

TEXAS JUVENILE PROBATION COMMISSION BOARD MEETING

March 27, 2009
Brown Heatly Building
Austin, Texas

COMMISSIONERS PRESENT

Ray West, Chair
Jean Boyd
Ed Culver
Billy Wayne McClendon
Cheryl Lee Shannon
Bob Shults

COMMISSIONERS ABSENT

Scott O'Grady
Rene Ordoñez
Lea Wright

TJPC MANAGEMENT STAFF PRESENT

Vicki Spriggs, Executive Director
Lisa Capers, Deputy Executive Director and General Counsel
Denise Askea, Director Program Coordination and Facilities
Annie Collier, Chief Financial Officer
Scott Friedman, Director Field Services
Jim Southwell, Director Management Information Systems
Cindy Weisinger, Director Training

TJPC STAFF PRESENT

Paul Anderson
Nadine Butler
Luis Guerrero
Gunjan Gupta
Doug Halstead
Lesly Jacobs
Conrad Jones
Rachael Kapur
Diane Laffoon
Aaron Mills
Katrena Plummer
John Posey
Genovia Spencer
Michael Suda
Pedro Valentin

1. Call to Order – R. West

Commissioner Ray West called the board meeting of the Texas Juvenile Probation Commission to order at 9:20 a.m.

2. Excuse Absences – R. West

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Shults to excuse the absence of Commissioners O'Grady, Ordoñez and Wright. Motion passed unanimously.

3. Approval of Minutes from November 21, 2008 Board Meeting – R. West

A **motion** was made by Commissioner Culver and **seconded** by Commissioner Shults to approve the minutes as presented. Motion passed unanimously.

4. Update on Fiscal Year 2009 Budget and Expenditures – A. Collier

Under the Travel category the year to date expenditure is \$60,053. Even though we're halfway through the fiscal year, the Commission has expended less than the 50% of the budget for travel. That decrease is due to staff conducting more webinars than on-site training at the juvenile probation departments.

For Repairs and Maintenance, the year to date expenditure is \$16,350 which is 54% and includes a payment of \$32,803 for an extended warranty for the Commission's computer equipment. In the category Other Expenditures the year to date amount of \$121,961 includes a payment made to the State Office of Risk Management (SORM) and the amount of \$26,072 for the 2009 Workers Compensation Insurance for the Commission. The total amount also includes payments for the insurance policy for the two Commission vehicles as well as the annual licensing fees for the web-based training.

Under Capital Outlay the year to date expenditures of \$46,151 in the last legislative session, the Commission was given authority to replace 29 older laptop computers. Administrative costs will continue to be tracked to make sure funds are being expended accordingly.

Under the Grants and Contracts section, the funds disbursed should be at 58%. Under Basic Probation those grants are at the 58% because they are disbursed monthly to the juvenile probation departments. Under Community Corrections the disbursed amounts that are less than the 58% are reimbursement funds. The Intensive Community Based Programs and Pilot Programs are less than 58% because those funds are disbursed quarterly to the departments.

The Regional Incentive Grant total amount is disbursed at the beginning of the fiscal year to Jefferson, Hardin and Orange County. Of the Diversionary Residential Placement 95.69% of the funds were disbursed at the beginning of the fiscal year.

Under the Special Programs section the Juvenile Justice Alternative Education Program (JJAEP) Statutory are reimbursement funds and 41% of those have been disbursed. The JJAEP Grant funds are disbursed twice per year and half of the total amount was disbursed at the beginning of the fiscal year when documents are received from the departments and approved by the Commission's JJAEP staff. The remaining amount was disbursed in February.

The MacArthur Foundation Grant budget includes the salary of one Commission employee assigned to the grant, and travel costs associated with staff attending meetings with the focus on mental health services for juvenile offenders. The amount awarded for fiscal year 2009 was \$255,661 and the grant period is from October, 2008 – September, 2009.

