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# BOARD GOVERNANCE AND POLICY MANUAL



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## Introduction

The governing board of the Texas Juvenile Justice Department (TJJD) has adopted *The Board Governance and Policy Manual* to assist board members as they exercise of their duties and responsibilities. The manual should be applied in a manner consistent with all applicable laws and the Texas Juvenile Justice Department's (TJJD's) enabling legislation, policies, and procedures. The document includes policy statements on board activities and expectations, as well as references to relevant statute.

The manual provides a framework for the conduct of the board's business and sets forth certain policies as issued by the board. In the event this manual conflicts with a law or formally adopted department rule, the law or rule controls. In the event this manual conflicts with an internal department policy, this manual controls.

The board may modify or make exceptions to the manual in its discretion and consistent with applicable laws, as well as with its duties and responsibilities to TJJD. The manual will be distributed to all members during their initial orientation and annually, alongside distribution of the board's training manual. (See Sec. 202.006, Human Resources Code.) The manual will also be available for reference during board meetings.

The board shall review and assess the adequacy of this manual at least once every four years in alignment with TJJD's four-year rule review process. The board's Executive and Governance Committee – with assistance from TJJD staff – will lead this review and assessment, though all board members may propose suggested changes. The full board must adopt any necessary changes following each four-year review. The board may also adopt changes during the interim as necessary.

The document includes policy statements on board duties, activities, and expectations, as well as references to relevant statute. Appendices provide resource materials and forms. For additional information about the manual, please contact TJJD's General Counsel or Chief of Staff.

## Key Staff Contacts

Name	Role	Email	Phone
Shandra Carter	Executive Director	shandra.carter@tjjd.texas.gov	512-490-7612
Sean Grove	Deputy Executive Director	sean.grove@tjjd.texas.gov	512-490-7117
Emily Anderson	Deputy Executive Director of Finance and Business Operations	emily.anderson@tjjd.texas.gov	512-924-6196
Lou Serrano	Deputy Executive Director of Probation, Parole, and Reentry Services	louis.serrano@tjjd.texas.gov	512-490-7991
Jana Jones	General Counsel	jana.jones@tjjd.texas.gov	940-626-3798
Kaci Singer	Deputy General Counsel	kaci.singer@tjjd.texas.gov	512-952-9019
Rachel Gandy	Chief of Staff	rachel.gandy@tjjd.texas.gov	512-565-9323
Evan Norton	Senior Director of Integrated Treatment and Intervention Services	evan.norton@tjjd.texas.gov	254-297-8200
Alan Michel	Senior Director of Secure Facilities	alan.michel@tjjd.texas.gov	512-924-6196
Bobbi Kessler	Director of Communications	barbara.kessler@tjjd.texas.gov	972-974-8157
Preston Streufert	Director of Stakeholder Relations	preston.streufert@tjjd.texas.gov	737-932-5233
Daniel Guajardo	Chief Inspector General	daniel.guajardo@tjjd.texas.gov	512-317-1649
Eleazar Garcia	Chief Internal Auditor	eleazar.garcia@tjjd.texas.gov	512-739-8387
Sean McCleskey	Independent Ombudsman	sean.mccleskey@tjjd.texas.gov	512-490-7130

# TJJD Mission and Values

## Mission Statement

Build a unified juvenile justice system that exemplifies TJJD's core values of safety, accountability, and transparency. Building this system requires:

- Developing and maintaining constructive relationships with county juvenile probation departments and other key stakeholders through effective communication, ongoing collaboration, and timely adaptation to evolving needs.
- Providing a systemwide, evidence-based continuum of services designed to produce optimal outcomes for youth, families, and communities.
- Supporting the well-being of juvenile justice professionals, who in turn provide systemwide staff and youth with the highest levels of service, professionalism, and integrity.
- Allocating agency resources throughout the system based on risk and progress toward strategic goals.

## Core Values

**Safety:** Our number one priority is public safety. Providing a safe environment for our staff and youth is necessary for us to implement the most effective evidence-based programming in the most appropriate setting.

**Accountability:** We are a system rooted in accountability for our staff and youth, where everyone is held responsible for their actions and outcomes. We believe the behavior we desire to see in others should first be seen through our own actions.

**Transparency:** We maintain trust and transparency with all stakeholders through direct, honest, accurate, and proactive communication. We do not shy away from difficult conversations.

## Relevant Statute

### *TJJD Purpose*

Reference: Sec. 201.002, Human Resources Code

Sec. 201.002. PURPOSES AND INTERPRETATION. This title shall be construed to have the following public purposes:

(1) creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision; and

(2) creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:

(A) assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;

(B) promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;

(C) prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;

(D) operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and

(E) protecting and enhancing the cooperative agreements between state and local county governments.

### *TJJD Goals*

Reference: Sec. 201.003, Human Resources Code

Sec. 201.003. GOALS. The goals of the department and all programs, facilities, and services that are operated, regulated, or funded by the department are to:

(1) support the development of a consistent county-based continuum of effective interventions, supports, and services for youth and families that reduce the need for out-of-home placement;

(2) increase reliance on alternatives to placement and commitment to secure state facilities, consistent with adequately addressing a youthful offender's treatment needs and protection of the public;

(3) locate the facilities as geographically close as possible to necessary workforce and other services while supporting the youths' connection to their families;

(4) encourage regional cooperation that enhances county collaboration;

(5) enhance the continuity of care throughout the juvenile justice system; and



(6) use secure facilities of a size that supports effective youth rehabilitation and public safety.

*Purpose of the Juvenile Justice Code*

Reference: Sec. 51.001, Family Code

Sec. 51.01. PURPOSE AND INTERPRETATION. This title shall be construed to effectuate the following public purposes:

- (1) to provide for the protection of the public and public safety;
- (2) consistent with the protection of the public and public safety:
  - (A) to promote the concept of punishment for criminal acts;
  - (B) to remove, where appropriate, the taint of criminality from children committing certain unlawful acts; and
  - (C) to provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child's conduct;
- (3) to provide for the care, the protection, and the wholesome moral, mental, and physical development of children coming within its provisions;
- (4) to protect the welfare of the community and to control the commission of unlawful acts by children;
- (5) to achieve the foregoing purposes in a family environment whenever possible, separating the child from the child's parents only when necessary for the child's welfare or in the interest of public safety and when a child is removed from the child's family, to give the child the care that should be provided by parents; and
- (6) to provide a simple judicial procedure through which the provisions of this title are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

## **Board Composition and Selection Criteria**

When TJJD was created in 2011, the department's governing board consisted of 13 members appointed by the governor with the advice and consent of the Senate. In 2023, the 88th Legislature swept the board and decreased its size from 13 to nine members. Members serve staggered six-year terms and must fit into the composition criteria listed below.

