

General Grant Requirements Financial**Article I Section A**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** I. Grant Description

A. General Grant Requirements are those requirements that apply to all grants received by the Grantee from then Texas Juvenile Probation Commission (Commission) for any purpose. These requirements are in addition to those specific grant requirements listed in each individual grant. If any provision of the General Grant Requirements conflicts with any provision under any individual grant, the specific grant provision in the individual grant controls.

COMMENTARY**Discussion and Interpretation:**

Article I of this grant provides an overall description of the grant and its purpose and functions. This article is provided for informational and definitional purposes only and will not be monitored independently but in the context of the overall monitoring of other grant provisions, specifically including but not limited to the programmatic requirements.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable**REFERENCE MATERIAL****Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article I Section A

Cross Reference(s):

Texas Education Code Chapter 37 - Discipline, Law and Order

Board Opinion:**RFI Opinion:****EFFECTIVE DATES****Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**
N/A**Reviewer Preparation Checklist Required:**
False**Reviewer Preparation Checklist:**
N/A**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

TEXT OF STANDARD

Subchapter: II. General Grant Definitions

A. Authorized Designee. An authorized designee is any person, entity, state agency or federal agency to whom authority has been contractually or statutorily delegated to act in cooperation or consultation with the Commission regarding any program or service provided under any individual grant, (e.g., Texas State Auditor's Office, Texas Comptroller of Public Accounts Office, Department of Family and Protective Services, Department of State Health Services, Department of Aging and Disability Services, U.S. Department of Justice, U.S. Bureau of Justice Statistics, private auditors, etc.).

B. Juvenile Justice Program. A program operated for the benefit of juveniles referred to the juvenile probation department that is wholly or partly operated by the juvenile board or by a private vendor under contract with the juvenile board. As defined in Texas Family Code Section 261.405, this term also includes juvenile justice alternative education programs (JJAEPs) and non-residential programs that serve juveniles that have been referred to the juvenile probation department and who are under the jurisdiction of the juvenile court. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Commission.

C. Juvenile Probation Services. Juvenile probation services means services provided to juvenile offenders under the jurisdiction of the juvenile court by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:

1. Protective services;
2. Prevention of delinquent conduct and conduct indicating a need for supervision;
3. Diversion;
4. Deferred prosecution;
5. Foster care;
6. Counseling;
7. Supervision;
8. Diagnostic, correctional and educational services; and
9. Services provided by a juvenile probation department that are related to the provision of services or operation of a pre-adjudication secure detention facility, a short-term secure detention facility (i.e., holdover), a post-adjudication secure correctional facility, a non-secure correctional facility, a residential child-care facility, a juvenile justice alternative education program or a juvenile justice program as defined in Texas Family Code Section 261.405.

D. Non-Residential Services. A service or program provided to a juvenile who has not been placed in a residential facility or a service or program provided to a juvenile who has been placed in a residential setting, but the service or program is not included in the cost per day for the juvenile's placement. The following services/programs are considered non-residential including:

1. Psychological, psychiatric and other professional diagnostic, evaluation and therapeutic treatment services;
2. Medical and dental diagnosis, evaluation, treatment and supplies;
3. Mental health diagnosis, treatment and supplies;
4. Vocational and educational fees and supplies;
5. Transportation and meals;

6. Clothing and personal hygiene supplies; and

7. Other non-residential services and programs.

E. Non-Secure Correctional Facility. A facility, other than a secure correctional facility, that accepts only juveniles who are on probation and that is operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

F. Out-of-State Residential Placement Facility. Any residential child-care or residential placement facility in a state outside of Texas, both public and private that is licensed, regulated or certified by a governmental entity in the state where the facility is located.

G. Post-Adjudication Secure Correctional Facility. A secure facility administered by a juvenile board or a privately operated facility certified by the juvenile 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 juveniles who have been adjudicated.

H. Pre-Adjudication Secure Detention Facility. A public secure facility administered by a juvenile board or a privately operated facility certified by the juvenile board that includes construction and fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and is intended 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.

I. Primary Prevention Services. Programs, services and activities designed to prevent law and Family Code violations by juveniles identified as "at risk" of becoming juvenile offenders. These services are designed for juveniles that have not had contact with the juvenile probation department prior to the service (i.e., no formal referral has occurred).

J. Progressive Sanctions Model. The Progressive Sanctions Model is a set of recommended graduated dispositional guidelines defined in the Texas Family Code Chapter 59. The Model provides uniform and consistent standards in juvenile case dispositions, taking into account the seriousness of conduct, history of delinquent conduct, previous interventions, special treatment/training needs and special circumstances of the juvenile.

K. Residential Child-Care Facility. A facility licensed or certified by the Texas Department of Family and Protective Services to provide assessment, care, training, education,

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custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers. The term includes child-care institutions, child-placing agencies, foster group homes, foster homes, agency foster group homes, and agency foster homes. This also includes a residential child-care facility licensed and/or operated by or under the authority of another governmental entity under the laws of this state or another state.

L. Residential Services. Residential services means the provision of services to a juvenile that has been placed in a pre-adjudication secure detention facility, a short-term secure detention facility (i.e., holdover), a post-adjudication secure correctional facility, a non-secure correctional facility, a residential child-care facility or an out-of-state residential placement facility.

M. Staff Services. Staff services means:

1. Salaries and fringe benefits for staff employed by the juvenile probation department under the direction of the Grantee;
2. Travel reimbursement for juvenile probation department staff for the provision of juvenile probation services, juvenile justice programs and administration; and
3. Operating expenses for the juvenile probation department (e.g., postage, telephone, office supplies, printing and other costs etc.) directly related to juvenile probation services, juvenile justice programs and administration.

N. Service Provider. A service provider is a public or private vendor that is funded in whole or in part using grant funds and obligated under the terms of a procurement contract with the Grantee to provide goods and/or services for the operation, management or administration of juvenile probation services and juvenile justice programs.

COMMENTARY

Discussion and Interpretation:

This article contains definitions of terms that are used throughout this grant. These definitions will not be monitored independently but will be monitored within the context of the grant requirements wherein the definition appears.

Primary Prevention Services

Primary prevention services are those programs, services and activities targeted to youth who are at risk of juvenile justice contact but who has not yet been formally referred to a juvenile probation department for a law or family code violation. These services are not provided as a result of a formal referral to a juvenile probation department and youth who receive these services are not under the jurisdiction of a juvenile probation department.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article II Section A-N

Cross Reference(s):

N/A

Board Opinion:**RFI Opinion:**

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

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Article III Section A-C

Effective date 9/1/2010 - 8/31/2011

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TEXT OF STANDARD

Subchapter: III. Performance Measures

A. Goal. The goal of the Commission's grants is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated community-based juvenile probation system.

B. Program Objective. The objective of the Commission's grants shall be to promote the delivery of safe and effective juvenile probation services and juvenile justice programs that maximize adherence to Commission standards and policies.

C. Program Performance. Grantee performance shall be determined using the following measures:

1. One, two and three year recidivism rates for all juveniles placed on deferred prosecution or adjudicated to probation (effective 9/1/2010);
2. Number of commitments to the Texas Youth Commission (TYC);
3. Number of certifications to adult court; and
4. Average state cost per juvenile served.

COMMENTARY

Discussion and Interpretation:

The overall goal of this grant is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated, community-based juvenile probation system. This goal is the standard goal of all Commission grants and is not monitored independently. The program objective describes the purpose and main function of this grant and shall be monitored based upon the individual program performance measures discussed below. Performance measures will not be monitored during on-site financial monitoring visits. Performance measures on all grants will be calculated by the Commission after the end of each fiscal year in the grant period.

Program Performance

Program performance will be assessed using the performance measures outlined in Article III Section C. The Commission will calculate these measures based on data submitted by the Grantee in the monthly extract data submitted in Caseworker or in the county's data system and in Quarterly Expenditure Reports. The performance measures will be calculated as described below:

1. Performance measure one (1) calculates the percentage of juveniles placed on deferred prosecution or probation supervision by the department who have subsequent contact with the juvenile or criminal justice system for an alleged misdemeanor B or greater offense within one, two and three years of disposition to deferred prosecution or probation. Juveniles "served" for this calculation include those disposed to deferred prosecution or probation one, two and three years prior to each year in the grant period. The total number of juveniles disposed to deferred prosecution or probation who have subsequent contact with the juvenile or criminal justice system within one, two and three years of disposition will be divided by the total number of juveniles disposed to deferred prosecution or probation during those same time periods.
2. Performance measure two (2) analyzes the number of juveniles committed to the Texas Youth Commission (TYC) during each year of the grant period.
3. Performance measure three (3) analyzes the number of juveniles certified to adult court in each year of the grant period.
4. Performance measure four (4) calculates the average state cost per juvenile served. Juveniles "served" for this calculation include all juveniles formally referred and/or under supervision during each fiscal year of the grant period. To determine the

average state cost per juvenile served, the total number of juveniles formally referred and/or supervised during the year will be divided by the total expenditure of funds received by the Grantee through the commission.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

1. Review and analyze data submitted by the Grantee in the monthly extract data and in the Quarterly Expenditure Report; and
2. Calculate the following for each year of the grant period:
 - a. The percent of juveniles disposed to deferred prosecution or probation one, two and three years prior to each year of the grant period who have subsequent contact with the juvenile or criminal justice system for a misdemeanor B or greater offense within one, two and three years of disposition; and
 - b. The number of commitments to the Texas Youth Commission;
 - c. The number of certifications to adult court; and
 - d. The average state cost per juvenile served by the department.

Verification Documents:

1. Monthly extract data
2. Quarterly Expenditure Report

METHODOLOGY

Compliance Methodology:

Performance measures are calculated by the Commission using data provided by the Grantee and are reported at the end of each fiscal year in the grant period. Appropriate mathematical calculations and statistical analysis tools are utilized by the Commission in the calculation methodology for each grant.

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

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REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article III Section A-C

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES**Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required: False**Reviewer Preparation Checklist:**

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False**General Grant Requirements**

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Article IV Section A

Effective date 9/1/2010 - 8/31/2011

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TEXT OF STANDARD

Subchapter: IV. Programmatic Components

A. Requests for Information. The Grantee shall fully and promptly comply with all reporting requirements and requests for information issued by the Commission or its authorized designee that are required under any grant or that are necessary for any legislative requests for information, audit surveys or studies which may be undertaken by the Commission or its authorized designee or any office or agency for or on behalf of the state of Texas. The Grantee shall provide any information requested by the Commission or its authorized designee in the format requested or supplied by the Commission. The Grantee shall ensure that its staff, interns, volunteers and subcontractors comply in a timely and complete manner with all the Commission's requests for information made during the course of on-site monitoring visits, unannounced monitoring visits, abuse, neglect and exploitation investigations, programmatic and financial audits or monitoring, or other on-site inspections. The Grantee shall ensure that it complies with the Commission's or its authorized designee's requests for information arising out of any other investigation being conducted by the Commission or its authorized designee that involves the Grantee's juvenile probation department or any juvenile justice program operated in whole or part by the Grantee or operated by a private vendor operating under the Grantee's authority. The Grantee shall ensure that it complies in a timely manner with requests by the Commission or its authorized designee for financial information, records and documents related to evaluating costs of programs and services provided by the Grantee's probation department. The Grantee shall timely submit, in the manner and format specified by the Commission, any files or records of the Grantee's juvenile probation department or any facility or program operated by or under the authority of the Grantee that may be requested by the Commission or its authorized designee as a part of the monitoring, auditing or investigatory process.

