purchase of DVR equipment for the state operated facilities DVR Project, \$165,000.00**

Mr. Meyer requested the Board approve the Executive Director to negotiate and award one or more contracts for architect and engineering services to firms selected through the competitive Request for Qualifications process for a combined total not to exceed \$400,000. This would be the design work we reference in the \$5.5 million package that was recently appropriated. Mr. Stephens moved to approve the resolution. Ms. King seconded. The motion passed.

Mr. Meyer requested the Board approve the purchase of DVR equipment for the state operated facilities DVR Project for \$165,000. Chairman Fisher added these were FEMA funds. Mr. Stephens moved to approve the resolution. Mr. Brown seconded. The motion passed.

Discussion, consideration, and possible approval regarding the FY 2015 funding allocation recommendations: state financial assistance, commitment diversion, and mental health

Mr. Meyer reported appropriations supporting State Financial Assistance Grant A have been reduced in the second year of the biennium by approximately \$1.2 million. Staff would like to recommend this reduction be implemented via an across-the-board 1.5% decrease to FY2014 allocations, applied to each department's "adjusted base". The commitment of the agency was to maintain this at least through this biennium while we had time to clarify the formula for FY 2016 and moving forward. Grant C and Grant N are the commitment diversion and mental health grants. Staff recommends maintaining funding levels with 2014. No feedback was received in the first part of the year on the allocation methodology of these grants so we think maintaining that level will be appropriate in 2015. Staff anticipates that the contract amendment reflecting the FY 2015 allocations will be provided to probation departments within two to three weeks which is earlier than anticipated. At this time staff respectfully requests your approval of 3 separate resolutions for the funding allocation recommendations.

Commissioner Smith moved to approve the resolution for the distribution methodology for the State Financial Assistance Grant. Mr. Stephens seconded. The motion passed. Mr. Matthew moved to approve the resolution for the State Financial Assistance Grant for Commitment Diversion Initiatives. Ms. King seconded. The motion passed. Mr. Brown moved to approve the resolution for the Mental Health Services Grant. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible approval regarding the CY 2014 Juvenile Case Management System (ICMS) Resource Sharing Addendum

Ms. Capers presented the Resource Sharing Addendum and Amendment No. 1, allocating the agency's appropriated funds of \$1.25 million for calendar year 2014. Judge Brieden moved to approve the resolution as presented. Mr. Stephens seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Medical Services Audit

Eleazar Garcia, Chief Internal Auditor, presented this audit. Mr. Garcia thanked Mr. Griffiths for his support of the agency and the audit department. Mr. Garcia reported this audit is a requirement of SB 653. He clarified a typographical error on page 285 of the report; "faire" is misspelled and should be "fair" and will be corrected on the final report. The overall risk assessment of the audit was good. Processes within the agency can be improved to strengthen effectiveness of operations and management concurred with the audit finding and recommendations.

- Monitoring practices in Medical Services serve as a best practice.
- Youth are not consistently being provided the opportunity to participate in the supervised Self-Administration of Medication program in halfway houses.
- The UTMB contract amendment did not follow agency contract protocol.
- EMR access for terminated employees is not always removed.
- Controls should be implemented over maintaining a list of authorized UTMB Staff.

Chairman Fisher stated this audit was discussed in detail at the committee meeting yesterday. Dr. Parikh has done a great job in the department and has saved the agency and the state millions of dollars with his negotiations of the UTMB contract for medical services. Ms. Stephens moved to approve the audit. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Student Transportation Audit

Mr. Garcia presented this audit. The objective was to determine whether controls are in place for youth safety and efficient transport of youth from facility to facility and necessary off-campus appointments. **Controls can be enhanced to strengthen the transportation process.**

- While transportation staff maintains efficiencies in transport, documentation can be improved.
- Strengthening the vehicle check process can support the safe transport of youth.
- The transport and exchange of youth is conducted in a safe manner.
- Documenting and evaluating the transportation system can strengthen end-user support.

Mr. Garcia reported this audit was discussed in detail at the committee meeting yesterday. Management concurred with the audit findings and recommendations. Judge Bush moved to approve the audit. Mr. Stephens seconded. The motion passed.