### **Member Composition Criteria, as of September 1, 2023**

- One district court judge of a court designated as a juvenile court.
- One county commissioner with juvenile justice experience.
- One juvenile court prosecutor.
- Three chief juvenile probation officers representing small, medium, and large counties, as defined by statute.
- One licensed adolescent mental health treatment professional or a representative from a local mental health authority with experience serving children.
- One certified educator or juvenile justice professional with experience managing a secure facility.
- One public member.

### **Board Leadership**

Statute specifies the governor must designate a member of the board to serve as the chair. The chair serves at the pleasure of the governor.

Department rule authorizes the board to elect or appoint a vice chair to preside over the board if the chair is absent. The election or appointment of a vice chair must occur at a public meeting of the board. The election or appointment of a vice chair requires a majority affirmative vote by members present at the public meeting during which such an action item is considered.

The governor appointed the newly constituted board in December 2023. Current membership is reflected in the table below.

<b>Board Member</b>	<b>Role</b>	<b>Term Expiration</b>	<b>Hometown</b>
The Honorable David “Scott” Matthew, Chair	Juvenile Probation Chief, Large County	February 1, 2025	Georgetown
Chief Edeska Barnes, Jr.	Juvenile Probation Chief, Medium County	February 1, 2029	Jasper
Chief Cloyce J. “Joe” Barton, III, Ph.D.	Licensed Mental Health Professional	February 1, 2025	Canyon
Jerry Bullard	Public Member	February 1, 2029	Colleyville
The Honorable William Durham	Prosecutor	February 1, 2027	Huntsville
Stephanie House, Ph.D.	Certified Educator	February 1, 2025	Liberty Hill
Chief Luis Leija	Juvenile Probation Chief, Small County	February 1, 2027	Port Lavaca
The Honorable Manuel Ramirez	County Commissioner	February 1, 2027	Fort Worth
The Honorable Cynthia Wheless	District Court Judge	February 1, 2029	McKinney

See the following appendices for resources and forms relevant to membership selection:

- Appendix A: Secretary of State Statement of Officer Form
- Appendix B: Secretary of State Oath of Office Form

## Relevant Statute

### *Board Composition Requirements*

Reference: Sec. 202.001, Human Resources Code

Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a) The board is composed of the following nine members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) one member who is a member of a county commissioners court with juvenile justice experience;

(3) one prosecutor in juvenile court;

(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

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

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code, or a representative from a local mental health authority designated under Chapter 533, Health and Safety Code, who has experience working with children;

(8) one member who is:

(A) an educator, as that term is defined by Section 5.001, Education Code, with juvenile justice experience; or

(B) a juvenile justice professional with experience managing a secure juvenile justice facility operated by the department or a county; and

(9) one member of the general public.

(b) Members serve staggered six-year terms, with the terms of three members expiring on February 1 of each odd-numbered year.

(c) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(d) The governor shall make appointments to the board without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) A member appointed under Subsections (a)(1)-(6) may not hold office in the same county or judicial district as another member appointed under those subsections.

### *Restrictions on Board Membership*

Reference: Sec. 202.002, Human Resources Code

Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of the board if the person or the person's spouse:

- (1) is employed in the field of criminal or juvenile justice;
- (2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department; or
- (4) uses or receives a substantial amount of tangible goods, services, or money from the department, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) A person may not be a board member and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

- (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or
- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) A person may not be a board member or act as the general counsel to the board or the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(d) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

### *Provisions Applicable to Judicial Members*

Reference: Sec. 202.003, Human Resources Code

Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS. (a) A judge's place on the board becomes vacant when the judge ceases to hold a judicial office.

- (b) A judge's service on the board is an additional duty of office.
- (c) At the time of appointment to the board, a judge must be a judge of:
  - (1) a court designated as a juvenile court; or

- (2) a court that is one of several courts that rotate being the juvenile court.

### *Member Removal*

Reference: Sec. 202.004, Human Resources Code

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

- (1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;
- (2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;
- (3) is ineligible for membership under Section 202.002;
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or
- (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that the action is taken when a ground for removal of a board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

### *Member Recusal*

Reference: Sec. 202.005, Human Resources Code

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile probation officer who is a board member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts the juvenile probation department over which the chief juvenile probation officer has authority. The chief juvenile probation officer may not vote or render any decisions regarding matters of officer discipline presented to the board regarding the chief juvenile probation officer's department.

(a-1) If a juvenile justice professional is appointed as a board member under Section 202.001(a)(8), the member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts any juvenile probation department or facility the professional is employed by or works

for under a contract. The professional may not vote or render any decisions regarding matters of officer discipline presented to the board regarding any juvenile probation department or facility the professional is employed by or works for under a contract.

(b) The board may adopt recusal requirements in addition to those described by Subsections (a) and (a-1), including requirements that are more restrictive than those described by those subsections.

#### *Member Reimbursement*

Reference: Sec. 202.007, Human Resources Code

Sec. 202.007. REIMBURSEMENT. A board member is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

# Board Training

## Orientation

Once appointed to the board, members will work with TJJD staff to receive the training necessary to prepare for board activities, including but not limited to rulemaking, disciplinary action, and financial approvals. This orientation may occur in-person or virtually. At a minimum, orientation will include the following:

- Introductions to key staff members.
- Introductions to fellow board members, as schedules allow.<sup>1</sup>
- An overview of the juvenile justice system and TJJD's role throughout that system.
- An overview of oversight structures that monitor, inspect, investigate, or otherwise regulate the juvenile justice system.
- A review of TJJD's history, functions, budget, and relevant stakeholders including the Advisory Council on Juvenile Services, Presidents' Council, and Regionalization Task Force.<sup>2</sup>
- A review of TJJD's most significant statutes, legislative directives, and most recent key documents, including internal and external audits, Sunset reports, and strategic plans.
- An analysis of justice-involved youth populations, particularly the risks and needs of those committed to state custody.
- A review of key rules, rulemaking duties, and TJJD's rule review plan.
- An overview of key facility operations, programs, and procedures, including principles and processes related to the Texas Model.
- A breakdown of the board's role, membership qualifications, duties, priorities, and projects.
- A discussion of the Public Funds Investment Act and financial reporting requirements.