1. Agency Proceedings and Investigations. The Grantee shall require all employees, interns, volunteers, subcontractors and private vendors paid in whole or part with state funds to cooperate with and to testify in any formal, informal, administrative or judicial proceeding or hearing regarding any matter the Commission considers necessary for the investigation of abuse, neglect or exploitation allegations, complaints, financial and programmatic audits or any other matter under its authority. Compliance with this provision is not intended as, nor does it constitute, a contractual waiver of the privilege against self-incrimination or any other right or privilege guaranteed under law.

2. Agency Subpoena Power. The Grantee shall comply with the provisions of Human Resources Code Section 141.0461 or other applicable law which authorizes the Commission to issue subpoenas, receive evidence and gather information that the Commission deems necessary for the investigation of abuse, neglect, or exploitation allegations, complaints, financial and programmatic audits of juvenile probation programs, services and facilities, including juvenile justice alternative education programs or any other matter under its authority.

COMMENTARY

Discussion and Interpretation:

Requests for Information

This grant provision requires the Grantee to fully and promptly comply with all requests for information issued by the Commission or its authorized designees. The Commission's designees may include, but are not limited to, internal or external auditors hired by the Commission, the Texas State Auditor's Office, representatives from the Office of the Governor, the Texas State Comptroller's Office, Texas state agencies, and any legislative staff.

These information requests may occur in a variety of areas including, but not limited to, onsite monitoring visits, unannounced monitoring visits, abuse, neglect or exploitation investigations, financial audits and financial monitoring visits. The Grantee shall be responsible for submitting this information in a timely manner and in the format specified by the Commission or its designees. If the Grantee uses subcontractors, interns, or volunteers in any of its programs, services, or facilities, the

Grantee shall be responsible for ensuring that these individuals comply with this provision by providing requested information.

Agency Proceedings and Investigations

This grant provision also requires the Grantee to cooperate with and testify in any proceeding, hearing investigation or audit relating to any matter under the authority of the Commission. Compliance with this provision does not relinquish any individual rights or privileges guaranteed under law, including the privilege against self-incrimination.

This grant provision is not monitored during the on-site monitoring visit but is monitored throughout the term of the grant period. If the Grantee fails to comply with this provision, a Non-Compliance Citation Report (NCCR) may be issued.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IV Section A

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

General Grant Requirements**Article IV Section A**

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PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:
N/A

Reviewer Preparation Checklist Required: False

Reviewer Preparation Checklist:
N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements

Article IV Section B

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TEXT OF STANDARD

Subchapter: IV. Programmatic Components

B. Compliance with Agency Administrative Law. The Grantee shall comply with all the Commission's administrative rules contained in Title 37 Texas Administrative Code that are applicable or become applicable during the term of the grant to the Grantee, the juvenile probation departments and any juvenile justice programs, juvenile probation services and facilities operated or provided by or under the authority of the Grantee.

COMMENTARY

Discussion and Interpretation:

This grant provision requires the Grantee, its juvenile probation department and any juvenile justice programs, services and facilities operated by or under the authority of the Grantee to comply with all applicable agency administrative law. The Commission's administrative law (i.e., standards) is found in Title 37 Texas Administrative Code Chapters 341, 342, 343, 347, 348, and 351. Compliance with all agency standards will be monitored independent of this grant provision and during on-site standards compliance monitoring visits. Any noncompliance with agency standards will be cited in the regular monitoring report issued at the conclusion of an on-site monitoring visit or in a Non-Compliance Citation Report (NCCR) which is issued for any non-compliance found outside of a regular on-site monitoring visit.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IV Section B

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

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Grant's Effective Date: 9/1/2010 - 8/31/2011
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PRE-MONITORING PREPARATION

Program Tour: False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False

Pre-Monitoring Preparation Checklist:
N/A

Reviewer Preparation Checklist Required:
False

Reviewer Preparation Checklist:
N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

TEXT OF STANDARD

Subchapter: IV. Programmatic Components

C. Legal Compliance. The Grantee shall comply with all applicable state and federal laws that may affect operations of the Grantee, the juvenile probation departments and any juvenile justice programs, services and facilities operated by or under the authority of the Grantee. The receipt of state funds shall be contingent upon compliance with the laws set forth herein and any other federal, state and local laws which may be applicable. The Grantee shall acknowledge that the citation of specific state and federal laws herein shall not be construed as a comprehensive listing of all applicable laws with which the Grantee may be required to comply.

1. State and Federal Juvenile Law Compliance. The Grantee shall comply with all procedural and substantive requirements of the Juvenile Justice Code found in Title 3 of the Texas Family Code. The Grantee shall comply with all requirements of federal law related to juveniles including, but not limited to, the Juvenile Justice and Delinquency Prevention Act of 1974 and all subsequent amendments thereto. See Public Law 93-415, 42 U.S.C. 5601 et. seq.

2. Federal Law Compliance. The Grantee shall comply with all applicable federal statutes and all requirements imposed by the regulations issued pursuant to these acts, specifically including, but not limited to, the following:

a. Non-discrimination Statutes. The Grantee shall comply with the following federal statutes relating to non-discrimination and all requirements imposed by the regulations issued pursuant to these acts including, but not limited to:

i. Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991, which prohibits discrimination on the basis of race, color or national origin;

ii. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex;

iii. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990 (ADA);

iv. The Age Discrimination in Employment Act of 1974 (ADEA), which prohibits discrimination on the basis of age;

v. The Drug Abuse Office and Treatment Act of 1972, as amended, relating to non-discrimination on the basis of drug abuse;

vi. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, relating to the non-discrimination on the basis of alcohol abuse or alcoholism;

vii. The Public Health Service Act of 1912, as amended, relating to confidentiality of alcohol and drug abuse patient records;

viii. The Family and Medical Leave Act (FMLA), as amended, which provides an employee with job protected, unpaid family leave;

ix. The Equal Pay Act of 1963 (EPA), as amended, which prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar working conditions;

x. The Pregnancy Discrimination Act of 1964, as amended, which prohibits sex discrimination on the basis of pregnancy;

xi. The Pro-Children Act of 1994, as amended, which prohibits smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act;

xii. The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, which provides reemployment protection and prevents discrimination against uniformed service personnel; and

xiii. Any other statute(s) under which application for federal assistance is being made and any other non-discrimination statute(s) which may apply to a grant.

b. Employment Verification Statutes. The Grantee shall comply with the requirements of the Immigration Reform and Control Act of 1986, as amended, regarding employment verification and retention of verification forms for any individuals hired on or after November 6, 1986, who will perform any labor or services for or under the authority of the Grantee.

c. Labor Statutes. The Grantee shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.

d. Institutional Rights. The Grantee shall comply with the following federal statutes relating to the elimination and reduction of prison rape, abuse, neglect and exploitation in correctional institutions and all requirements imposed by the regulations issued pursuant to these acts including, but not limited to:

i. The Prison Rape Elimination Act of 2003 (PREA), as amended, which provides for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape;

ii. The Civil Rights of Institutionalized Persons Act of 1980 (CRIPA), as amended, which authorizes the U.S. Attorney General to conduct investigations and litigation relating to conditions of confinement in state or locally operated adult and juvenile institutions; and

iii. Any other statute(s) under which application for federal assistance is being made and any other prison rape reduction or elimination statute which may apply to a grant.

3. State Law Compliance. The Grantee shall comply with all Texas state laws specifically including, but not limited to:

a. The Texas Commission on Human Rights Act (TCHRA), as amended, which prohibits employment discrimination in virtually all aspects of employment in Texas;

b. The Texas Family Code Section 261.101 and Section 261.401, which require the reporting of all suspected cases of child abuse, neglect and exploitation of a child to local law enforcement or regulatory authorities;

c. The Texas Family Code, Section 231.006, which prohibits payments to a person who is in arrears on child support payments;

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- d. The Texas Family Code, Chapter 60, which contains the Uniform Interstate Compact on Juveniles pertaining to, among other things, the out-of-state placement and return of runaways and juvenile absconders on probation or parole;
- e. The Texas Government Code, Chapter 783, which contains the Uniform Grant Management Standards (UGMS) that promote the efficient use of public funds and establishes uniform grant and contract administration procedures. The Uniform State Assurances contained in UGMS shall be incorporated by reference herein;
- f. The Texas Government Code, Chapter 552, which requires that all information collected, assembled or maintained by the Grantee must be maintained in compliance with the Public Information Act, unless expressly prohibited by law;
- g. The Texas Government Code, Chapter 551, which requires all regular, special or called meetings of a governmental body, shall be conducted in accordance with the Texas Open Meetings Act, except as otherwise provided by law or specifically permitted in the Texas Constitution;
- h. The Architectural Barriers Act, Article 9102, Texas Civil Statutes, which requires that public buildings and facilities constructed, renovated or modified using state funds or funds of any political subdivision shall be accessible to and functional for persons with disabilities.
- i. The Texas Government Code, Section 441.187(b), county records retention schedule, or other applicable statute or regulation which prohibits the destruction of a record made the subject of any litigation, claim, negotiation, audit, open records request, administrative review or other action before the expiration of a retention period established by the Texas State Library and Archives Commission or in the approved records retention schedule adopted by the agency.
4. Behavioral Health Screening. The Grantee shall ensure that the behavioral health screening instrument selected by the Commission, the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or an alternate screening instrument approved by the Commission, is administered to each juvenile in accordance with Title 37, Texas Administrative Code Chapters 341 and 343 or successor provisions.
5. Assessment. The Grantee shall ensure that each juvenile's need for supervision and services is considered and evaluated prior to case disposition using a validated risk and needs assessment instrument or process provided or approved by the Commission. The Grantee shall ensure that the risk and needs assessment instrument is administered in accordance with Section 141.042 (f) of the Human Resources Code.
6. Compliance with Performance Measures. The Grantee shall adhere to the minimum performance measures established by the Commission based on the Grantee's historic performance of services. The Grantee shall report, in the format specified by the Commission, on the Grantee's success in meeting the performance targets. This provision applies to grants for services other than basic probation services.
7. Memoranda of Understanding and Agreements. The Grantee shall comply with the requirements established by the Commission to implement the terms and conditions of any interagency memorandum of understanding, agreement or activity mandated by statutory law or administrative rule.
8. Departmental Policies and Procedures. The Grantee shall promulgate and enforce certain departmental policies and procedures specifically including the following:
- a. Workplace AIDS/HIV Guidelines. The Grantee shall develop and implement guidelines regarding confidentiality of AIDS and HIV-related medical information that is consistent with the confidentiality guidelines published by the Texas Department of State Health Services and with state and federal law and regulations for its employees and for children referred to juvenile court. The Grantee shall comply with the Texas Health and Safety Code Section 85.113 and 85.115, respectively, relating to workplace and confidentiality guidelines regarding AIDS and HIV.
- b. Equal Employment Policies. The Grantee shall operate as an equal opportunity employer and shall not discriminate on the basis of race, color, national origin, sex,

religion, age or disability in employment or the provision of services, programs or activities. The Grantee shall promulgate and enforce written departmental policies prohibiting harassment of employees on the basis of race, color, national origin, sex, religion, age or disability.