Discussion, consideration, and possible approval regarding the McLennan County State Juvenile Correctional Facility (Long Term) Audit

Mr. Garcia presented this audit. The overall objective for this audit is to determine whether safety and security practices are operating as intended and provide for the protection of youth rights. It's important to point out that we interviewed 20 students and all responses were very positive regarding education, medical services, supervision, and youth grievances. The kids reported being safe and their basic rights were being protected. **Facility safety and security processes can be strengthened to ensure consistent practices and compliance in the following areas:**

- Use Of Force Policy
- Documentation and review of OC spray
- Gatehouse Searches
- Routine Youth Searches
- Supervision in the Security Unit
- STAR Team training
- Reporting of data for the McLennan Facility

Mr. Garcia reported this audit was discussed in detail at the committee meeting yesterday. Management concurred with the audit findings and recommendations. Ms. King moved to approve the audit. Commissioner Smith seconded. The motion passed.

Report from the Trust Committee

Commissioner Smith reported the committee met yesterday and received good information from Parrie Haynes stakeholders regarding things happening at the ranch and upcoming events and programs. Additional items discussed are also on the agenda for today's Board.

Discussion, consideration, and possible approval regarding subleases between the C-5 Youth Foundation of Texas and sublessees related to the Parrie Haynes Trust

Vanessa Burgess, Staff Attorney, presented this item. The lease agreement between C5 Texas and the Parrie Haynes Trust requires Trustee approval of all sublease agreements at the Parrie Haynes Ranch. Spotted Horse Livery ("SHL"), sublessee of the East Side/Equestrian of the ranch, seeks to sublease the Hoover House to Donna Otabachian, a residential tenant, for a term of one-year. SHL has received tenant and rental approval in accordance with its sublease with C5 Texas and now formally presents the proposed residential lease agreement to the Trustees for approval.

Ms. Otabachian currently provides equine therapy sessions at the Parrie Haynes for family members of military personnel at Fort Hood and participates in community events promoting family use of the equestrian side of the ranch. The Office of General Counsel reviewed the terms of the sublease agreement between SHL and Ms. Otabachian and found all of the proposed terms to be legally sufficient in order to protect the interests of the Trust. Staff recommends the Trustees approve the one-year proposed residential lease of the Hoover House on the equestrian side of the Parrie Haynes Ranch.

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

Discussion, consideration, and possible approval regarding the expenditure of funds received from Bell County (for compensation for the use of land on the Parrie Haynes Ranch for the paving and extension of Gann Branch Road) and from Oncor (for the mitigation of damages caused during the construction of a power line on the Ranch)

Ms. Burgess presented this item. The Trust then received \$17,522.00 in revenue from Bell County and from Oncor. This budget amendment for the 2014 budget includes an additional \$17,522.00 for operational maintenance and repairs at the ranch with the priority focus being on safety repairs for the ranch, as directed by the Trust Committee. Chairman Fisher reported the 2014 Parrie Haynes budget was previously approved by the Board and this action would simply add the amount received from Bell County and Oncor into the operational maintenance funds for the ranch. Mr. Brown moved to approve the budget amendment. Judge Brieden seconded. The motion passed.

Report from the Safety & Security Committee

Chairman Fisher reported the Safety & Security did not meet yesterday.

Discussion, consideration, and possible approval regarding the Collin County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Section 343.226 related to requirements for natural light within a housing unit

Scott Friedman, Manager of Monitoring & Inspections, presented this item. Collin County's permanent variance request is related to requirement for natural light within a housing unit. Chief Pamela Huffman from Collin County is present and available if you have any questions for her regarding the request. Staff have reviewed the application and determined that the request has met all six criteria required to be granted the variance. Those criteria are summarized in the summary document provided to the Board. Also listed in the summary document are the special conditions required if the request is granted. The department has agreed to the special conditions.

Ms. King moved to approve the variance application. Mr. Brown seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.8723, relating to Subsidized Independent Living, and the repeal of 37 TAC §380.8721, relating to Independent Living Preparation, and 37 TAC §380.9109, relating to Youth Personal Property: Independent Living, in the Texas Register for a 30-day public comment period

Teresa Stroud, Senior Director of State Programs and Facilities, presented this item as part of the annual rule review. This item was discussed in the Programs Committee meeting yesterday. Staff are proposing to update and consolidate three rules relating to the Subsidized Independent Living Program. The program provides certain paroled youth with financial subsidies to help with living expenses for a limited time. As follow-up on a question from the committee meeting, Ms. Stroud reported we currently have 12 kids participating in the program receiving food subsidy. There were 4 kids that received funds for agency was able to pay dorm deposits at Navarro College. The average amount they are receiving is \$210 per month for food subsidies. The maximum they can receive for rent is \$650 towards rent total. Another question from the committee was regarding the items being deleted, and they are being deleted because they can be handled through other existing contracts and also because many of the kids are eligible for Medicaid once they are on parole. A summary of the changes are provided in the Board materials and will be published for public comment. Ms. Weiss moved to approve the proposed revisions be published in the Texas Register for a 30-day public comment period. Judge Bush seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9161, relating to Youth Employment and Work, in the Texas Register for a 30-day public comment period