TJJD staff will compile relevant orientation materials into a manual that each member will receive. A copy of the manual will also be available to members during board and committee meetings as needed.

Within the first 60 days of their orientation, members shall work with staff to coordinate a visit to a TJJD secure facility. Other visits may be scheduled throughout each member's service as well.

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<sup>1</sup> If current members are not able to attend a new member's orientation, staff will assist with coordinating individual introductions at a later time.

<sup>2</sup> As schedules permit, TJJD staff will aim to hold orientation sessions in conjunction with other key stakeholder meetings, enabling new members to attend or stream these meetings during their designated training time.



In addition to receiving orientation training and materials directly from TJJD staff, board members must also complete various online trainings provided by other agencies. At a minimum, these trainings include:

- Texas Open Meeting Act training provided by the Office of the Attorney General (OAG) and found [here](#) (~1 hour)
- Public Information Act training provided by OAG and found [here](#) (~1 hour)
- Ethics training provided by the Texas Ethics Commission and found [here](#) (~30 minutes)

## **Ongoing Training Requirements and Opportunities**

After board members receive orientation training, they must comply with continuing training requirements, and they may also engage in additional education opportunities.

*Required training:* At the beginning of each calendar year, TJJD staff will provide each board member with an updated copy of the training manual mentioned in the previous subsection. Member must sign and submit to the Executive Director a statement acknowledging that they received and reviewed the manual by a deadline established in consultation with the Chair.

*Additional education opportunities:* To continue building expertise about evolving needs and processes within the state’s juvenile justice system, board members may take advantage of various continuing education opportunities. Example opportunities are listed below.

- Staff trainings: TJJD’s Juvenile Justice Training Academy (JJTA) provides education to both state- and county-level stakeholders. The [department’s website](#) archives links to JJTA’s past trainings and resource materials, including those covering [TJJD basics](#), [the Texas Model](#), and core curricula for [juvenile probation officers](#) and [juvenile supervision officers](#) whom the board certifies and may discipline.
- Board-requested webinars: Board members may request specific trainings from staff that can be provided in-person or virtually. For example, in fiscal year 2024, staff provided trainings on the [basics of Texas state government](#) and the [history of determinate sentencing](#). To request a training, contact the TJJD’s Chief of Staff.
- County conferences: TJJD’s county partners host regular conferences and training opportunities which board members may attend. For information on upcoming conferences and/or regional meetings, contact TJJD’s Chief of Staff or the Deputy Director of Probation, Parole, and Reentry Services.
- OAG assistance: Key resources provided by OAG include:
  - [The Open Meetings Act Handbook](#)
  - [The Public Information Act Handbook](#)
  - Open Government Hotline available toll-free at (877) 673-6839

See the following appendices for resources and forms relevant to board member training:

- Appendix C: TJJD Board Training Manual Confirmation

- Appendix D: Sample Orientation Agenda
- Appendix E: Sample Training Manual Table of Contents

## Relevant Statute

### *Training Requirements*

Reference: Sec. 202.006, Human Resources Code

Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the law governing department operations;
- (2) the programs, functions, rules, and budget of the department;
- (3) the scope of and limitations on the rulemaking authority of the board;
- (4) the results of the most recent formal audit of the department;
- (5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policymaking body in performing their duties; and

(6) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the board. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

## Board Powers and Responsibilities

Statute specifies that the board is TJJD's governing body and is responsible for the operations of the department. In executing its duties, the board must develop policies that separate the policymaking responsibilities of the board from the management responsibilities of the Executive Director and other TJJD staff (e.g., staff conducts investigations of misconduct perpetrated by certified officers, while the board approves final disciplinary action).

Policy is generally defined as a recommended course of action, a guiding principle, or a procedure that is established to guide current and future decision making. The board is responsible for reviewing and approving all policies and for making rules appropriate for accomplishing TJJD's functions. Staff, in turn, are responsible for executing those policies to ensure TJJD's functions are performed in ways that align with the department's overarching values of safety, accountability, and transparency.

The board delegates to the Executive Director the responsibility for the adoption of the following:

- Policies necessary for the proper accomplishment of TJJD's functions relating to state-operated facilities.
- Policies relating to TJJD's personnel.

The board reserves the right to require board approval for any policy, including but not limited to those listed in Appendix F. The board will hold management accountable for performance.

The board may adopt several types of policies, including:

- Ends policies: Policies that establish broad organizational ends, such as the mission statement outlined on page 7.
- Authority and limitations policies: Policies establishing the authority of, and setting limitations on, management (e.g., maximum spending authority without consulting the board).
- Board management processes: Policies establishing how the board carries out certain responsibilities and how it works with management, such as policies describing the Executive Director's evaluation and compensation process, strategic planning process, budget process, and financial planning and oversight process.
- Standards: Policies articulating standards affecting the board, management, or TJJD as a whole (e.g., conflict of interest, code of conduct).
- Externally required: Policies that must be approved by the governing board because they are required by statute or relevant accreditation/regulatory bodies. These policies may also fit within one of the categories above.

## **Department Oversight**

The principal responsibility of board members is to oversee TJJD's management and, in so doing, serve the best interests of the department. This responsibility includes:

- Reviewing and approving TJJD's biennial legislative appropriations request, annual operating budget, and other fundamental operating, financial, or other department plans, strategies, and objectives.
- Reviewing periodic updates regarding performance measures submitted by the Deputy Executive Director of Finance and Business Operations or designee.
- Evaluating the performance of the department and its senior executives, and recommending appropriate disciplinary action, including removal, when warranted.
- Evaluating whether department resources are used only for appropriate business purposes.
- Establishing an environment that promotes timely and effective disclosure (including robust and appropriate controls, procedures, and incentives), fiscal accountability, high ethical standards, and compliance with all applicable laws and regulations.
- Reviewing and approving material transactions and commitments entered outside the scope of the ordinary course of business.
- Developing a governance structure that allows and encourages the board to fulfill its responsibilities.
- Providing advice and assistance to the department's senior executives.
- Evaluating the overall effectiveness of the board and its committees.
- Ensuring adherence to the state financial assistance contract and other fiscal requirements.
- Reviewing and adopting relevant rules in the Texas Administrative Code, including through the department's required four-year rule review process.