As for the IV-E Foster Care update, after the review that was conducted by the Administration of Children and Families (ACF) that resulted in recommendations or changes on how the juvenile probation departments can process the administrative claims, the claims for the 2nd and 3rd quarter of fiscal year

2008 were placed on hold until the Commission submitted an implementation plan or a corrective action plan. This is based on how the departments would incorporate these changes from the review.

The implementation plan has been approved by the Texas Department of Family and Protective Services (DFPS). It has also been submitted to ACF for their approval. The Commission has submitted another request to ACF for payment of the 2nd and 3rd quarters, but the Commission may never see that funding.

The loss of the funding of the 2nd and 3rd quarter claims alone would impact the juvenile probation departments with a decrease in funding of over \$17 million for 2008. The departments started to submit their 4th quarter claims with the new revisions back in December. ACF has required that the DFPS audit a sample of these claims to ensure that departments utilize the new methodology and DFPS will not submit any claims to ACF until they are assured that the claims are correct. The audit started about a month ago and is still going on. The audit team includes staff of DFPS as well as the Commission's own IV-E staff.

In the report there are no reimbursements for 2009, but if you look at the bottom of the report the year to date amount of reimbursements for 2008 is \$12,640,525.61 which includes the 1st quarter administrative claims as well as the cost of care placement. The amount reimbursed in 2007 was \$43,711,388.92.

The rest of the Administrative and Grant expenditures are within budget and funds have been expended accordingly.

No action was required for this item.

5. Updates on Allegations of Abuse, Neglect and Exploitation for Fiscal Year to Date and the Call Line Project – L. Jacobs

The call line has been effective for one year now. The Commission ran a pilot from March until the end of October and the call line continues to stay up. During the pilot the numbers that were tracked were solely juveniles in facilities or probation departments calling to report allegations directly to the Commission.

For the pilot there were 6 counties, 2 large, 2 small and 2 medium. These counties were Bexar, Brown, Harris, Montgomery, Randall and Van Zandt. The pilot project incorporated 877 beds out of a total of 5,030 which is 17% of the total beds. To date the Commission received 65 calls and 70 actions.

Two of those calls came after the pilot was over and came from non-pilot participating counties. One was from El Paso and one was from Victoria. The call line is not mandatory at this point and so all of the calls the Commission continues to receive are counties voluntarily allowing the kids to use the call line.

If the new standards pass then the call line will go active state wide and would be available to all 5,030 beds. The 100% projection is that 372 additional allegations along with the Commission's normal numbers would be received. This is the highest projection and it is kids who would not normally report using the call line. At the lowest projection taken down to 25% there would be an additional 93 calls.

The next statistical update is shown in the abuse, neglect and exploitation (ANE) and serious incident report covering the entire state. The calls the Commission receives on the call line are also built into these numbers. At the time of this printing there were 375 allegations of ANE and 500 serious incident reports received. The rest of the charts are broken down by county and by month.

The Commission is about at the same rate for this time of the year compared to last year. At this point last year there were 378 allegations of ANE and 474 reports of serious incidents.

No action was required for this item.

6. Discussion and Possible Approval of New Chapter 350 Related to Commission Investigations of Abuse, Neglect, Exploitation, Death and Serious Incidents to be Republished in the Texas Register for Another 30-Day Public Comment Period – L. Jacobs

Note: the Commission board stated at future board meetings they may want to have all the chapters together on the agenda and then after they are all heard they could be voted on. Some may be approved at that point and others may be posted for yet another public comment period.

Chapter 350 is the internal foundation for the way Commission Investigators conduct investigations. The details of how investigations are done are contained in the Policy and Procedure Manual. There have been vast improvements to the way the Commission conducts investigations thanks to input from the field and to the Prison Rape Elimination Act (PREA).

The Commission conducts investigations in order to a) determine if the allegation or behavior occurred and b) to determine if it meets the statutory definition of abuse, neglect or exploitation. This process of re-writing and improving these standards has been ongoing since 2005.

The changes you will see in this draft versus what was presented in November are all changes that came from the Commission continuing to refine and make improvements. Also, since the last board meeting in November, Just Detention International (formerly Stop Prison Rape) and Advocacy Inc. reviewed the Commission's standards. They had no recommended changes and were very complimentary of the work and progress the Commission has made with its standards.