c. Abuse, Neglect and Exploitation Reporting. The Grantee shall ensure that any employee, intern volunteer, contractor or service provider of a juvenile justice program, facility or juvenile probation department who witnesses, learns of, or receives an oral or written statement from an alleged victim or other person with knowledge or a reasonable belief as to the occurrence of an alleged abuse, neglect, exploitation, death or other serious incident involving a juvenile in a juvenile justice facility or juvenile justice program shall report to the Commission and local law enforcement as required by statutory and administrative law contained in the Texas Family Code Chapter 261 and Title 37 Texas Administrative Code Chapter 358 or successor provisions which may be amended or adopted during the term of this Contract. The Grantee and its agents shall make the report by telephone or by faxing or emailing a completed TJPC Incident Report Form [TJPC-ANE-05-05]. If the report is made by telephone, the Grantee and its agents shall ensure that a completed TJPC Incident Report Form is submitted within 24 hours of the telephone report. The Grantee shall ensure that its employees, interns, volunteers, contractors and service providers in the Grantee's jurisdiction are properly trained in the reporting requirements and procedures of the Texas Family Code 261 and any applicable Commission administrative rules regarding abuse, neglect, exploitation, death or serious incidents. The Grantee shall further ensure that any contract authorizing the placement of juveniles in a juvenile justice program or facility operated by or under the authority of a county, governing board, juvenile board or private vendor under a contract with an operating authority that serves juveniles shall include a clause that requires the contracting county to report all pending and past allegations and/or investigations of abuse, neglect, exploitation, death or other serious incidents involving a juvenile that has been placed by the Grantee. The Grantee acknowledges that the duties of this section exist regardless of whether the Grantee has entered into subcontracts with public or private providers for program services. The Grantee shall accept full liability should a public or private service provider under contract with the Grantee fail to comply with the abuse reporting requirements listed in this section.

i. Unimpeded Access to Call Line. The Grantee shall ensure that all juveniles in a facility shall have the right to reasonable, free and confidential access to the Commission's call line in order to report alleged abuse,

General Grant Requirements

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Article IV Section C

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

neglect, exploitation, serious incidents or death. The Grantee shall provide during orientation into the facility information regarding the Commission's 24-hour, toll-free, direct reporting call line [i.e., 1-877-STOP-ANE] for reporting alleged abuse, neglect, exploitation, death or serious incidents and shall require employees and staff to facilitate direct reporting and unimpeded access to the call line. The Grantee shall prominently display in English and Spanish signage provided by the Commission regarding a zero-tolerance policy concerning abuse of juveniles.

ii. ANE Notice to the Public. The Grantee shall make available to its employees, interns, volunteers, contractors and service providers the Commission's 24-hour, toll-free, direct reporting call line [i.e., 1-877-STOP-ANE] and shall prepare and distribute to each Grantee the official notice to inform members of the public and staff of its availability to be used for the purpose of reporting allegations of abuse, neglect, exploitation, death or other serious incidents that occur in any juvenile justice program or facility operated by or under the authority of the county, governing board, juvenile board or by a private entity through a contract with the Grantee. The Grantee shall make available English and a Spanish version of the following official notices: Notice to Public Regarding Abuse, Neglect and Exploitation [TJPC-ANE-07-05] and the Notice to Employees Regarding Abuse, Neglect and Exploitation [TJPC-ANE-08-05]. These forms shall be available on the Commission's website. The Grantee shall prominently post both the English and Spanish language versions of the official notice in all public and staff areas of any juvenile probation office, satellite office and in any facility or program operated by or under the authority of the Grantee or operated by a private entity through contract with the Grantee.

iii. Resolution of Abuse, Neglect and Exploitation. The Grantee shall provide the Commission, in the format specified, a summary of the actions performed in resolving an abuse, neglect and exploitation complaint or investigation in compliance with the Section 141.058 of the Human Resources Code.

d. Employment Disclosures. The Grantee shall verify and disclose, or cause its staff, volunteers, interns and subcontractors to verify and disclose any arrest, any criminal history and any current criminal indictment involving a felony or misdemeanor offense under the laws of this state, any other state or the federal laws of the United States and any offense that requires registration as a sex offender under the laws of this state or any other state. The Grantee shall verify and disclose, or cause its staff, volunteers, interns and subcontractors to verify and disclose any finding of "Reason to Believe" by a state regulatory agency in a child abuse, neglect and exploitation investigation where the staff, volunteer, intern or subcontractor was the alleged or designated perpetrator. This verification and disclosure shall be required of all persons who have direct unsupervised contact with juveniles in a facility or program and shall be maintained in the Grantee's personnel files. These verifications shall occur at pre-employment and the Grantee shall require ongoing disclosure.

E. Employee Timekeeping Documentation. The Grantee shall require all employees, interns, volunteers, subcontractors and private vendors paid in whole or part with state funds to maintain and make available to the Grantor source documentation that substantiates the performance of juvenile probation services, completion of a standard 40-hour work week or a pro-rated alternate work schedule and any and all documented leave. The Grantee shall ensure that accurate timesheets and attendance records are maintained by the Grantor. The Grantee shall ensure that all employees, interns, volunteers, subcontractors and private vendors that are paid with state funds, including the Chief Administrative Officer, regardless of Fair Labor Standards Act (FLSA) appointed or exempt status, provide leave documentation. Grantee shall make all employee salary documentation and timesheets available for review by the Grantor.

F. Employee Daily Travel Activity Documentation. The Grantee shall require all travel expenses paid in whole or part with state funds to be accurately documented daily by the individual traveling. The Grantee shall document, at a minimum the date, destination, times, mileage or odometer readings and related travel activities.

COMMENTARY

Discussion and Interpretation:

This grant provision requires the Grantee to comply with a variety of state and federal laws regarding the operation of the Grantee's juvenile probation department and the

provision of juvenile probation services and juvenile justice programs operated by or under the authority of the Grantee. This section provides a listing of specific laws to which the Grantee is held, but this list is not all inclusive and thus, the Grantee is responsible for determining whether any other state or federal laws exist that regulate any operations of the Grantee.

This section also details specific policies and procedures that the Grantee is responsible for ensuring exist at the juvenile probation department. These include policies on travel, workplace AIDS/HIV guidelines, equal employment policies, abuse, neglect and exploitation reporting procedures and required employment disclosures.

This grant provision is not monitored during the course of an on-site financial monitoring visit. Compliance with these sections may be monitored in conjunction with other standards monitoring processes, if applicable. Additionally, the Commission may monitor compliance with any of these provisions during the course of special audits, unannounced monitoring visits and investigations of complaints pertinent to these areas. If the Grantee is found to be in non-compliance with any of these grant provisions, the Commission shall issue a Non-Compliance Citation Report (NCCR) if necessary.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IV Section C

General Grant Requirements**Article IV Section C**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES**Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required: False**Reviewer Preparation Checklist:**

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False**General Grant Requirements**

General Grant Requirements

Article V Section A (1)

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: V. Programmatic Reporting

A. Annual Reports.

1. The Annual Resource Report [TJPC-RES-01-04] shall be submitted on or before the designated due date of each year of the grant period in an electronic format as specified by the Commission.

COMMENTARY

Discussion and Interpretation:

The Annual Resource Report is designed to gather supplemental data on the Grantee's staff size, salary ranges and average caseload sizes. The Annual Resource Report is available on the Commission's website each year. Juvenile Probation Departments are notified to complete the report each year of the grant period and given at least 30 days to complete and submit to the Commission. The data collected through the report is utilized in the annual Statistical Activity Report as well as other agency publications.

This grant provision is not monitored during an on-site monitoring visit but is monitored throughout the term of the grant. If the Grantee fails to comply with the grant provision, the Commission may issue a Non-Compliance Citation Report (NCCR).

Reviewer Guidelines:

N/A

Verification Documents:

1. Annual Resource Report

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article V Section A (1)

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:
 N/A

Reviewer Preparation Checklist Required:
 False

Reviewer Preparation Checklist:
 N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements**Article V Section A (2)**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** V. Programmatic Reporting

2. The Juvenile Facility Registration Application shall be submitted in the electronic format specified by the Commission prior to opening a new facility or by February 1 of each year of the grant period. This form shall be submitted by any pre-adjudication secure detention facility, short-term secure detention facility (i.e., holdover), post-adjudication secure correctional facility, or non-secure correctional facility that is operated by or under the authority of the Grantee.

COMMENTARY**Discussion and Interpretation:**

Section 141.042(c) of the Texas Human Resources Code requires the Commission to operate a statewide registry for all public and private secure juvenile pre-adjudication detention facilities and all public and private secure juvenile post-adjudication correctional facilities except a facility operated or certified by the Texas Youth Commission.

Juvenile board certification is an annual requirement for all secure juvenile pre-adjudication detention, short-term detention facilities (i.e., holdover) and secure juvenile post-adjudication correctional facilities under Section 51.12 (c) of the Texas Family Code. Subsequent to the juvenile board's certification of the facility, the facility administrator shall complete the Secure Juvenile Facility Registry Application and submits the information to the Commission online. New facilities shall submit the Secure Juvenile Facility Registry Application prior to opening. This application is found on the Commission's website at www.tjpc.state.tx.us.

The Commission will verify that the application is submitted along with a current juvenile board certification document sent via regular mail. The Commission shall assign the Grantee a Facility ID number and register the facility for one year. The Commission shall mail the Certificate of Registration to the facility. This certificate serves as notice the facility is registered. The juvenile board's current certification document and the Commission's current Certificate of Registration is required to be posted in a public area of the facility pursuant to Title 37 Texas Administrative Code Chapter 343.

Facilities currently registered with the Commission shall annually file an application for registration no later than January 30th of each year. The facility administrator shall notify the Commission in writing when any information submitted on the registry application changes (e.g., changes in the number of beds, services, programs, administrator, etc.). This written notice shall be submitted via e-mail to FacilityRegistry@tjpc.state.tx.us.