## **Developing and Reviewing Department Priorities**

As noted above, several of the board's key responsibilities include overseeing the department's strategic direction, particularly through its funding priorities and performance measures.

Every biennium, the department must develop its legislative appropriations request defining the needs of the department and system moving forward. To ensure the board's active engagement in the development of this key document, the Chair (or designee) shall participate in initial department strategy sessions held with staff and other stakeholders, such as county juvenile probation practitioners, as appropriate. As the request is further developed, staff shall provide full briefings to the Finance and Audit Committee, as well as abbreviated updates to other committees based on their areas of jurisdiction (e.g., local capacity building requests to the Probation, Parole, and Reentry Committee or vocational training requests to the Mental Health, Treatment, and Education Committee). Finally, the full board shall review, provide feedback on,

and ultimately vote to approve the request before staff may submit the document to the Legislative Budget Board.

Similarly, every biennium, the department must develop a five-year strategic plan, which includes performance measures on which the department is routinely assessed. To ensure the board's active engagement in the development of this plan, the Chair (or designee) shall participate in initial department strategy sessions held with staff and other stakeholders, as appropriate. As the plan is further developed, staff shall provide full briefings to the Executive and Governance Committee, as well as abbreviated updates to other committees based on their areas of jurisdiction. Finally, the full board shall review, provide feedback on, and ultimately vote to approve the request before staff may submit the document to state leadership.

### **Staying Informed about TJJD Operations**

To ensure members have the ability to make effective decisions regarding the state's juvenile justice system, members have an obligation to become and remain informed about TJJD and its operations, including the following:

- The principal operational and financial objectives, strategies, and plans of the department.
- The effectiveness of TJJD's operations and objectives and the financial condition of the department.
- The factors that determine TJJD's success and contribute to public safety.
- The risks and challenges that affect the TJJD's operations and future decisions.
- TJJD's interactions with and the concerns of primary stakeholders, particularly the Office of the Governor, Texas Legislature, and local juvenile justice practitioners.

To assist board members in staying informed about TJJD operations, the Chair may direct staff to communicate certain information on a routine basis. For example, the Chair may require weekly emails from the Chief of Staff and/or Director of Stakeholder Relations to the full board on operational updates, waitlist information, staffing strength, new construction, and other key topics. The Chair may require communication flows back *from* members *to* staff to ensure the board and department are coordinating effectively. Finally, the Chair may require certain information to be shared during public board meetings.

### **Ensuring Effective Systems Exist**

Members are responsible for ensuring that effective systems are in place for the periodic and timely reporting to the board on important matters concerning the department, including the following:

- Current business and financial performance, the degree of achievement of approved objectives, and the need to address forward-planning issues.

- Future business prospects and forecasts, including actions, facilities, personnel, and financial resources required to achieve agency goals.
- Financial statements, with appropriate segment or divisional breakdowns.
- Adoption, implementation, and monitoring of compliance programs to assure the department's compliance with law and agency policies.
- Material litigation and governmental and regulatory matters.
- Responding, where appropriate, to communications received from the public.
- Periodically reviewing the integrity of the department's internal control and management information systems.
- Carrying out functions set forth in department policy, as outlined in Appendix F, and reviewing such policies to ensure efficiency.

## **Rulemaking**

### *Standard Rulemaking*

One of the board's most significant duties is to adopt rules — in compliance with the Administrative Procedure Act — that govern the operations of the county and state levels of the juvenile justice system, as well as the board's and department's procedures. Rules may also include fees established by the board under Chapter 203, Human Resources Code.

The board is responsible for reviewing rule proposals brought by fellow board members, TJJD staff, and advisory bodies; making edits as necessary; approving the proposals' publication in the *Texas Register*; approving department responses to public comments as needed; and approving the rules' final adoption.

### *Rule Review*

In addition to the typical rulemaking process, the board shall — with the support of TJJD staff — review each existing rule every four years to determine whether the initial reasons for adoption continue to exist. The department shall develop a schedule indicating when each chapter of rules will be reviewed so all rules are timely considered within the required four-year timeframe. Through the rule review process, the board may readopt existing rules without revisions, readopt existing rules with revisions, or repeal existing rules.

### *Negotiated Rulemaking and Alternative Dispute Resolution*

The board shall encourage the use of negotiated rulemaking procedures for the adoption of department rules when appropriate. Rulemaking may be negotiated informally, in a manner established by the department, or formally, in accordance with the procedures established in Chapter 2008, Government Code. The board, the Executive Director, or their designees may direct TJJD to begin negotiated rulemaking procedures on a specified subject.

It is the policy of the board to encourage the fair and early resolution of internal and external disputes under TJJD's jurisdiction through voluntary settlement processes, which may include any procedure or combination of alternative dispute resolution (ADR) procedures described by Chapter 154, Civil Practice and Remedies Code. Any such ADR procedures shall comply with the requirements of Chapter 154, Civil Practice and Remedies Code; Chapters 2001 and 2009, Government Code; and, to the extent possible, any model guidelines issued by the State Office of Administrative Hearings related to the use of ADR by state agencies.

Any ADR procedures developed and used under this policy supplement and do not limit other dispute resolution procedures available for use by a governmental body. The Executive Director or designee shall be responsible for coordinating the implementation of this policy, serving as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution, and collecting data concerning the effectiveness of those procedures.

### **Certification and Discipline of County-Level Officers**

As part of the board's rulemaking duties, members are responsible for developing standards that juvenile probation officers, juvenile supervision officers, and community activities officers must follow and for holding the certification for such individuals.

The board may revoke or suspend a certification or reprimand a certified officer for violating the provisions in Chapter 222, Human Resources Code or the standards adopted by the board. The officer is entitled to a hearing before an administrative law judge at the State Office of Administrative Hearings if TJJD proposes suspension or revocation of the certification.

The board may issue a probated suspension. If probated, the board may require the person to report regularly to TJJD on matters that are the basis of the probation and to continue or review professional education until the person attains a degree of skill satisfactory to the department.