No public comments were received during the most recent 30-day posting of Chapter 350.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Shults to approve the new Chapter 350 to be republished in the Texas Register. Motion passed unanimously.

7. Discussion and Possible Approval of New Chapter 358 Related to Identifying, Reporting and Investigating Abuse, Neglect, Exploitation, Death and Serious Incidents to be Republished in the Texas Register for Another 30-Day Public Comment Period – L. Jacobs

This chapter just finished the 2nd official public comment period. The two public comment periods were in addition to the workgroups that were held and emails to the field asking for additional comments. During the last 30-day public comment period no comments or additional input was received. This chapter instructs the field how to identify and report and how to conduct their internal investigations of abuse, neglect and exploitation (ANE) allegations.

The changes that are in this draft are changes that the Commission saw needed improvement.

Just Detention International and Advocacy, Inc. also reviewed this chapter and had no problems with what was written and they were complimentary of the progress the Commission has made.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Shannon to approve the new Chapter 358 to be republished in the Texas Register. Motion passed unanimously.

8. Review and Possible Approval of Chapter 343 Related to Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities to be Republished in the Texas Register for Another 30-Day Public Comment Period – S. Friedman

Scott Friedman introduced Luis Guerrero and Rachael Kapur from the new Policy Development Unit who in the future will be more out in front and center in standards presentations. The first round of formal public comment was just completed for Chapter 343 and this request is for a second public comment period to be posted to the Texas Register. The Commission clearly anticipates another round of public comment even after this.

Clearly there's not a consensus on all the provisions included in this chapter, there's still an additional workgroup, the President's Council, representatives from 7 regional chief's associations that are going to be meeting with Vicki and other TJPC staff on April 17th here in Austin to further discuss some of the unresolved issues on Chapter 343.

Today's document includes formal public comments from *Advocacy, Inc.* as well as *Just Detention International* a California-based group that used to be called *Stop Prison Rape*.

Also two probation jurisdictions Grayson County and Tarrant County submitted formal public comments. Grayson focused on the discipline plan and a component of their boot camp program and Tarrant County had the most elaborate and significant public comment from the field.

There are a couple of modifications the Commission would like to include with this posting. An example is found in §343.266 regarding bedding, where the original standard was focused on a self harm risk and you can make modifications on a case by case basis. Based on Chief Williams' testimony at the last board meeting another component was looked at which was the potential use of the bedding material as a weapon.

A modification was also made regarding the administration of medication both over-the-counter and prescription as well as to where the Commission used the term "treatment plan" instead of "case plan."

The biggest ticket items right now are the disciplinary plans and the due process requirements. When a child is disciplined for behavior and rule violations all the due process trappings that are in this draft are a point of contention. You can see that largely with the public comments from Grayson and Tarrant Counties.

As for Subchapter A which is the definition section the Commission made an effort to accommodate the field and allow to have mental health, sociology, social work and psychology interns be able to assist a licensed mental health professional in performing services for youth. That accommodation was made but you could probably include fellows, interns, doctoral students, those types of folks that are under the supervision of an academic program or position, probably over stepping including them as mental health professionals. What the Commission attempted to do is create a second definition that would include those Para-professionals and give them a new classification.

When you use the term "mental health professional" it's pretty expansive and we were unintentionally granting those folks with no credential the ability to do some other things in the standards that we didn't think was appropriate but this doesn't in any way in the Commission's opinion negatively impact the changes we made for the field to allow those folks to perform services under the supervision of a licensed professional. Some of the services were kids' suicide assessments, counseling and any other types of screening or assessments that they may assist a licensed professional in doing.

That one change with the Para-professional definition has a domino effect and must be modified the two companion definitions.

In subchapter B, §343.274(3)(B) this was a modification made at the suggestion of Just Detention International and it was to expand the scope of prohibited sanctions and it is specifically the harassment of a sexual nature and so the Commission included their language. It's a very pro-active organization and they are very focused on gender and sexual harassment issues.