This grant provision is not monitored during an on-site monitoring visit but is monitored throughout the term of the grant. If the Grantee fails to comply with the grant provision, the Commission may issue a Non-Compliance Citation Report (NCCR).

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A

Sample: N/A
Point Value: 0
Total Points Possible: 0
Scoring Methodology: N/A
Level: Level 0 - Not Monitorable

REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article V Section A (2)

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False
Professional Staff: False
Program/Facility Administrator: False
Juvenile Board Chair: False
Ancillary Staff: False
Juvenile: False

General Grant Requirements

General Grant Requirements**Article V Section A (3)**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** V. Programmatic Reporting

3. The Grantee shall complete the Designation of Key Personnel Worksheet [TJPC-FIS-31-04] in the format specified by the Commission. The worksheet shall be submitted to the Commission by electronic mail along with the Annual Budget Application on or before the date the Contract is executed by the Grantee. The Grantee or their designee shall notify the Commission of any changes by submitting a revised dated worksheet along with notification of the changes on official department or juvenile board letterhead in writing within ten (10) calendar days from the effective date of the change.

A. A person may not serve as Chief Administrative Officer and Fiscal Officer at the same time and a person may not serve as a Project Director and Fiscal Officer at the same time. One person may serve as the Chief Administrative Officer and Project Director simultaneously.

COMMENTARY**Discussion and Interpretation:**

For fiscal year 2010, the Designation of Key Personnel Spreadsheet is used by the Commission to identify key personnel of the Grantee (e.g., chief juvenile probation officer, fiscal officer, etc.). Some Commission grants require a coordinator to be appointed at the beginning of the grant period. The Grantee shall fill in current information under each title on the form. When the same person is named for a different title (i.e., the chief juvenile probation officer is also the project coordinator), repeat the information under each title.

The Grantee shall notify the Contract Administrator in writing within ten (10) calendar days of any change in the status of personnel named on the Designation of Key Personnel Form.

The Designation of Key Personnel Spreadsheet is part of the Annual Budget Application and no grant funds will be distributed until the Annual Budget Application is complete and received by the Commission.

For fiscal year 2011, the Designation of Key Personnel Spreadsheet is no longer required to be submitted to the Commission. The Grantee shall maintain a copy of the Designation of Key Personnel Spreadsheet for file purposes.

The Grantee shall notify the Contract Administrator in writing within ten (10) calendar days of any change in the status of personnel named on the Designation of Key Personnel.

This grant provision is not monitored during an on-site monitoring visit but is monitored throughout the term of the grant. If the Grantee fails to comply with the grant provision, the Commission may issue a Non-Compliance Citation Report (NCCR).

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A

Sample: N/A
Point Value: 0
Total Points Possible: 0
Scoring Methodology: N/A
Level: Level 0 - Not Monitorable

REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article V Section A (3)

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False
Professional Staff: False
Program/Facility Administrator: False
Juvenile Board Chair: False
Ancillary Staff: False
Juvenile: False

General Grant Requirements

General Grant Requirements

Article V Section B-D

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: V. Programmatic Reporting

B. Quarterly Reports. See Individual Grant Requirements.

C. Monthly Reports. See Individual Grant Requirements.

D. Other Periodic Reports. See Also Individual Grant Requirements.

1. Grantee shall utilize the Commission's Compliance Monitoring, Enforcement and Tracking System (COMETS) to respond to all citations of non-compliance with standards and/or grant requirements issued in regularly scheduled monitoring visit performance reports and any Non-Compliance Citation Reports (NCCR) that are issued by the Commission. The Grantee shall submit the required corrective action responses within the mandated time frame as specified by the COMETS system.

2. The Grantee shall notify the Commission of any change affecting the Grantee's official registry information including administration, baseline services, programs, rated capacity or any other data submitted in the Juvenile Facility Registration Application regarding any pre-adjudication secure detention facility, short-term secure detention facility (i.e., holdover), post-adjudication secure correctional facility, or non-secure correctional facility operated by or under the authority of the Grantee. The Grantee shall ensure that any private vendor that operates a facility under the authority of the Grantee shall be contractually obligated to notify the Commission of any changes in official registry information. Changes shall be provided in writing to the Commission within ten (10) calendar days from the effective date of the change.

3. The Grantee shall notify the Commission immediately of any change affecting the Grantee and the composition, structure, function or identity, such as the control, name change, governing board membership or personnel changes affecting the contracted services. The Grantee or their designee shall notify the Commission of any changes by submitting a revised dated Designation of Key Personnel Worksheet along with notification of the changes on official department or juvenile board letterhead in writing within ten (10) calendar days from the effective date of the change.

4. Prior to referring a juvenile for participation in a research program or study, the Grantee shall submit, via the Commission's website, a Report Concerning Research Programs and Studies of Juveniles. The report shall be required for any juvenile who is currently or may have previously been under the jurisdiction of the juvenile court. As mandated in Human Resources Code Section 141.0486, the report shall be utilized by the Commission to track the number of children, study type, principal investigator and sponsoring entity conducting a research program or study relating to children within the juvenile justice system.

COMMENTARY

Discussion and Interpretation:

This grant provision details the required programmatic reports due. Compliance with these grant provisions is not monitored during an on-site monitoring visit but is monitored throughout the term of the grant. If the Grantee fails to comply with the grant provision, the Commission shall issue a Non-Compliance Citation Report (NCCR).

COMETS Reports

The Compliance Monitoring, Enforcement and Tracking System (COMETS) is the system used by the Commission to monitor compliance with standards and grant requirements. Performance reports issued during on-site monitoring visits and Non-Compliance Citation Reports (NCCR) are issued from this system. If the Grantee is cited for any non-compliances via the COMET System, the Grantee is required to respond with a corrective action plan (i.e., a Program Improvement Plan) using the COMET System within the time frame designated by COMETS.

Facility Registry

If the Grantee operates a secure pre-adjudication detention facility or a secure post-adjudication correctional facility, the facility shall be registered in the Commission's Secure Juvenile Facility Registry. This registration occurs once per calendar year. The Grantee is required to update any information in the Registry by notifying the Commission in writing within ten (10) calendar days from the effective date of the change (e.g., change in facility administrator, programs provided, number of beds, etc.). Updates shall be submitted via email to FacilityRegistry@tjpc.state.tx.us.

Other Changes

The Grantee is also required to notify the Commission of any other significant changes affecting the Grantee such as changes in the composition of the members of the juvenile board or the individual who is the chief juvenile probation officer. Other significant changes may include, but are not limited to, combining counties into a multi-county jurisdiction juvenile probation department, change in the juvenile board chair, and other key personnel changes such as the program administrator of a JJAEP, etc. Any change shall be provided to the Commission in writing within ten (10) calendar days from the effective date of the change.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

General Grant Requirements

General Grant Requirements**Article V Section B-D**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

Citation(s):

Grants - General Grant Requirements Article V Sections B-D

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES**Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required: False**Reviewer Preparation Checklist:**

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

General Grant Requirements**Article VI Section A-D**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** VI. Programmatic Monitoring

A. On-Site Monitoring Visits. The Grantee shall be subject to programmatic monitoring as scheduled at the discretion of the Commission. Scheduled on-site visits are announced and confirmed in writing at least fifteen (15) calendar days in advance of the actual visit whenever possible. Scheduled on-site visits shall be conducted during the program's regular operating hours. The visit can include a review of policies, procedures and records; interviews with staff, juveniles and other personnel; and a tour of the program or facility. The length of the visit depends on the size of the program or facility as well as the size of the Commission's monitoring team. Each visit will conclude with an exit conference with appropriate department and/or facility staff and the presentation of findings in the Performance Rating Profile Report.

B. Unannounced On-Site Monitoring Visits. The Commission shall conduct unannounced on-site visits in addition to its scheduled on-site visits. Unannounced on-site visits may be made without any advance notification and may occur at any time. Unannounced on-site visits may be entirely random or they may be made for cause. The Commission may determine cause by assessing information relating to a specific area of alleged standards non-compliance(s), patterns of actual or alleged non-compliance(s), as a means to monitor program improvement plans (PIPs) or due to a request for intervention from other state or local government entities, the public, etc. Unannounced on-site visits may also be conducted in conjunction with the Commission's formal abuse, neglect and exploitation investigations. The length and scope of an unannounced on-site visit shall be dependent on the circumstances that led to the visit. A Non-Compliance Citation Report (NCCR) shall be issued for any verified non-compliance in an unannounced on-site visit.

C. Desk Audits. The Commission may monitor compliance with standard or grant requirements by a desk audit, which includes review of select records and program documentation. This review will require the department to forward or make available to the Commission any written policies and procedures, juvenile and staff records, juvenile board documentation, etc. The review of written documentation and materials may be supplemented by phone interviews with select staff and/or juveniles. Findings will result in a performance rating profile report or a Non-Compliance Citation Report (NCCR). Grantee shall ensure its agents will comply with all request of information during the course of a desk audit by the Commission or its authorized designee.

D. Other. See Individual Grant Requirements.

COMMENTARY**Discussion and Interpretation:**

This grant provision details the various types of programmatic monitoring that may be utilized by the Commission. This article is provided for informational and definitional purposes only.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A

Sample: N/A
Point Value: 0
Total Points Possible: 0
Scoring Methodology: N/A
Level: Level 0 - Not Monitorable

REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VI Sections A-D

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False
Professional Staff: False
Program/Facility Administrator: False
Juvenile Board Chair: False
Ancillary Staff: False
Juvenile: False

General Grant Requirements

Article VII Section A-C

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: VII. Applicable Law, Policy and Procedure

APPLICABLE LAW, POLICY AND PROCEDURE. The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended or renumbered and enacted and effective during the term of this Contract:

A. Applicable Standards.

1. Texas Administrative Code (TAC), Title 37, Public Safety and Corrections, Chapters 341 – 358.

B. General Statutes.

1. Federal Law.

a. Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended.

i. 42 United States Code 5601, et seq.

ii. 28 Code of Federal Regulations Section 31.303, et seq.

b. Civil Rights of Institutionalized Persons Act (CRIPA) of 1980, as amended.

i. 42 United States Code 1997, et seq.

c. Prison Rape Elimination Act (PREA) of 2003, as amended.

i. 42 United States Code 15601, et seq.

d. Office of Management and Budget (OMB) Circular A-102, as amended.

i. 59 Federal Register 52224 - Office of Management and Budget (OMB) Circular A-102 - Grants and Cooperative with State and Local Governments.