The Executive Director may convene a panel of three board members to determine if a person's continued certification poses an imminent threat to youth in the juvenile justice system. Whenever possible, the board's Safety, Security, and Accountability Committee shall serve as the panel. If the panel determines continued certification threatens youth, the person's certification is temporarily suspended until an administrative hearing is held as soon as possible. The panel may convene telephonically only if immediate action is required and convening in person is inconvenient for any member of the panel.

An officer may appeal the board's discipline order to a district court in the person's county of residence or in Travis County. The standard of review is under the substantial evidence rule.



## **Access to Evidence, Issuing Subpoenas, and Administering Oaths**

Statute authorizes TJJD to issue a subpoena requiring the attendance of a witness or the production of evidence considered necessary for the investigation of certain matters, including abuse, neglect, or exploitation allegations; complaints; or financial and programmatic audits of county-level probation programs. To issue a subpoena, the Chair or designee and at least two other board members (including a judge) must sign the subpoena. Additionally, board members may administer an oath to a witness in attendance before TJJD or before an authorized TJJD representative.

## **Business Judgment**

In discharging their fiduciary duties of care and candor, members are expected to exercise their business judgment to act in what they reasonably believe to be the best interests of the department.

## **Trust Management**

In its role as trustee for the Parrie Haynes trust and John C. Wende trust, the board must administer endowment funds held by these trusts. The board delegates the fiscal management of these funds to the Executive Director and appoints the staff member serving as the Lead General Ledger Accountant as the investment officer to manage these funds.

It is the intent of the board to fulfill the management action adopted by the Sunset Advisory Commission in November 2022. This action required TJJD to seek OAG representation to pursue a modification of the trusts that would appoint a qualified third party trustee and an advisory committee to assist the trustee. TJJD staff shall keep board members informed about progress made in complying with Sunset's directive.

## **Advisory Bodies**

To accomplish its policymaking responsibilities, board members may seek assistance from advisory bodies designed to review and make recommendations regarding specific juvenile justice topics.

The **Advisory Council on Juvenile Services**, which is comprised of TJJD staff and county stakeholders, may assist with any matters requested by the board. In particular, statute tasks the council with the following:

- Determining needs at the county-level of the juvenile justice system.
- Conducting strategic planning.
- Reviewing and proposing changes to minimum standards that affect the local level of the juvenile justice system.
- Analyzing potential costs related to new minimum standards imposed by the board.

- Assessing and developing recommendations to improve information sharing between child-serving agencies, particularly those serving youth in both the juvenile justice and child welfare systems.

To assign a specific task to the council:

- The board chair, after consultation with other board members, may contact the council’s chair;
- The board chair, after consultation with other board members, may attend a council meeting to provide a directive to council members; or
- The board chair, after consultation with other board members, may provide a directive to the council during a formal and public meeting of the full board.

The **Career and Technical Education Advisory Committee**, which is comprised of staff from various state agencies, education providers, and relevant professionals, assists the board with overseeing and coordinating vocational training for youth in TJJD’s custody.

The Regionalization Task Force, which is comprised of TJJD staff, county stakeholders, and youth advocates, assists the board and department in completing TJJD’s statutorily required regionalization plan every two years.

To assign a specific task to any of the advisory bodies:

- The board chair, after consultation with other board members, may contact the advisory body’s chair;
- The board chair, after consultation with other board members, may attend an advisory body meeting to provide a directive to advisory body members; or
- The board chair, after consultation with other board members, may provide a directive to the advisory body during a formal and public meeting of the full board.

In addition to these advisory bodies, the board has authority to create new committees to make recommendations on TJJD’s programs, rules, and policies. The formation of a new advisory committee requires a majority vote by the board and the adoption of rules establishing the committee’s purpose, role, responsibilities, and member qualifications, among other topics set forth in Sec. 203.0083, Human Resources Code.

## **Delegation**

The board may delegate responsibilities to the Executive Director, as members deem appropriate. However, statute places certain parameters on such delegation.

First, the board may not delegate decision-making tasks for which the board is solely responsible. For example, the board may not delegate its rulemaking duties, nor its final approvals of certain disciplinary actions against certified officers.

Second, when the board delegates appropriate responsibilities, members must engage in adequate oversight to ensure tasks are completed in alignment with TJJD’s mission and funding priorities. Oversight shall include, as appropriate, clear directions about the task that must be completed, performance measures to assess successful implementation, and reporting requirements back to the board. A delegation example from fiscal year 2024 that meets these criteria is provided in the textbox below.

<p style="text-align: center;"><b>Delegation Example</b></p> <ul style="list-style-type: none"><li>• In response to stakeholder inquiries, the board chair — during a public board meeting — delegated to staff the development of policy recommendations designed to improve determinate sentencing processes.</li><li>• The board chair directed staff to review relevant rules and report back to the Safety, Security, and Accountability Committee.</li><li>• Staff presented a written document of recommendations at two committee meetings. The committee then directed staff to educate legislators about approved recommendations.</li></ul>
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*Financial Delegation*

To ensure TJJD is able to carry out its routine financial responsibilities, the board makes the following delegations of authority:

- The Executive Director is authorized to designate staff members to have signatory authority for payment documents, such as travel, construction, and purchase vouchers.
- The following staff members are authorized to approve settlement offers involving claims or lawsuits against the department:
  - The General Counsel for amounts up to \$2,500;
  - The Executive Director for amounts over \$2,500 up to \$50,000.

*Any settlement offers over \$50,000 require board approval.*
- The Business Operations Manager is authorized to approve the installation of:
  - Vending machines in buildings or on properties that are owned or leased by TJJD and that are not served by a vendor operating under the supervision of the Texas Commission for the Blind or its successor agency; and
  - Pay phones in buildings or on properties that are owned or leased by TJJD.

See the following appendix for resources to board delegation:

- Appendix F: Delegation Chart

## Relevant Statute

### *Control Over Department and Delegation Provisions*

Reference: Sec. 203.001, Human Resources Code

Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION. (a) The board is the governing body of the department and is responsible for the operations of the department.

(b) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the department.

(b-1) The board may delegate to the executive director the board's responsibilities as the board determines appropriate.

(b-2) In making a delegation under Subsection (b-1), the board shall provide, as appropriate:

(1) to the executive director with respect to each delegation:

- (A) clear direction;
- (B) performance measures; and
- (C) reporting requirements; and

(2) to the department, sufficient oversight to ensure that delegated responsibilities are performed according to the mission and funding priorities described by Subsection (c).