In §343.274(3)(I) there is a Grayson County public comment accommodation. Grayson County operates military-style boot camp programs that do require as their program philosophy some cadet or resident address that there's a rule violation and they're acting inappropriately they can and do desire to have those kids do physical exercise as a consequence.

That standard as written gave the appearance of prohibiting that for boot camps but what happens is we have a subsection later in this chapter that talks about what's permissible in boot camps. The Commission does not prohibit it for boot camps, but it is prohibited in general programs. So this was an attempt to rectify that discrepancy or concern.

The next standard of substance is 343.280(5) is the formal disciplinary review process. This is in response to Advocacy Inc.'s public comment. They do not think that it's appropriate to have a peer as an advocate and that the only one involved should be a staff person.

343.330 Medical Treatment. This modification resulted from public comment from Just Detention International. They were complimentary of the intent but felt that sexual assault victims may also incur other physical injuries related to the assault and that the required services should be expanded beyond sexually transmitted diseases to include any physical injuries that may have occurred.

The final one in subchapter B is standard 343.368 and it is also a recommendation from Just Detention International. The terms sexual orientation and gender identity were added to the list of what residents shall not be subjected to discrimination based on.

The gender identification issue could raise questions of how they are housed, clothing issuance and all those types of things and whether what the facility was doing was discriminatory. On its face it wouldn't require any housing accommodations, programming accommodations or those types of things, but whether there is a standard in place or not, it highlights that those potential issues could be discriminatory.

A cross-gender youth is not a common occurrence, but it does happen so this doesn't say they have to be housed with females or males or whatever the situation may be, but it does open the door more prominently to what a facility does or doesn't do with that child could be discrimination.

In Subchapter C in standard 343.404(1)(2) it is specific to the secondary mental health screening. This now states that secondary screening should be conducted immediately.

343.416(5) is a prevailing component in what the Commission anticipates to be PREA statutes and PREA standards that classification screening in all circumstances include assessing a resident's propensity to sexually offend or be sexually aggressive within a facility and also their potential to be victimized.

In Subchapter D which is specific to secure post-adjudication programs, you see a replication in 343.608 of the same changes that were made in Subchapter C.

In §343.690 in error the case plan review was referred to as a treatment plan review and that's entirely inconsistent with the rest of that subchapter so it was corrected to read case plan review. That modification also includes the re-introduction of the 6-point review classification or criteria some of the goals were adopted from the Health and Human Services Commission (HHSC) and all other state child placement agencies that these domains or goals of how the state prefers that the child's progress in residential care be monitored.

Finally in Subchapter E there were no substantive modifications. There will potentially be a third public comment period and unlike the document title which has an effective date of September, the proposed effective date for this chapter is January, 2010.

A **motion** was made by Commissioner Culver and **seconded** by Commissioner McClendon to approve Chapter 343 including amendments §343.336(c), §343.266(e) and §343.690(c), to be republished in the Texas Register. Motion passed unanimously.

9. Discussion and Possible Approval of New Chapter 344 Related to Employment, Certification and Training to be Republished in the Texas Register for Another 30-Day Public Comment Period – C. Weisinger

This is a request for approval to republish the New Chapter 344 for a third public comment period. No public comment was received during the second public comment period but the Commission staff continued to review this chapter and have made technical clarifications.

The most substantive change since the last board meeting is regarding disqualifying criminal history and addresses Commissioner Shults' concerns. In §344.400(c) a statement was added that requires that at least one year elapse following the period of incarceration, community supervision or parole before a person can be considered to be eligible for employment as a certified juvenile officer.

A **motion** was made by Commissioner Shults and **seconded** by Commissioner Shannon to approve the new Chapter 344 to be republished in the Texas Register. Motion passed unanimously.

10. Discussion and Possible Action Regarding the Request for the Concho Valley CSCD to Assume Control of the Former Tom Green County Level 5 Facility – J. Wilmoth / M. Williams

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Culver to table this item to a future board meeting. Motion passed unanimously.

