

(a) **Policy.**

The Texas Youth Commission (TYC) may issue a temporary limitation or moratorium on new placements to a residential facility when program space, staffing, or other resources indicate that the facility cannot safely or effectively operate at the budgeted capacity.

(b) **Applicability.**

This policy applies to all residential facilities operated by or under contract with TYC.

(c) **Definitions.**

(1) **Placement Limitation** – means a limit on the youth population of a residential facility that is below the budgeted capacity.

(2) **Placement Moratorium** – means a bar on placing new youth at a residential facility.

(d) **General Provisions.**

(1) A placement limitation or moratorium may not exceed 90 days in duration unless prior approval is granted by the executive director.

(2) The director of youth services is the final approval authority for issuing and removing a placement limitation or moratorium.

(3) The issuance of a placement limitation will be applied only to non-specialized treatment beds, unless the issues giving rise to the need for a reduced population are directly related to the specialized treatment program(s).

(e) **Approval Procedures.**

(1) **TYC-Operated Facilities.**

(A) The facility administrator must submit a request for a placement limitation or moratorium to the appropriate regional director. The request must include:

(i) the reason(s) that explain why the facility cannot operate safely or effectively at the budgeted capacity; and

(ii) a corrective action plan that:

(I) does not exceed 90 days in duration; and

(II) addresses underlying issues which are causing the need for a reduced population.

(B) The regional director must review the request and provide a recommendation to the assistant director of youth services which includes information from:

(i) the intake and assessment program administrator regarding other current placement limitations or moratoriums and the impact of additional placement limitations or moratoriums on the overall placement process; and

(ii) the director of specialized treatment regarding any impact a new placement limitation or moratorium would have on specialized treatment services.

- (C) The assistant director of youth services will assess how the proposed population reduction will affect the agency's overall ability to manage the youth population and approve/disapprove the request. If approved, he/she will submit the request, corrective action plan, and his/her assessment to the director of youth services for final approval.
- (D) The director of youth services must ensure that appropriate notification is provided to the intake and assessment program administrator when a placement limitation or moratorium has been approved.

(2) **Contract Care Facilities.**

- (A) Upon request for a placement limitation or moratorium by a contract facility administrator, the TYC program evaluation manager must ensure that the following information is submitted with the request:
 - (i) the reason(s) that explain why the facility cannot operate safely or effectively at the budgeted capacity; and
 - (ii) a corrective action plan that:
 - (I) does not exceed 90 days in duration; and
 - (II) addresses underlying issues which are causing the need for a reduced population.
- (B) The program evaluation manager will:
 - (i) consult with the intake and assessment program administrator to assess how the proposed population reduction will affect the agency's overall ability to manage the youth population;
 - (ii) consult with the procurement department and the legal department to assess any potential conflict with current contract conditions or future contract decisions; and
 - (iii) submit the request, corrective action plan, and his/her assessment to the director of youth services for final approval.
- (C) The director of youth services must ensure that appropriate notification is provided to the intake and assessment program administrator when a placement limitation or moratorium has been approved.

(f) **Monitoring Procedures.**

- (1) For TYC-operated facilities, the facility administrator or his/her designee must submit weekly updates to the appropriate regional director on progress towards completion of the corrective action plan. The regional director must submit monthly updates on the progress of the corrective action plan to the director of youth services.
- (2) For contract care facilities, the program evaluation manager must ensure that weekly updates on progress towards completion of the corrective action plan are submitted to the director of youth services.
- (3) The intake and assessment program administrator must include the impact of current placement limitations or moratoriums on the management of the youth population in his/her bi-weekly report to the director of rehabilitation services and the assistant director of youth services.

(g) **Removing a Placement Limitation or Moratorium.**

- (1) The director of youth services must determine when a corrective action plan has been sufficiently implemented and the placement limitation or moratorium can be removed.
 - (2) The director of youth services may remove a placement limitation or moratorium prior to the completion of a corrective action plan if he/she determines that management of the youth population is adversely impacted by the continuation of the placement limitation or moratorium.
 - (3) The director of youth services must ensure that appropriate notification is provided to the intake and assessment program administrator when a placement limitation or moratorium has been removed.
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