(b-3) The executive director is a full-time employee of the board and shall:

(1) perform the regular administrative functions of the board and any other duty as the board directs; and

(2) under the direction of the board, perform the duties required by this subtitle or designated by the board.

(b-4) The executive director may not perform a discretionary or decision-making function for which the board is solely responsible.

(c) The board shall establish the mission of the department with the goal of establishing a cost-effective continuum of youth services that emphasizes keeping youth in their home communities while balancing the interests of rehabilitative needs with public safety. The board shall establish funding priorities for services that support this mission and that do not provide incentives to incarcerate youth.

### *Limited Fee Authority*

Reference: Sec. 203.0082, Human Resources Code

Sec. 203.0082. FEES. If the General Appropriations Act does not specify the amount of the fee, the board by rule may establish fees that:

- (1) are reasonable and necessary;
- (2) produce revenue sufficient for the administration of this chapter; and
- (3) do not produce unnecessary revenue.

### *Rule Review Provisions*

Reference: Sec. 2001.039, Government Code

Sec. 2001.039. AGENCY REVIEW OF EXISTING RULES. (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.

(b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.

(c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

(d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.

(e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

### *Certification Revocation and Temporary Suspension*

Reference: Sec. 222.053, Human Resources Code

Sec. 222.053. REVOCATION OR SUSPENSION OF CERTIFICATION OR PROVISIONAL CERTIFICATION. (a) The department may revoke or suspend a certification, or reprimand a certified officer:

- (1) for a violation of this chapter or a department rule; or
- (2) if, under Subsection (c), a panel determines that continued certification of the person threatens juveniles in the juvenile justice system.

(b) The department may place on probation a person whose certification is suspended. If the suspension is probated, the department may require the person to:

- (1) report regularly to the department on matters that are the basis of the probation; and

(2) continue or review professional education until the person attains a degree of skill satisfactory to the department in those areas that are the basis of the probation.

(c) The executive director may convene, in person or telephonically, a panel of three board members to determine if a person's continued certification threatens juveniles in the juvenile justice system. If the panel determines that the person's continued certification threatens juveniles in the juvenile justice system, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). The executive director may convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. The panel may hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) A person is entitled to a hearing before the State Office of Administrative Hearings if the department proposes to suspend or revoke the person's certification.

(e) A person may appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. The standard of review is under the substantial evidence rule.

(f) In this section, "certification" includes a provisional certification.

#### *Authority to Issue a Subpoena and Administer an Oath*

Reference: Sec. 203.008, Human Resources Code

Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.

(b) The department may issue a subpoena requiring the attendance of a witness or the production of evidence that the department considers necessary for the investigation of:

- (1) abuse, neglect, or exploitation allegations;
- (2) complaints;
- (3) financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs; or
- (4) any other matter under the authority of the department, including a determination of treatment under Section [244.005](#).

(c) The department may issue a subpoena under Subsection (b) only if the subpoena is signed by:

- (1) the presiding officer of the board or, if the presiding officer is unavailable, the presiding officer's designee; and
- (2) at least two other members of the board, including a board member who is a judge.

(d) A hearings examiner appointed by the department may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the

hearings examiner considers necessary for a determination of treatment under Section [244.005](#). The hearings examiner may sign a subpoena.

(e) Any peace officer, department investigator, other department official, or person authorized under Article [24.01](#), Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(f) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter [2001](#), Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the department shall be paid their fees and mileage by the department out of funds appropriated for that purpose.

(g) On application of the department, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the department, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

(i) If a witness in attendance before the department or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the department, the department may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The department may apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter [2001](#), Government Code, in which case the department shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.

(j) The department shall be granted access at any reasonable time to any evidence that is related to any matter the department or executive director considers necessary to administer the department's functions, powers, and duties.

### *Advisory Council on Juvenile Services*

Reference: Sec. 203.0081, Human Resources Code

Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES. (a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;  
(2) the director of probation services of the department or the director's designee;  
(3) the director of state programs and facilities of the department or the director's designee;  
(4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;  
(5) one representative of the county commissioners courts appointed by the board;  
(6) two juvenile court judges appointed by the board;  
(7) seven chief juvenile probation officers appointed by the board as provided by Subsection (b); and  
(8) the commissioner of the Department of Family and Protective Services or the commissioner's designee.

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

(1) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;  
(2) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age; and  
(3) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age.

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

(c-1) The board shall adopt rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the advisory council;  
(2) the quorum requirement for the advisory council;  
(3) training requirements for advisory council members;  
(4) policies to avoid conflicts of interest by advisory council members;  
(5) a periodic review process to evaluate the continuing need for the advisory council;  
(6) policies to ensure the advisory council does not violate any provision of Chapter [551](#), Government Code, applicable to the board or the advisory council;



(7) the appropriate level of participation from ex officio advisory council members designated under Subsections (a)(1)-(4) and (8); and

(8) reporting requirements and other communication procedures between the board and the advisory council.

(d) The advisory council shall report to the board any determinations made under Subsection (e).

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board;

(5) assessing and developing recommendations to improve the sharing of information between agencies that serve children, including agencies serving children in both the juvenile justice and child welfare systems; and

(6) advising the board on any other matter on the request of the board.

(f) The advisory council is not subject to Chapter [2110](#), Government Code.

*Career and Technical Education Advisory Committee and General Authority to Create Advisory Committees*

Reference: Sec. 203.0083, Human Resources Code

Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES. (a) The board by rule may establish advisory committees to make recommendations to the board on programs, rules, and policies administered by the board.

(b) In establishing an advisory committee under this section, the board shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee;

and

(9) policies to ensure the committee does not violate any provision of Chapter [551](#), Government Code, applicable to the board or the committee.

(c) The board shall establish a youth career and technical education advisory committee and adopt rules required by Subsection (b) for the committee. The advisory committee shall assist the department with overseeing and coordinating vocational training for youth in the custody of the department, including training provided by community colleges and other local entities with which the department may partner.

*Appeals to the Board*

Reference: Sec. 203.011, Human Resources Code

Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR. A juvenile probation department that is aggrieved by a decision of the executive director, including a decision relating to standards affecting juvenile probation programs, services, or facilities, may appeal the executive director's decision to the board. The decision of the board is final and cannot be appealed.