2. State Law.

a. Texas Family Code, Title III, Juvenile Justice Code.

i. Chapter 60 – Uniform Interstate Compact for Juveniles.

b. Texas Administrative Code (TAC) Title 1, Part 15 Health and Human Services Commission.

i. Chapter 351, Section 351.13 – Substitute Care Provider Outcome Standards.

c. Texas Human Resources Code.

i. Chapter 141 – Texas Juvenile Probation Commission.

ii. Chapter 142 – Juvenile Probation Departments and Personnel.

iii. Chapter 152 – Juvenile Boards.

d. Texas General Appropriations Act.

e. Texas Government Code, Title 7, Uniform Grant and Contract Management.

i. Chapter 783 – Uniform Grant and Contract Management Act.

C. Policy and Procedure.

1. Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2.

COMMENTARY

Discussion and Interpretation:

This grant is governed by a variety of applicable state and federal laws, regulations and policies. This grant provision details the specific laws and policies that are applicable to the grant. This provision will not be monitored independently herein this grant but compliance with all monitored laws and regulations will be monitored within the context of the specific grant provision.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VII Sections A-C

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

General Grant Requirements**Article VII Section A-C**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

PRE-MONITORING PREPARATION**Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**
N/A**Reviewer Preparation Checklist Required:** False**Reviewer Preparation Checklist:**
N/A**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

TEXT OF STANDARD

Subchapter: VIII. Financial Components

A. Allowable Expenditure of Funds.

1. Unless otherwise indicated in the individual grant requirements, state funds shall be expended for juvenile justice programs and juvenile probation services in the three budget categories of staff services, non residential services and residential services and as allowed in the Expenditure Guidelines contained in Appendix I of this document.

2. Grant funds may be expended to provide programs and services for juveniles under the jurisdiction of the Grantee's juvenile probation department. Grant funds may be expended to provide programs and services to family members of juveniles under the jurisdiction of the Grantee's juvenile probation department.

3. Expenditures that benefit both adult and juvenile probation departments shall be pro-rated on an equitable basis. The determination of the method of pro-rating such expenditures shall be supported by documentation.

4. Grant funds used to reimburse a county that provides fiscal services to another county or multiple counties shall be reasonable compensation for services actually provided. Payment shall not exceed five percent (5%) of the funding allocation and shall be made to the county providing fiscal services rather than to an individual.

5. The maximum allowable rates for each of the levels of care and the description of each level is posted in the Post-Adjudication Secure Correctional Facility Levels of Care Rates [TJPC-FIS-01-10] on the Commission's website. All post-adjudication secure correctional facilities that are registered with the Texas Juvenile Probation Commission and certified by the local juvenile board qualify for an amount not to exceed the Basic Level of Care Rate. Grant funds may be expended at a higher level of care rate if a post-adjudication secure correctional facility has been approved by the Commission for a higher level of service rate.

B. Unallowable Expenditure of Funds.

1. Unless otherwise indicated in the individual grant requirements, no state funds shall be expended for unallowable items as detailed in the Expenditure Guidelines incorporated in Appendix I of this document.

2. No state funds shall be expended for the provision of primary prevention services.

3. Grant funds shall not be used to pay for post-adjudication secure correctional facilities in excess of the amounts approved by the Commission.

COMMENTARY

Discussion and Interpretation:

This grant provision addresses the allowable and unallowable expenditure of funds received in each grant. Expenditures will be monitored under each individual grant. Individual grants contain detail regarding allowable and unallowable expenditure. Payments shall be made in accordance with the Expenditure Guidelines and shall be expended and classified as outlined in Article VIII, Sections A and B in each grant. The Expenditure Guidelines in General Grant Requirements - All TJPC Grants may be found on the Commission's website at www.tjpc.state.tx.us. If any expenditure fails to meet these requirements, the Grantee will be in non-compliance with the grant provisions of the individual grants.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section A-B

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements

Article VIII Section C

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: VIII. Financial Components

C. Financial Match Requirements. See Also Individual Grant Requirements.

1. Certification of Local Expenditures. Pursuant to the requirements of the Texas Human Resources Code Section 141.082, to be eligible to receive funding under the State Financial Assistance Contract, the fiscal officer duly appointed by the Grantee shall submit the Certification of Local Expenditures Report that certifies local juvenile justice expenditures (i.e., juvenile probation services and juvenile justice programs) made by the Grantee during the previous fiscal year that is equal to or greater than those made in fiscal year 1994.

COMMENTARY

Discussion and Interpretation:

This grant provision requires the Grantee to submit the Certification of Local Expenditures Report to the Commission. The purpose of this report is to establish eligibility for state funds as required by the Texas Human Resources Code Section 141.082 and the Texas General Appropriations Act. To be eligible for state funds, a Grantee shall demonstrate to the Commission that the amount of local or county funds expended for juvenile services met the local match requirement. The Grantee shall certify that the amount of local or county funds expended for juvenile services is at least equal to or greater than the amount spent in the 2006 county fiscal year excluding construction and capital outlay expenses.

The Commission may, at its discretion, waive the expenditure requirement under Section 141.082 only if the Grantee demonstrates that unusual, catastrophic, or exceptional circumstances existed during the relevant fiscal year that adversely affected the level of county funding (e.g., the detention facility was damaged by a flood or tornado and the county cannot rebuild).

The Commission shall reduce the allocation of grant funds to the Grantee by the amount equal to the amount that the county funding level is below the required funding level if a waiver is not allowed. The Commission may require a rebate of or may withhold the amount of grants funds necessary to satisfy the requirement that the Grantee actually spent local or county funds for juvenile services (i.e., juvenile probation services and juvenile justice programs) as demonstrated.

Completing the Report

Expenditures are documented by the Commission on the Certification of Local Expenditures Report for each county for each fiscal year. The Commission shall mail the Certification of Local Expenditures Report on or before March 1 of the current fiscal year to the fiscal officer or authorized designee to be completed for the previous fiscal year. The Commission will preprint the following data on each report: the county number, the county name and the local expenditure amount previously certified by the fiscal officer.

The Grantee shall enter the following information:

1. The county fiscal year beginning and ending dates under "from and to". The county fiscal year may be different than the Commission's fiscal year.

2. The actual local expenditures for county's fiscal year:

a. Calculate the Fiscal Year Total (A) of the actual local expenditures. Local funds include county appropriations expended for the juvenile department budget. The county shall report actual expenditures that are paid from the county general fund or from a dedicated fund for juvenile probation services and juvenile programs. Juvenile services and programs may include, but are not limited to, the following:

- i. Operational costs for juvenile probation services;
- ii. Juvenile detention costs;

- iii. Costs of local juvenile correctional facilities;
- iv. Purchase of services for juvenile-child care; and/or
- v. Medical, psychological services.

B. Enter expenditures of other county departments. Local expenditures shall exclude, but are not limited to, the following:

- i. Construction or capital outlay expenses;
- ii. Expenditures of Commission funds or any from other state agencies;
- iii. Expenditures from federal grants;
- iv. In-kind services;
- v. Adult probation expenses; or
- vi. Expenditures of other local departments.

3. (B) The amount from the certified 1994 Certification of Local Expenditure Report, or if the Salary Adjustment grant funds were accepted by the juvenile probation department, the amount will be the certified 2001 local level of expenditure total.

4. (C) Total expenditures are subtracted from (A) the certified local expenditure total.

5. The amount is recorded.

A. A positive amount indicates that the required financial match amount met the grant requirement;

b. A negative amount indicates that the county was not in compliance with the Commission requirements.

6. To complete the report, the Fiscal Officer attests to the validity of the information, and signs before a Notary Public. The Chief Juvenile Probation Officer also signs. After the Certification of Local Expenditures Report is notarized, it shall be mailed to the Commission no later than April 1 of the current fiscal year.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

- 1. Examine the Certification of Local Expenditure Report to determine that all sections are complete including signatures by the fiscal officer, chief Juvenile probation officer and a notary public;

General Grant Requirements

General Grant Requirements

Article VIII Section C

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

- 2. Compare Fiscal Year Total (A) to the fiscal year 1994 certified expenditure level or if the county accepted the salary adjustment grant, the 2001 certified expenditure level to determine if a refund is due; and
- 3. If a refund is due to the Commission, notify the Grantee that a refund is due within 45 calendar days of receipt of notice.
 - A. The Commission may reduce the allocation of grant funds to the Grantee in the next fiscal year by the difference in actual expenditures and required local match; or
 - b. The Commission may require a rebate or withhold the amount of grant funds necessary to satisfy the requirement.

Verification Documents:

- 1. Certification of Local Expenditures Report

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section C

Cross Reference(s):

Texas General Appropriations Act

Human Resources Code Section 141.082

Grant Z - Salary Adjustment Article VIII Section C

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements**Article VIII Section D (1)**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** VIII. Financial Components

D. Funding Adjustments.

1. Reduction of Grant Payments. The Commission shall review the Grantee's unexpended grant balances for each individual grant in the last three fiscal years. If the Commission determines that more than 10 percent of the amount awarded remained unspent or unencumbered at the end of each of the three fiscal years reviewed, the Commission may reduce the current fiscal year's grant amount by the unspent balance of the previous fiscal year's grant. The Commission may conduct an analysis and/or audit of the Grantee's level of referral activity, juvenile probation supervision activity and juvenile probation caseloads to determine the reasonableness of the amount of grant funds received by the Grantee in relation to these workload variables. As a result of this analysis, the Commission may reduce the amount of any grant awarded to the Grantee in this grant period or in any subsequent grant periods by an amount determined reasonable by the Commission.

a. Unexpended or unencumbered grant funds allocated to the Grantee shall be subject to a funding adjustment as set forth in Section VIII (D)(1). The Commission may reduce funding from any grant awarded under this Contract.

2. If the analysis indicates 10% of the total award was returned to the Commission over the three year period, contact the chief juvenile probation officer to explain the results of the analysis and to request the following written information:

- An explanation for the unexpended grant balance; and
- A corrective action plan to address how the Grantee will expend subsequent funds.

Verification Documents:

- Contract Detail Report

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable**COMMENTARY****Discussion and Interpretation:**

This grant provision authorizes the Commission to reduce payments to the Grantee if an analysis conducted by the Commission's contract administrator determines that more than 10% of the grant amount awarded remained unspent or unencumbered at the end of each of the three (3) fiscal years reviewed in the analysis.