11. Discussion and Possible Action on Summer School Funding for Juvenile Justice Alternative Education Programs in Counties with a Population of 125,000 or Greater – L. Brooke

Note: Paul Anderson presented this item in Linda Brooke's absence.

The Commission recommends that summer school funding be made available to Juvenile Justice Alternative Education Program (JJAEP) mandatory counties based on the percentage of population served during the 2007/2008 school year.

The Commission Rider #12 allows up to \$3 million in summer school funding for those counties. It is estimated that there be at least \$1 million available for summer school funding this year. The chart in the packet shows how much funding each county would have available to them. This is the cap for them so they could not go any higher than the number shown.

The Commission also recommends it be allowed to fund any extra money that is over the \$1 million if necessary for the counties to have that funding. The JJAEP staff did a survey and it is estimated that 18 counties would be interested in operating summer school programs and 4 did not comment either way.

Based on the amount made available to each county, the Commission makes the following recommendations:

- 1) Summer school programs will only be funded for up to 35 operational days and for no less than 20 operational days.
- 2) Any unspent funds from the regular school year must be applied to summer school prior to any additional funds being allocated.
- 3) Days funded will only be for students expelled for a mandatory reason under the Texas Education Code 37.007(a),(d) or (e).
- 4) Programs may choose to operate either a half-day (minimum of 3.5 hours) or a full-day (minimum of 7 hours). Half days would be funded at the maximum rate of \$40 per student day of attendance and programs operating a full-day would receive full funding at \$79 per student.
- 5) Counties must notify the Commission by May 1, 2009 if they intend to operate a summer school program under the approved plan.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner McClendon to approve the JJAEP summer school funding including all 5 criteria in counties with a population of 125,000 or greater. Motion passed unanimously.

12. Variance Committee Report – C. Shannon

a. Review, Discussion and Possible Action Regarding Midland County's Application for Permanent Variance from Title 37 Texas Administrative Code Section 349.10(c)(3)(C), Related to Restraint Training Required for JDO Certification

The Variance Committee met this morning and heard four requests for variances. There are four criteria that the Commission Board must determine in order to grant any variance requests:

- 1) Substantial weight of the evidence that the health and safety of juveniles and staff is maintained;

- 2) Substantial compliance with the intent and purpose of the standards in which the variance is requested through alternative methods and/or maintenance;
- 3) Compliance with the standard in question would be an undue hardship on the county; and
- 4) Issuing the variance would not put the juvenile board in violation of any state or federal law.

This first request applies specifically to the current Facility Administrator, Tommy Morris in Midland County and only as long as he is employed with the Midland County Juvenile Probation Department. Mr. Morris has a physical disability that prevents him from participating in the physical restraint training.

The Variance Committee voted to recommend to the full board that the variance be granted along with the conditions recommended. Mr. Morris will still participate and audit classes in physical restraint training since he is still overseeing all of the facility's restraint practices. He is not responsible for any direct resident supervision duties.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Culver to approve the permanent variance requested by Midland County with the described conditions. Motion passed unanimously.

b. Review, Discussion and Possible Action Regarding Bexar County's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.49(a)(2) Related to Post-Adjudication Multiple Occupancy Housing Units Minimum Square Footage Requirements

Bexar County operates a secure post-adjudication facility, the Cyndi Krier Facility and this variance request is specific to that facility. Bexar County asks that their 2 adjacent single cell medical isolation/suicide observation rooms be granted a square footage variance and that they be allowed to house 2 residents in each of those 2 cells. Uninterrupted staff supervision will be provided at all times.

The risk of sexual assault or sexual impropriety between those 2 kids goes up, and so this variance would have the condition that in addition to gang affiliation, age and offense the facility must also screen those kids that are going to be assigned to those 2 cells for any sexual aggression or sexual victimization.