## **Board Conduct**

### **Fiduciary Duties**

All members of the board stand in a fiduciary relationship to the department. As fiduciaries, members must act honestly, in good faith, and in the best interests of the department.

Members will be held to strict standards of honesty and integrity. A member shall not put personal interests ahead of the best interests of the department. Members must avoid situations where their personal interests will conflict with their responsibilities to the department. Members must comply with requirements relating to standards of conduct and conflicts of interest as set forth in Chapter 572, Government Code.

Each member must:

- Disclose to TJJJ's Director of Business Operations all actual and potential conflicts of interest known to the member with respect to any contract with a private vendor or any bid for the purchase of goods or services from a private vendor.
- Ensure they do not have a financial interest, as defined in Sec. 2261.252, Government Code, in any private vendor that has contracted with TJJJ.
- Annually sign a certification form provided by TJJJ relating to all conflicts of interest involving agency contracts. (See Appendix G.)
- On or before April 30th of each year, file a financial statement with the Texas Ethics Commission. The financial statement must include an account of the financial activity of the member, the member's spouse, and the member's dependent children if the member had actual control over that activity for the preceding calendar year. The financial statement must comply with requirements of Sec. 572.022-0252, Government Code.

A member who becomes aware of alleged criminal activity involving the department, including but not limited to reports of abuse, neglect, or exploitation of youth, or waste, fraud, or abuse involving state resources, has a legal duty to immediately report the matter to the TJJJ's Office of Inspector General.

In recognition of the time and expense involved in preparation for board meetings, each member shall promptly respond to requests from TJJJ staff regarding travel arrangements and promptly notify TJJJ staff if the member will not be able to attend the meeting or if a virtual meeting option is required to participate.

### **Board Meeting Attendance**

Regular attendance at board meetings is of great importance to the functions and operations of the board. Sec. 202.004, Human Resources Code, specifies that a board member may be removed if they are absent from more than half of the regularly schedule board meetings that

they are eligible to attend during a calendar year, unless the absence is excused by a majority vote of the board.

As some absences by members are unavoidable, the Chair and fellow board members shall use the following guidelines to determine whether an absence from a meeting will be considered excused or unexcused. Excused absences may include but are not limited to:

- Family emergency
- Illness of board members or their families
- Scheduled hospital and medical appointments
- Weather issues or natural disasters
- Certain conflicting meetings or scheduled travel

In order for an absence to be excused, the board member must notify the Chair at least seven days in advance of the meeting to be missed. If the reason for the absence is not known at least seven days in advance, the notification must occur as soon as practicable after the board member becomes aware that he or she will be unable to attend. If no notice is provided, the absence will be considered unexcused unless it was impossible to provide the notice.

The Chair may request documentation of the reason for the absence if this documentation will help board members determine if the absence should be excused.

## **Confidentiality**

Pursuant to Chapter 58, Family Code, board members must maintain the confidentiality of information about the youth served by TJJD or otherwise involved in the juvenile justice system in Texas. The board shall also adhere to other applicable confidentiality requirements under state or federal law.

It is recognized that the role of members may include representing TJJD in the community. However, such representations must be respectful of and consistent with the member's duty of confidentiality.

Every board member shall respect the confidentiality of information about TJJD regardless of the source of the confidential information.

A member is in breach of their duties with respect to confidentiality when information is used or disclosed for purposes other than those identified by the board or TJJD.

Confidential youth information may not be discussed in open board or committee meetings. Any references to individual youth during an open meeting must be in the form of non-identifying information (e.g., Youth A, Youth B, etc.).

## **Board Spokesperson**

Only the Chair or their designee may speak on behalf of the board. TJJJ's Executive Director, Director of Communications, or their designees may speak on behalf of the department.

No member shall make representations on behalf of the board unless authorized by the Chair or the board. When so authorized, the board member's representations must be consistent with the accepted positions and policies of the board.

## **Media Contact and Public Discussion**

News media responses and public discussion of the board's activities should be made only through the board's authorized spokespersons. Any member who is questioned by news reporters or other media representatives should refer such individuals to the appropriate representatives of the board or TJJJ. For more information, contact TJJJ's Director of Communications.

## **Inquiries from the Governor's Office or Legislature**

Members report directly to the Office of the Governor and shall be as responsive as possible to the office.

When interacting with members of the Legislature, board members must use caution not to endorse or oppose any legislation or take any other action that would constitute lobbying. If a member of the Legislature requests documents related to TJJJ business, the board member will coordinate the production of such documents with the TJJJ staff. For assistance, contact TJJJ's General Counsel, Chief of Staff, or Director of Stakeholder Relations.

## **Public Speaking Engagements**

Board members are encouraged to accept invitations to speak at community events and other public forums. Members are expected to ensure that presentations accurately reflect board and TJJJ policies, activities, and initiatives. Members should coordinate presentation materials with TJJJ staff. Members may also request assistance in developing presentations, talking points, or other materials. For help, contact TJJJ's Chief of Staff, Director of Stakeholder Relations, or Director of Communications.

Pursuant to Sec. 36.07, Penal Code, members may not solicit, accept, or agree to accept an honorarium in consideration for services that the member would not have been requested to provide but for the member's official position or duties with the board. Members are not prohibited from accepting transportation and lodging expenses in connection with a conference or similar event in which the member addresses the audience or engages in a seminar, to the

extent the services are more than merely perfunctory, or from accepting meals in connection with such an event.

### **Respectful Conduct**

It is recognized that members bring to the board diverse backgrounds, skills, and experience and that members will not always agree with one another on all issues. All debates shall take place in an atmosphere of mutual respect and courtesy. The authority of the chair must be respected by all members.

### **Seeking Advice of Counsel**

Requests to obtain outside opinions or advice regarding matters before the board may be made through the chair.

See the following appendix for resources and forms relevant to board conduct:

- Appendix G: TJJD Certification of Conflict of Interest Form

## Relevant Statute

### *Abuse of Office and Official Oppression*

Reference: Sec. 39.02-.03, Penal Code

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY. (a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(1) violates a law relating to the public servant's office or employment; or  
(2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor.