The Commission may also analyze a variety of factors relevant to the operations of the Grantee's juvenile probation department and any juvenile probation services and juvenile justice programs administered by or under the Grantee's authority. This analysis may include a review of the referrals to the juvenile probation department and the level of supervision activity related to caseload sizes. The Commission may reduce the amount of any grant received by the Grantee if it is determined through this analysis that the workload of the Grantee's juvenile probation department is insufficient to support the level of state funding being received by the Grantee under all grants. For example, the Commission may analyze the caseload size of the Grantee's juvenile probation officers in relation to the number of referrals received by the Grantee during a particular time frame and in comparison to statewide referral rates to determine if the workload supports the receipt of juvenile probation officers under the Progressive Sanctions JPO grant.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

- Review the Grantee's unexpended balances for the past three fiscal years:
 - Compile in a spreadsheet format the total allocation of State Aid and Community Corrections funding and corresponding unexpended balances for each fiscal year;
 - Generate a Contract Detail Report from the Commission's financial system for each grant for each fiscal year identified. This report will show transactions made during the specific fiscal year. The information entered on the analysis spreadsheet will include the original allocation amount and the amount of unexpended grant funds;
 - Format the spreadsheet to calculate the percentage of unexpended funds. Analyze the total to determine whether more than 10% of the amount awarded remained unspent or unencumbered at the end of each of the three fiscal years; and

REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section D (1)

Cross Reference(s):

N/A

Board Opinion:**RFI Opinion:****EFFECTIVE DATES****Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

General Grant Requirements

General Grant Requirements

Article VIII Section D (1)

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

Reviewer Preparation Checklist Required: False

Reviewer Preparation Checklist:
N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

- Chief Administrative Officer:** False
- Professional Staff:** False
- Program/Facility Administrator:** False
- Juvenile Board Chair:** False
- Ancillary Staff:** False
- Juvenile:** False

General Grant Requirements

Article VIII Section D (2) - (4)

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: VIII. Financial Components

D. Funding Adjustments.

2. Unexpended Balances. With the exception of funding received under the E, L, P, and R Grants, the Grantee shall refund to the Commission no later than November 1 in the next fiscal year, any unexpended funds from any grant that is allocated under the State Financial Assistance Contract which are unencumbered by August 31 and unexpended by November 1 in the next fiscal year.

3. Overpayments. Any overpayments made by the Commission in regard to any grant discovered by the Grantee, its agent, the Commission or its authorized designee in any fiscal year shall be refunded to the Commission within 30 calendar days after discovery or after receipt of a written notice from the Commission.

4. Refunds Due. All refunds due to the Commission under any grant for unallowable expenditures discovered shall be returned to the Commission within 30 calendar days of confirmation.

COMMENTARY

Discussion and Interpretation:

Article VIII of this grant provides a directive for returning grant funds to the Commission. When unexpended balances, overpayments, or refunds are due the Commission, a letter of notification will be issued to the Grantee. A Non-Compliance Citation Report (NCCR) shall be issued when the funds are not returned within 45 calendar days.

Unexpended Balances

Grant funds shall be expended or encumbered by August 31 of each fiscal year of the grant period and paid within 90 calendar days. Unexpended balances or unspent funds are due the Commission on or before November 1 immediately following each fiscal year of the grant period.

Overpayments

Any funds that were disbursed in error shall be returned within 30 calendar days of discovery.

Refunds Due

A refund due as a result of an unallowable expenditure under an individual grant shall be reversed and paid from another funding source that allows the expenditure utilizing a journal entry. The increase in the grant balance that results from the reversing entry may be expended within the grant period, or if the grant period has ended, a refund is due to the Commission. If applicable, a refund shall be made within 30 calendar days of the discovery of the unallowable expenditure.

This grant provision is provided for informational and definitional purposes only and will not be monitored during an on-site monitoring visit but is monitored throughout the term of the grant. If the Grantee fails to comply with the grant provision, the Commission may issue a Non-Compliance Citation Report (NCCR).

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section D (2) - (4)

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements

Article VIII Section E

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: VIII. Financial Components

E. Timely Expenditure of Grant Funds. The Grantee shall expend funds in a timely manner. The Commission shall determine if an acceptable percentage of disbursed funds are expended during the designated reporting period in order for the Grantee to expend the full amount of the grant by the end of the contract period. If the Grantee fails to expend the grant funds in a timely manner, the Commission may issue a Non-Compliance Citation Report (NCCR) and may reduce or suspend funds.

COMMENTARY

Discussion and Interpretation:

This grant provision requires that Commission grant funds shall be expended in a timely manner. Periodic review of unexpended funds will be conducted as the Quarterly Expenditure Reports are received and reviewed. A Grantee will be in compliance if the funds are expended within a reasonable time after they are received.

The Commission has determined an acceptable percentage of disbursed funds that should be expended during the designated reporting period in order for the Grantee to expend the full amount of the grant by the end of the grant period. The following minimum percentages of cumulative expenditures are as follows:

- 1st Quarter – N/A
- 2nd Quarter –40%
- 3rd Quarter – 60%
- 4th Quarter – 100%

For example, the Commission would expect to see that the Grantee had expended approximately 60% of the total funds received under the grant by the end of the third quarter of the grant fiscal year. If not, the Grantee may be contacted by the Commission.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

1. Examine the Quarterly Expenditure Report for each grant to determine that year-to-date expenditures are within the acceptable percentage; and
2. If the total expenditures for each quarter are outside the expected percentages, contact the Grantee and request an explanation of the deviations and a corrective action plan for the grant period.

Verification Documents:

1. Quarterly Expenditure Report

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section E

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:
N/A

Reviewer Preparation Checklist Required:
False

Reviewer Preparation Checklist:
N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

- Chief Administrative Officer:** False
- Professional Staff:** False
- Program/Facility Administrator:** False
- Juvenile Board Chair:** False
- Ancillary Staff:** False
- Juvenile:** False

General Grant Requirements

Article VIII Section F

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: VIII. Financial Components

F. Audits.

1. Auditing Requirements. The Grantee shall provide an independent financial compliance audit of funds received from the Commission under the State Financial Assistance Contract, specifically for the following grants: A, B, C, D, E, F, H, M, O, P, U, V, W, X, Y and Z. The audit shall be prepared in accordance with Generally Accepted Auditing Standards, Governmental Auditing Standards and the Commission's audit requirements that will be sent under separate cover by September 30 for each year of the biennium. The Grantee shall submit two (2) copies of the current fiscal year audit to the Commission no later than March 1 of the subsequent year. The audit shall include as part of the Report on Compliance and Internal Control, the specific financial assurances contained in Section VIII (G), of the General Grant Requirements and any individual grant as included in the State Financial Assistance Contract. The audit shall include an opinion on whether or not the Grantee complied with the applicable assurances. A summary of all material instances of non-compliance and an identification of the total amount of funds in question for each assurance shall be included in the audit. If the audit is not received by March 1 of the subsequent year, the Commission may issue a Non-Compliance Citation Report (NCCR) and may suspend funds.

COMMENTARY

Discussion and Interpretation:

This grant provision details the auditing requirements for all Commission grants. The purpose of the independent audit is to ensure that the Grantee provides safeguards for grant funds, uses sound accounting methods and controls and to determine overall compliance with grant requirements.

Revised audit requirements are posted on the Commission's website and mailed to each chief juvenile probation officer and fiscal officer by September 30 following the end of each fiscal year. The completed audit shall be submitted by the Grantee to the Commission no later than March 1 following the fiscal year end. If the Grantee submits the independent audit after the due date the Grantee is considered non-compliant and the Commission shall issue a Non-Compliance Citation Report (NCCR).

An NCCR shall be issued in situations where extenuating circumstances exist unless the Commission has received written notification prior to the due date explaining the circumstances and the Grantee's efforts to correct the situation. A timeline for expected submission of the audit shall be included. The Commission defines extenuating circumstances as the inability to meet a due date because of circumstances beyond the Grantee's control (e.g., fire, flood, tornado, etc.).

Independent Audit

A Certified Public Accountant shall conduct the audit in accordance with the most current auditing standards generally accepted in the United States of America and Governmental Auditing Standards issued by the Comptroller of the United States. The audit shall include at a minimum:

1. An independent auditor's report including an opinion about the financial statements and notes about how the audit was performed. The report shall be signed and dated by the independent auditor;
2. Statements of Revenue, Expenditure and Changes in Fund Balance at year-end for each grant. The statement shall include revenues, the most recently approved budget, total expenditures including encumbrances if the audit is completed prior to November 30 and any variance. A fund balance or "due to" is acceptable for unexpended or unaudited expenditures;

3. Notes in the financial statements shall include information used to verify a specific grant requirement (e.g., interest earned, federal IV-E financial assistance receipts, the salary adjustment testing, etc.). Notes shall not include accruals;

4. An independent auditors report on compliance and internal control shall include a statement about testing certain provisions of laws, regulations, contracts and grants, and assurances about grant management. This report shall also provide a statement about the internal controls the Grantee follows and whether a condition exists that is considered a weakness in the accounting system. This report shall be signed by the independent auditor and dated; and

5. Findings and questioned costs shall be stated or if there are none, so indicated. The Schedule of Findings and Questioned Cost shall address the concerns the independent auditor has with the Grantee's management of grant funds. Examples of findings may include, but are not limited to, the following:

- a. Findings related to the accounting system and payments;
- b. Discovery of a failure to follow an assurance or grant requirement; and
- c. Questioned cost related to the grant requirements.

The Schedule of Findings and Questioned Costs shall include a management response and corrective action plan and prior year follow-up, if any.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

1. Conduct an initial review of the audit when the audit is received. The Reviewer will verify that each part of the audit has been completed and document findings and inconsistencies. Audit receipt dates are entered into the audit review database;
2. Review audits in the order that they are received. A checklist for the audit review is followed along with a spreadsheet used to calculate the variances in the report to audited totals;
3. Compare the audited Statements of Revenue, Expenditure and Changes in Fund Balance to the Commission's Contract Detail Report:
 - a. Ensure the audit statement includes revenues, the most recently approved budget, total fiscal year expenditures including the accruals from the fourth quarter reports and any variance for each grant;

General Grant Requirements

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Article VIII Section F

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

- b. Compare audited expenditures to reported expenditures for each grant;
 - c. Note fund balances and reconcile to the previously submitted refunds to determine whether a refund is due; and
 - d. Analyze budget variances for compliance with grant requirements;
4. Notes to the financial statements are reviewed for compliance with the directive in the audit requirements:
- a. Confirm that each note required is included in the audit; and
 - b. Compare notes that are requested to provide verification of information needed by the Commission to the source of the request (e.g., a list from the Secure Juvenile Facility Registry is utilized to determine if the Grantee should include a note showing operating cost for a secure juvenile facility);
5. Ensure a statement is incorporated about testing certain provisions of laws, regulations, contracts and grants, and that it includes compliance testing of assurances:
- a. Check grant assurances for completeness. Excluded assurances are noted and require an explanation. Those that are not related to department activity shall be clearly indicated as not applicable by reference to the assurance or assurance number;
6. Verify that internal control is sound. Any weakness shall require follow-up;
7. Note follow-up requirements for findings and questioned costs:
- a. Verify whether refunds have been submitted if related to findings and questioned costs; and
 - b. Determine whether the findings and questioned costs will be addressed in the audit review letter as a request for funds or explanation, or they will be followed up.

Some findings and questioned costs are tracked after the audit review to follow-up with a management response or consider steps to be taken to correct the finding. This may include a phone call to the fiscal officer or request for verification documents.