The Variance Committee believes that the four necessary criteria have been met and recommends that the full board grant the variance.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Shults to approve the permanent variance requested by Bexar County related to post-adjudication multiple occupancy housing units minimum square footage requirements with the condition noted. Motion passed unanimously.

c. Review, Discussion and Possible Action Regarding Bexar County's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.34(b)(1-8), Pre-Adjudication Ad Hoc Multiple Occupancy Housing Units

Bexar County is asking that a variance be allowed to grant them ad-hoc capability when necessary to convert their day areas during non-program hours into multiple occupancy housing to accommodate two populations. The first population would be residents that are in an elevated risk of suicide. That's a very specific population. The Variance Committee is recommending that the full board grant the variance for that limited purpose.

The Variance Committee is not recommending the second part of the application be granted. That is for the population who are not a high risk suicide, and it's also the Commission's sentiment that some of that is specific to overpopulation or overcrowding. This Commission does not have a history of making allowances or variances for overpopulation so that would be precedent setting.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Boyd to approve the first part of the permanent variance requested by Bexar County related to pre-adjudication ad hoc multiple occupancy housing units. This approval relates to the youth with an elevated risk of suicide only and not to the general population. Motion passed unanimously.

d. Review, Discussion and Possible Action Regarding Bexar County's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.30(f), Related to Pre-Adjudication Bedding Requirements

This application is specific to the Bexar County pre-adjudication facility as well and involves intake admissions for resident bedding requirements. Bexar County is seeking a variance for the requirement of the top sheet. They do have a sleeve that goes over the mattress, and they're not asking to substitute that with a blanket, but just the top sheet because it's easier to manipulate for hanging purposes. There is precedent with this variance.

If a kid has a propensity of behaviors or a high risk of suicide, the Commission's current standards will allow for those modifications on a case by case basis. What Bexar County is asking for, is instead of waiting for those kids to get to that high risk level, that the sheet substitution be allowed to be given a variance. There is also a modification in the Commission's standards that will be presented later today.

The Variance Committee recommends to the full board that they grant this permanent variance requested by Bexar County.

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner Culver to approve the permanent variance requested by Bexar County related to pre-adjudication bedding requirements. Motion passed unanimously.

13. Executive Director's Report – V. Spriggs

Introduction of New Staff

Gunjan Gupta was introduced as the new Software Developer with the MIS Unit. She started with the Commission on February 2, 2009 and is currently working on the new Certification Information System.

The Commission has a new organizational chart, and one of the purposes of the reorganization was to develop a Policy Development Unit that would actually focus on the standards. There is also a brand new External Affairs Unit. With everything that's going on with the Texas Youth Commission (TYC) and all the other requirements that we have to integrate with other state agencies working with children, it was time to create this specialized unit which also includes Behavioral Health.

Agency Activity Update

Item number one on the list of exceptional items for the Legislative Appropriations Request (LAR) is to replace the lost Title IV-E funds to probation departments. The Commission funds the \$34 million and the House approved \$23 million in one-time funding. The other \$11 million is in Article 11 which is historically referred to as the "wish list".

The Commissions projections are that 65% of IV-E funding is spent on programming and 35% is spent on the placement of kids. Our projections are that without the \$17 million there would be over the course of the biennium 24,264 kids will not receive a program or service because the staff member to provide the service program wouldn't be hired by the department anymore or, would have to actually pay for that program and the service would not be available.

Of the kids who would be placed over the course of the biennium if you just siphon out to those felons who might have been placed as well and take a percentage of them, the projection shows an additional 1,906 new commitments to TYC that's over and above the 1,689 that we currently have per year. That level is doubling the TYC population. To the state that should be significant because this is a \$1 to \$100 match - if you don't spend \$1 with us, you spend \$100 with the state. If you look at just the biennium, of the 1906 new kids committed to TYC over the course of the biennium would cost the state approximately \$118 million and some change. Over the course of their lifecycle at TYC based on TYC's cost per day

information, it would cost the state \$264 million and some change. So to not fund \$17 million is a very expensive proposition.

The Commission has encouraged probation departments to contact Senate and House members to help them understand the local impact of these funds.

For item #2 in the LAR, no one has funded the increase of the Commission staff salaries. 41% are being paid below the median and that would have brought them up to the median level.

5 additional staff to respond to and appropriately address the Senate Bill 103 mandate to monitor facilities every year. The Commission was told that the supplemental bill is there and it's just a matter of time when it will move, possibly next week at the very earliest.