Connie Simon, Manager of Workforce Development Programs and Education Reentry, presented this item as part of the annual rule review. The department is proposing to update this rule for cleanup and

clarification of the policy relating to Youth Employment and Work. These programs provide youth the opportunity for work in facilities. Changes include:

- orientation and assessment units do not provide for any youth work programs due to the short length of stay and the intent of the program;
- youth working in the community will be paid no less than the federal minimum wage;
- facilities must implement procedures for operating campus work programs that provide youth with training and employment experience; and
- TJJD does not discriminate against youth on the basis of race, color, national origin, sex, religion, disability, or genetic information in providing opportunities for uncompensated and compensated work.

Mr. Matthew moved to approve the proposed revisions be published in the Texas Register for a 30-day public comment period. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the proposed repeal of 37 TAC §380.9337, relating to Alleged Sexual Abuse, and possible adoption of the proposed new 37 TAC §380.9337, relating to Zero-Tolerance for Sexual Abuse, Sexual Activity, and Sexual Harassment

Ms. Stroud introduced Jerome Williams, PREA Coordinator, to co-present this item. Mr. Williams is highly regarded nationally and participated in a Youth in Custody Capstone Project with Georgetown University. Other states often call on Jerome for assistance because Texas is leading the way in ensuring PREA compliance.

Mr. Williams explained the purpose of the rule to establish TJJDs Zero Tolerance Policy and to address requirement of PREA standards. This rule was submitted to the Texas Register for a 30-day public comment period. Upon the expiration of that comment period, we did not receive any comments or recommendations for changes. The staff requests the Board's approval to adopt the final rule as proposed.

In response to a question by Chairman Fisher, Mr. Williams explained that TJJD set the bar for other states when we began putting PREA safeguards and policies in place before the PREA standards were adopted. Other states are looking at what TJJD has done as they begin putting their procedures in place. In response to a comment by Judge Brieden, discussion ensued regarding staff to youth ratios and the complexity of staffing youth in all areas to meet the specialized needs of the youth.

Ms. Weiss moved to adopt the final rule as proposed. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – default judgment order

- Disheka Westbrook, 14-26271-130253, 130258**
- Robert Robinson, 13-20096-120354**

Chelsea Buchholtz, Deputy General Counsel, presented the cases for consideration of default judgment order. She stated all parties were provided proper notice as required by law and the Chief Probation

Officers for these cases were notified and provided the opportunity for their input. No responses were received by the officers. Mr. Brown moved to approve the default judgment order. Mr. Matthew seconded. The motion passed.

Report from the Programs Committee

Dr. Olvera, Programs Committee Chairman, reported the committee met and highlighted the items discussed. Ms. Buchholtz provided an update on the Ethics policy. Although not included in your materials, Ms. Stroud did provide information on performance monitoring and tracking. There being only two months of data, there isn't much to evaluate for trends but I see this as being a great tool going forward. Dr. Parikh provided a great overview of Health Care Delivery. While our population has decreased by 50%, our treatment needs only decreased by 28%. The only way to interpret that is that we are getting kids with very severe mental health treatment needs. Amy Lopez is providing top notch educational services and provided an overview of their leadership development program. Chairman Fisher asked Ms. Lopez to address the Board. She started by thanking Mr. Griffiths for his service and support and then provided an overview of what she presented to the Programs Committee on educational development.

Chairman Fisher recessed open session at 11:21 a.m.

Closed Session – Executive Session

- a) **§551.071 consultation with legal counsel**
- b) **§551.074 discussion of personnel matters relating to:**
 - **selection of an Interim Executive Director**
 - **hiring process for the selection of an Executive Director**

Reconvene in open session, discussion and possible action regarding matters deliberated in closed Executive Session

Chairman Fisher reconvened in open session at 12:11 p.m. and advised no action was taken in Executive Session.

Adjourn

There being no further business before the Board, Chairman Fisher adjourned the meeting at 12:11 p.m.