Verification Documents:

- 1. Audit Contract Detail Report
- 2. Audit requirements for the fiscal year monitored

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section F

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

General Grant Requirements**Article VIII Section G**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** VIII. Financial Components

G. Financial Assurances. The following financial assurances are applicable to all grant funds unless the individual grant requirements specifically state the contrary.

1. Separate accountability for the receipt and expenditure of all grant funds under the State Financial Assistance Contract is maintained for each grant from which the Grantee receives funds;

2. Expenditures reported to the Commission are in agreement with the Grantee's accounting records and audited expenditures in each budget category;

3. Expenditures are made in accordance with the Expenditure Guidelines contained in Appendix I of this document and are supported by written documentation;

4. Salary expenditures under each grant are verified and supported by appropriate documentation or hours worked, activities performed and leave taken;

5. All travel expenses are supported by daily documentation of the individual traveling. The Grantee shall document date, destination, times, mileage or odometer readings and related travel activities;

6. Travel reimbursements paid with the grant funds including travel allowances paid in lieu of mileage, are paid according to county policy and do not exceed state travel rates as described below:

a. Lodging - \$85.00 / Day

b. Meals - \$36.00 / Day

c. Mileage - \$0.55 / Mile

7. The grant funds used for residential expenditures are paid for placement of a juvenile in a pre-adjudication detention secure facility, a short-term secure detention facility, a post-adjudication secure correctional facility, or a non-secure correctional facility operated by or under the authority of the Grantee, another governmental entity or a third-party service provider licensed under the laws of the state;

8. The grant funds used for residential child-care facilities and out-of-state residential placement facilities do not exceed the Health and Human Services Commission's Levels of Care Rates [TJPC-FED-27-04]. This financial assurance does not apply to non-secure correctional facilities that are registered with the Commission.

9. The grant funds used for placement in a post-adjudication secure correctional facility do not exceed \$95 per day unless the facility has been approved at a higher level of service rate.

10. The grant funds are not expended for the purchase of equipment, renovation or construction unless explicitly authorized by the Commission within the individual grant requirements. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00;

11. Authorized capital purchases are capitalized and depreciated within the county accounting system;

12. Proper cut-off procedures are observed at the end of each fiscal period. Obligations of the fiscal period under review are not paid from funds of a subsequent fiscal period. Obligations of a subsequent fiscal period are not prepaid from funds of a fiscal period under review. A modified accrual basis of accounting is only used in preparing fourth quarter expenditure reports to the Commission;

13. Refunds and reimbursements are properly accounted for as reductions of expenditures rather than as increases in revenues;

14. Any funds not expended under the terms of each grant were returned to the Commission according to the Unexpended Balances and Refunds Due provisions contained in Subsections VIII (D) (2) and VIII (D) (4), respectively;

15. The amount of local or county funds expended excluding construction and/or renovation for juvenile services are at least equal to or greater than the amount spent in the 1994 county fiscal year;

16. All employees with access to monies are covered by surety bonds; and

17. The Grantee is required to separate all county and state transactional funds, revenues and expenses.

COMMENTARY**Discussion and Interpretation:**

This grant provision details the financial assurances applicable to all commission grants. An assurance is a statement of compliance that is required of a local government as a condition for the receipt of grant funds. The Commission has written assurances that are categorized by general assurances applicable to all grants and individual assurances that are more specific. The assurances are included in the testing done by the independent auditor. A declaration of assurances is included in the independent auditor's report. An assurance that is not a true statement shall be listed as a finding or questioned cost so that it is brought to the attention of the Commission and the Grantee.

These assurances are not monitored by the Commission. The assurances are monitored for compliance within the review of the independent audit.

An increase in state allowable rates for mileage and lodging are as follows:

Effective September 1, 2009 to May 31, 2010, the allowable hotel rate was \$85 per night.

Effective June 1, 2010 to August 31, 2010, the allowable hotel rates were increased to \$110 per night.

TJPC's approved rates have increased to \$110 per night; however, the juvenile probation departments cannot exceed the allowable state rates, which are the federal rates determined by area and time period within the requirements of the U.S. General Services Administration (GSA). The link to the federal lodging rates is: www.gsa.gov/portal/category/21287.

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Lodging rates not listed on the federal lodging rates website are \$85 per night.

FY2010 allowable rates for mileage and meals are as follows:

Mileage -

September 1, 2009 – December 31, 2009/\$0.55 per mile.

January 1, 2010 – August 31, 2010/\$0.50 per mile.

Meals - \$36 per day.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article VIII Section G

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

TEXT OF STANDARD

Subchapter: VIII. Financial Components

H. Service Providers. Contracts with private service providers that are funded in whole or in part with grant funds shall adhere to the requirements set forth in the Private Service Provider Contract Requirements Summary [TJPC-FIS-32-04].

1. Selection of Providers. Selection of service provider contractors shall be fairly and objectively based upon county procurement procedures and guidelines and any applicable state or federal laws or regulations related to service procurement. As an integral part of the service provider selection process, the Grantees shall utilize procedures to assess prospective contractors' strengths, weaknesses and past performance. The Grantee shall use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.

2. Required Contract Provisions. Private service provider contracts paid in whole or part with grant funds shall include the following provisions in the contract between the Grantee and the service provider:

a. Accountability. Service provider contractors shall be held accountable for delivery of quality services and all contracts shall include clearly defined goals, outputs and measurable outcomes that directly relate to program objectives as required by the Texas Human Resources Code Section 141.050(b);

b. Eligibility to Receive State Funds. Service provider contractors shall be required to provide certification of eligibility to receive state funds if required by the Texas Family Code Section 231.006. The Commission has provided form Affidavit of Eligibility to Receive State Funds [TJPC-FIS-60-04] that may be used;

c. Legal Compliance. Service provider contractors shall adhere to all applicable state and federal laws and regulations pertinent to the subcontractor's provision of services to the Grantee;

d. Accounting. The Grantee shall contractually notify service providers when state funds are used to pay for services. Service providers paid from state funds shall be required to account separately for the receipt and expenditure of state funds received from the Grantee. The Grantee shall require clearly specified accounting, reporting and auditing requirements applicable to any state funds paid to the service provider by the Grantee under contract; and

e. Records Retention. Service provider contractors receiving whole or partial payment with any state grant funds received from the Commission shall retain all applicable records for a minimum of three (3) years or until any pending audits and all questions arising there from have been resolved and shall make available for the Commission inspection, all contractual agreements with service provider subcontractors.

f. Funding Out. Service provider contracts that are funded in whole or in part with grant funds shall be subject to termination without penalty, either in whole or in part, if funds are not available or are not appropriated by the Texas Legislature.

3. Performance Standards, Evaluations and Oversight. Service provider contractors shall be monitored at least twice during the fiscal year of this grant for programmatic and financial compliance. The Commission has provided two monitoring tools that may be used Private Service Provider Contractual Monitoring and Evaluation Report - Residential Services [TJPC-FIS-33-04] and the Private Service Provider Contractual Monitoring and Evaluation Report - Non-Residential Services [TJPC-FIS-34-04]. The purpose of the monitoring is to ensure performance of and compliance with contractual provisions between the Grantee and service provider contractor if required by and in accordance with the Private Service Provider Contract Requirements Summary [TJPC-FIS-32-04]. The Grantee shall maintain written documentation of all monitoring visits.

4. Sanctions or Penalties. The Grantee shall contractually impose specific, clearly defined and appropriate sanctions or penalties upon the service provider contractors

that do not comply with the provisions of contractual agreements between the Grantee and the service provider contractor if the contractor is paid in whole or in part with state funds.

5. Termination. The Grantee shall include contractual provisions that allow termination of a contract with a service provider if the provider fails to achieve the defined goals, outcomes, strategies and outputs set by the Grantee or if the provider fails to comply with any conditions in the contract between the Grantee and the provider.

6. Evidence of Execution. The Grantee shall maintain contract documentation that contains the date of execution, the effective term of the service provider agreement and the signatures of the necessary parties, including, but not limited to, the service provider contractor, Grantee and/or their authorized designees.

COMMENTARY

Discussion and Interpretation:

This grant provision details the requirements applicable to the Grantee's contracts with private service providers that are paid in whole or part with state grant funds. A service provider is an individual or entity other than the Grantee, who performs a contracted service that is necessary and reasonable for the provision of juvenile probation services and/or juvenile justice programs. Services may include, but are not limited to, electronic monitoring, drug screening, residential placement, counseling, psychological or psychiatric assessment and medical or dental exams.

Section 141.050 of the Texas Human Resources Code places certain requirements and responsibilities on the Grantee as it relates to contracts with private service providers. These requirements are discussed in detail below.

Selection of Providers

The Grantee shall select service providers in accordance with the applicable county procurement procedures and guidelines that include actions taken to ensure the provider is qualified. During the selection process, the Grantee shall ensure the selection process is fair, objective and complies with the county procurement policies. The Grantee shall further ensure that consideration be given to a service provider's past performance and the provider's strengths and weaknesses when making selection decisions.

Required Contract Provisions

Private service provider written contracts that are paid in whole or part with grant funds

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received from the Commission shall include a variety of mandatory provisions. These are detailed in Subsections 2, 4 and 5 above.

Formal written contracts are not required for every purchase of a good or service from a private service provider. Whether a written contract is necessary depends on the type of service, the frequency of the service and the monetary amount. The Commission's document titled Private Service Provider Contract Requirements Summary outlines an aggregate monetary amount for types of services as well as written contract requirements. This document can be downloaded from the Commission's website.

Crisis or emergency services or one-time services costing less than \$5,000 do not require a written contract and a purchase order will suffice. Non-residential recurring services and service agreements for multiple juveniles that cost \$5000 or more require a written contract. Residential services that cost \$1 or more require a written contract.

Certain required contract provisions are discussed below to provide supplemental information to assist the Grantee.

1. **Eligibility to Receive State Funds.** The service provider shall certify in writing that no outstanding financial obligations are due to the state of Texas (e.g., child support, franchise tax, sales tax, etc.). The same factors that would disallow an individual or corporation to contract directly with a state of Texas agency apply. The certification of eligibility to receive state funds, which is a statement from the service provider, shall include the name of the individual or entity, language similar to "no debts are due to the state of Texas", a signature and the date. The Commission has provided a form titled Affidavit of Eligibility to Receive State Funds for this purpose.

Verification that the service provider or vendor is in good standing with the Texas State Comptroller's Office can be found at the Texas State Comptroller's Office website at www.cpa.state.tx.us which provides information about taxpayer and vendor account information. This website allows the Grantee to make a determination as to whether to enter into a contract with a specific vendor. The search feature may be executed using the Company Name, Zip Code, Social Security Number, Federal Identification Number, Vendor Number, and/or Owner's Name. This search returns current Comptroller information about the service provider. If the service provider is a vendor with the state, the "good standing status" is indicated by the statement "taxpayer is not on vendor hold". The direct link to this section of the Comptroller's website may be found by entering the following web address into your internet browser: <http://ecpa.cpa.state.tx.us/coa/Index.html>. If the search shows no vendor found and search information has been entered correctly, the vendor has not been set up with the Comptroller as a vendor and the service provider has not received payment by an agent of the state of Texas.