The Commission asked for 4 additional full time employees (FTE's) to fulfill other responsibilities of the agency. The House has approved \$420,000 for budgeting out to 3 new positions and additional funding to address the administrative cost of having those 3 new positions. That's in Article 11, the wish list and may not happen.

Item #6 \$4.5 million was requested for JCMS and a solid \$4.2 million was received from the House.

The mental health assessment and services item requested was for \$6.5 million, which would be \$6 million in each year of the biennium to pay for licensed mental health practitioners for each county operating a pre- or post-adjudication facility and a one-time shot cost of \$500,000 to develop an automated mental health assessment tool.

The House approved the \$500,000 and the Senate approved the full \$6.5 million, so the only thing for sure right now is if the session ended today the Commission would have \$500,000 as part of both the House and Senate budget so far. But of course, each bill has to go before the full body which is supposed to happen next week.

The House approved the mental health residential facility with a one-time cost of \$1 million.

The vehicle replacement was taken off because TYC graciously allowed our Commission to begin to utilize one of their vehicles through an agency agreement.

Items number 10 and 11 that were not part of the Commission's agenda were the Dallas and Travis County Pilot Programs and the Senate approved \$35 million and the Southeast Texas Chiefs which is in Article 11 for \$18 million.

Another item affecting the budget would be 3 riders. Not in any particular order, one would be to restructure the budget so that we could actually collapse the line items so departments can better manage the funds that they have by serving the child's needs as opposed to providing a service in accordance to whatever stream of funding comes down.

The second rider is to allow for the tiering of funding so departments can actually pay for the level of service they need the child to be able to access.

Someone raised a question in the House of Corrections hearing about departments having incentives to commit. Well, there may seem to be an appearance of that because once a county commits, there's no cost to the county in serving that child. But the reality is there were 16,264 kids who were eligible for commitment and in this past calendar year only 1,689 were committed. The Commission then submitted a rider that allows departments to keep any community fund balance that they have so the commitment levels were less than fiscal year 2007 or 2008 whichever is less.

There was a hearing this morning at the Capitol where riders were being discussed and the full budget should be going to the House next week as well as the full Senate Finance Committee budget.

50% of people impacted by hurricanes at the level of Katrina experienced Post Traumatic Stress Disorder (PTSD). Hurricane Ike impacted at least 658,000 people. If 50% go into a PTSD situation, then we can expect some percentage of them to show up in the juvenile justice system. So they're potentially coming.

We also have Wall Street. 55,000 Texans lost their jobs in February. The reality is if you're poor, Wall Street doesn't impact you. If you're middle class and you've lost your job, there's a big impact on your home. There's a big emotional impact. A percentage of the Texans losing their decent paying jobs don't have good coping mechanisms when they start experiencing emotional reactions between the husband and the wife or if it's a single parent family and that trickles down to the kids. Kids will react and depending on how they react, that's influence number two coming towards the system.

Influence number three is the number of people coming back from Iraq. The medical evidence already shows a large number of returning veterans have PTSD. Many of them are going back to families with children. The emotional upheaval they're experiencing is going to manifest in the house and the family and if they have adolescent kids you can expect them at some point to show up in our system.

We have multiple drivers which doesn't include the misdemeanors that are potentially getting ready to whack the system. It's not a good time to be doing a lot of system adjustments and that's getting ready to happen.

That was the discussion with the House Corrections Committee and they understood it. One member said that 800,000 troops are expected to be returning to Texas. And he went on to add more data about this issue. And as we look at the standards it's absolutely critical to pay attention to what the constitutional level of service is because higher-need kids are now going into these facilities and everything is connected.

No action was required for this item.

14. Public Comments

No other public comments were taken and no action was required for this item.

15. Adjourn

A **motion** was made by Commissioner Shannon and **seconded** by Commissioner McClendon to adjourn. Motion passed unanimously. The meeting adjourned at 11:53 a.m. The next board meeting will be held on Friday, May 15, 2009.