Monitoring of Service Providers

Service providers shall be monitored by the Grantee at least twice during each fiscal year of the grant period for programmatic and financial compliance with the provider's contractual responsibilities and obligations. If the first monitoring of the service provider is successful the second monitoring of the service provider may be done by telephone. A department may choose to coordinate monitoring of a service provider by another department on the second visit, if the first visit was successful.

The Commission has developed two sample monitoring tools titled Private Service Provider Contractual Monitoring and Evaluation Report Residential Services and Private Service Provider Contractual Monitoring and Evaluation Report Non-Residential Products and Services. These forms may be downloaded from the Commission's website and used throughout the contract period to document all actions taken regarding the monitoring of the contract. It is not mandatory that the Grantee utilize the Commission's sample monitoring tools, but it is recommended. If the Grantee does not use the Commission's sample tools, the Grantee shall ensure that adequate written documentation exists to support and verify that the Grantee has a system in place to monitor service providers and did in fact monitor its private service providers at least twice per year.

Reviewer Guidelines:

To determine Grantee's compliance with this grant provision, the Reviewer will:

1. Prior to the monitoring visit, request from the Grantee a complete listing of all private service provider contracts paid in whole or part with state grant funds for the identified fiscal year during the grant period;
2. On the day of the monitoring visit, select all of the Grantee's service providers and request supporting documentation regarding the service provider which shall include the following:
 - a. Service provider selection process documentation;
 - b. Written contract, if applicable;
 - c. Service provider monitoring documentation for the applicable contract period; and
 - d. Financial documentation regarding payments to the selected service provider.
3. Determine whether a written contract was required for the selected service provider and, if applicable, verify whether all required contractual elements exist in the written contract with the service provider; and
4. Verify the service provider was monitored at least twice during the term of the contract period.

Verification Documents:

1. Listing of service providers
2. Service provider selection documentation
3. Service provider contract
4. Service provider monitoring documentation
5. Service provider financial payment documentation

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: Yes/No

Sample: N/A

Point Value: 10

Total Points Possible: 20

Scoring Methodology: 0 - 10

Level: Level 2 - Provision of Services

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REFERENCE MATERIAL**Recommended Best Practices:**

N/A

Sample Form(s):

Affidavit of Eligibility to Receive State Funds

Private Service Provider Contract Requirements

Private Service Provider Contractual Monitoring and Evaluation Report - Residential Services

Private Service Provider Contractual Monitoring and Evaluation Report - Non-Residential Services

Citation(s):

Grants - General Grant Requirements Article VIII Section H

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES**Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** True**Pre-Monitoring Preparation Checklist:**

1. Please provide a complete listing of all private service provider contracts paid in whole or part with state grant funds for the identified fiscal year during the grant period.

Reviewer Preparation Checklist Required: True**Reviewer Preparation Checklist:**

1. Prior to the monitoring visit, request from the Grantee a complete listing of all private service provider contracts paid in whole or part with state grant funds for the identified fiscal year during the grant period.

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False**General Grant Requirements**

General Grant Requirements**Article IX Section A**

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD**Subchapter:** IX. Financial Reporting

A. Annual Reports.

1. Certification of Local Expenditures. The Commission will on or before February 28 of each fiscal year of the grant period generate the Certification of Local Expenditures Report to the Grantee, which shall be completed by the county's Fiscal Officer for the previous fiscal year. The report shall be completed, signed by both the Chief Administrative Officer and the Fiscal Officer, notarized and returned to the Commission by April 1 of the current fiscal year.

2. Independent Audit. The Grantee shall submit two (2) copies of the independent financial compliance audit prepared by an independent Certified Public Accountant for the previous state fiscal year. The audit shall follow the General Grant Requirements of Sections VIII (F) and (G) and be submitted no later than March 1 of the current fiscal year.

COMMENTARY**Discussion and Interpretation:**

This grant provision details the applicable financial reports and the due dates of the Certification of Local Expenditures Report and the independent audit. If the Grantee fails to submit the Certification of Local Expenditures Report or the independent audit by the applicable due dates, the Commission shall issue a Non-Compliance Citation Report (NCCR).

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY**Compliance Methodology:**

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable**REFERENCE MATERIAL****Recommended Best Practices:**

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IX Section A

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES**Grant's Effective Date:** 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011**PRE-MONITORING PREPARATION****Program Tour:** False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:**Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

General Grant Requirements

Article IX Section B

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: IX. Financial Reporting
 B. Quarterly Reports. See Individual Grant Requirements.

COMMENTARY

Discussion and Interpretation:
 Quarterly reporting requirements are detailed in each individual grant. This provision is monitored in the individual grants.

Reviewer Guidelines:
 N/A

Verification Documents:
 N/A

METHODOLOGY

Compliance Methodology:
 N/A
Monitoring Methodology: N/A
Sample: N/A
Point Value: 0
Total Points Possible: 0
Scoring Methodology: N/A
Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:
 N/A
Sample Form(s):
 N/A
Citation(s):
 Grants - General Grant Requirements Article IX Section B
Cross Reference(s):
 N/A
Board Opinion:
RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011
CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False
Policy and Procedure: False

Pre-Monitoring Checklist: False
Pre-Monitoring Preparation Checklist: N/A
Reviewer Preparation Checklist Required: False
Reviewer Preparation Checklist: N/A
INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:
Chief Administrative Officer: False
Professional Staff: False
Program/Facility Administrator: False
Juvenile Board Chair: False
Ancillary Staff: False
Juvenile: False

General Grant Requirements

Article IX Section C

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: IX. Financial Reporting

C. Monthly Reports. See Individual Grant Requirements.

COMMENTARY

Discussion and Interpretation:

Monthly reporting requirements are detailed in each individual grant. This provision is monitored in the individual grants.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IX Section C

Cross Reference(s):

N/A

Board Opinion:**RFI Opinion:**

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**
N/A**Reviewer Preparation Checklist Required:**
False**Reviewer Preparation Checklist:**
N/A**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

General Grant Requirements

Article IX Section D

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

Subchapter: IX. Financial Reporting

D. Other Periodic Reports. See Individual Grant Requirements.

COMMENTARY

Discussion and Interpretation:

Periodic reporting requirements are detailed in each individual grant. This provision is monitored in the individual grants.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

METHODOLOGY

Compliance Methodology:

N/A

Monitoring Methodology: N/A**Sample:** N/A**Point Value:** 0**Total Points Possible:** 0**Scoring Methodology:** N/A**Level:** Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article IX Section D

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011**CRM Last Modified On:** 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False**Policy and Procedure:** False**Pre-Monitoring Checklist:** False**Pre-Monitoring Preparation Checklist:**
N/A**Reviewer Preparation Checklist Required:**
False**Reviewer Preparation Checklist:**
N/A**INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:****Chief Administrative Officer:** False**Professional Staff:** False**Program/Facility Administrator:** False**Juvenile Board Chair:** False**Ancillary Staff:** False**Juvenile:** False

General Grant Requirements

Article X Section A-B

Effective date 9/1/2010 - 8/31/2011

Latest Revision 01/14/2011

TEXT OF STANDARD

METHODOLOGY

Subchapter: X. Financial Monitoring

A. Annual Monitoring.

1. Budget Review. The grant funds will not be disbursed until a completed Annual Budget Application, located on the Commission's website for all applicable grants funded under the State Financial Assistance Contract is received and approved by the Commission. The Commission shall review all budgets for completeness, reasonableness and accuracy. Incorrect budgets may be returned to the Grantee for correction. Projected expenditures will be compared with actual expenditures from prior years and adjustments may be made to current allocations.

2. Independent Audits. The Commission staff shall review annual independent audits for adherence to Generally Accepted Auditing Principles and to the Commission's audit instructions. Incomplete or incorrect audits may be returned to the Grantee for correction.

B. Periodic Monitoring.

1. On-Site Monitoring. Grantee shall be subject by the Commission or its authorized designee to on-site financial monitoring at any time, which may include but is not limited to the discovery of problem areas resulting from financial data reviews, risk assessments, independent audit findings, budget reasonableness reviews and other factors.

2. Desk Audits. The Commission or its designee may elect to monitor compliance of financial records and documentation by desk audits. The audit may be supplemented by phone interviews with financial staff in the juvenile probation department, county auditor's office and the county treasurers' office. Findings will result in a performance rating profile report or a Non-Compliance Citation Report (NCCR). Grantee shall ensure its agents will comply with all request for information during the course of a desk audit by the Commission or its authorized designee.

3. Quarterly Reports. The Commission shall review all Quarterly Expenditure Reports for completeness, reasonableness and may return incorrect reports to Grantee for correction.

4. Investigations and Special Audits. The Grantee shall cooperate fully with the Commission or its authorized designee in the conduct of an investigation or special audit arising out of any complaint, financial, programmatic, abuse, neglect or exploitation finding or allegation relating to the provision of juvenile probation services or occurring in a juvenile justice program or facility such as a probation department, non-secure correctional facility, pre-adjudication secure detention facility, post-adjudication secure correctional facility, juvenile justice alternative education program (JJAEP) or other program serving juvenile offenders.

Compliance Methodology:

N/A

Monitoring Methodology: N/A

Sample: N/A

Point Value: 0

Total Points Possible: 0

Scoring Methodology: N/A

Level: Level 0 - Not Monitorable

REFERENCE MATERIAL

Recommended Best Practices:

N/A

Sample Form(s):

N/A

Citation(s):

Grants - General Grant Requirements Article X Section A-B

Cross Reference(s):

N/A

Board Opinion:

RFI Opinion:

EFFECTIVE DATES

Grant's Effective Date: 9/1/2010 - 8/31/2011

CRM Last Modified On: 01/14/2011

PRE-MONITORING PREPARATION

Program Tour: False

Policy and Procedure: False

Pre-Monitoring Checklist: False

Pre-Monitoring Preparation Checklist:

N/A

Reviewer Preparation Checklist Required:

False

Reviewer Preparation Checklist:

N/A

INTERVIEW QUESTIONS MAY BE ADMINISTERED TO THE FOLLOWING:

Chief Administrative Officer: False

Professional Staff: False

Program/Facility Administrator: False

Juvenile Board Chair: False

Ancillary Staff: False

Juvenile: False

COMMENTARY

Discussion and Interpretation:

This article is provided for informational purposes and details the variety of financial monitoring that may be conducted by the Commission.

Reviewer Guidelines:

N/A

Verification Documents:

N/A

General Grant Requirements