(c) An offense under Subsection (a)(2) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$100;

(2) a Class B misdemeanor if the value of the use of the thing misused is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the use of the thing misused is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the use of the thing misused is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the use of the thing misused is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the use of the thing misused is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the value of the use of the thing misused is \$300,000 or more.

(d) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the government for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for a governmental entity.

(e) If separate transactions that violate Subsection (a)(2) are conducted pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense and the value of the use of the things misused in the transactions may be aggregated in determining the classification of the offense.

(f) The value of the use of a thing of value misused under Subsection (a)(2) may not exceed:

(1) the fair market value of the thing at the time of the offense; or

(2) if the fair market value of the thing cannot be ascertained, the cost of replacing the thing within a reasonable time after the offense.

Sec. 39.03. OFFICIAL OPPRESSION. (a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) intentionally subjects another to sexual harassment.

(b) For purposes of this section, a public servant acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

(c) In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

(d) An offense under this section is a Class A misdemeanor, except that an offense is a felony of the third degree if the public servant acted with the intent to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Sections [48.008](#) and [48.009](#), Education Code, under a law requiring that reporting.

#### *Disclosure of Potential Conflicts of Interest*

Reference: Sec. 2261.252, Government Code

Sec. 2261.252. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST; CERTAIN CONTRACTS PROHIBITED. (a) Each state agency employee or official who is involved in procurement or in contract management for a state agency shall disclose to the agency any potential conflict of interest specified by state law or agency policy that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by the agency.

(a-1) A state agency employee or official is required to disclose under Subsection (a) any potential conflict of interest specified by state law or agency policy that is known by the employee or official at any time during:

(1) the procurement process, from the initial request for bids for the purchase of goods or services from a private vendor until the completed final delivery of the goods or services; or

(2) the term of a contract with a private vendor.



(b) A state agency may not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following agency employees or officials have a financial interest:

- (1) a member of the agency's governing body;
- (2) the governing official, executive director, general counsel, chief procurement officer, or procurement director of the agency; or
- (3) a family member related to an employee or official described by Subdivision (1) or (2) within the second degree by affinity or consanguinity.

(c) A state agency employee or official has a financial interest in a person if the employee or official:

- (1) owns or controls, directly or indirectly, an ownership interest of at least one percent in the person, including the right to share in profits, proceeds, or capital gains; or
- (2) could reasonably foresee that a contract with the person could result in a financial benefit to the employee or official.

(d) A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation.

(e) This section applies only to a contract for the purchase of goods or services solicited through a purchase order if the amount of the purchase order exceeds \$25,000.

(f) Section [51.923](#), Education Code, governs the conflicts of interest of the members of the governing board of an institution of higher education, as those terms are defined by Section [61.003](#), Education Code, and this section does not apply to those members.

*Legislative Intent of Statute Regarding Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest*

Reference: Sec. 572.001, Government Code

Sec. 572.001. POLICY; LEGISLATIVE INTENT. (a) It is the policy of this state that a state officer or state employee may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.

(b) To implement this policy and to strengthen the faith and confidence of the people of this state in state government, this chapter provides standards of conduct and disclosure requirements to be observed by persons owing a responsibility to the people and government of this state in the performance of their official duties.

(c) It is the intent of the legislature that this chapter serve not only as a guide for official conduct of those persons but also as a basis for discipline of those who refuse to abide by its terms.

## *Reporting Requirements*

Reference: Sec. 572.022-.0252, Government Code

Sec. 572.022. REPORTING CATEGORIES; REQUIRED DESCRIPTIONS. (a) If an amount in a financial statement is required to be reported by category, the individual filing the statement shall report whether the amount is:

- (1) less than \$5,000;
- (2) at least \$5,000 but less than \$10,000;
- (3) at least \$10,000 but less than \$25,000; or
- (4) \$25,000 or more.

(b) The individual filing the statement shall report an amount of stock by category of number of shares instead of by category of dollar value and shall report whether the amount is:

- (1) less than 100 shares;
- (2) at least 100 but less than 500 shares;
- (3) at least 500 but less than 1,000 shares;
- (4) at least 1,000 but less than 5,000 shares;
- (5) at least 5,000 but less than 10,000 shares; or
- (6) 10,000 shares or more.

(c) The individual filing the statement shall report a description of real property by reporting:

- (1) the street address, if available, or the number of lots or number of acres, as applicable, in each county, and the name of the county, if the street address is not available; and
- (2) the names of all persons retaining an interest in the property, excluding an interest that is a severed mineral interest.

(d) For a gift of cash or a cash equivalent such as a negotiable instrument or gift certificate that is reported in accordance with Section [572.023](#)(b)(7), the individual filing the statement shall include in the description of the gift a statement of the value of the gift.

Sec. 572.023. CONTENTS OF FINANCIAL STATEMENT IN GENERAL. (a) A financial statement must include an account of the financial activity of the individual required by this subchapter to file a financial statement and an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year.

(b) The account of financial activity consists of:

- (1) a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee;

(2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(3) a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(4) identification of each source and the category of the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents;

(5) identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of \$1,000 existed at any time during the year and the category of the amount of the liability;

(6) identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;

(7) identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except:

(A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter [B](#), Chapter [573](#);

(B) a political contribution that was reported as required by Chapter [254](#), Election Code; and

(C) an expenditure required to be reported by a person required to be registered under Chapter [305](#);

(8) identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of \$500;

(9) identification:

(A) by description of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which five percent or more of the outstanding ownership was held, acquired, or sold; and

(B) by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold;

(10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations,

joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;

(11) identification of any person providing transportation, meals, or lodging expenses permitted under Section [36.07\(b\)](#), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;

(12) any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter [305](#) have an interest;

(13) identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(14) identification of each blind trust that complies with Subsection (c), including:

- (A) the category of the fair market value of the trust;
- (B) the date the trust was created;
- (C) the name and address of the trustee; and
- (D) a statement signed by the trustee, under penalty of perjury, stating

that:

(i) the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and

(ii) to the best of the trustee's knowledge, the trust complies with this section;

(15) if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds \$10,000 in the year covered by the report, identification of each written contract, including the name of each party to the contract:

(A) for the sale of goods or services in the amount of \$2,500 or more;

(B) to which the individual, the individual's spouse, the individual's dependent child, or any business entity of which the individual, the individual's spouse, or the individual's dependent child, independently or in conjunction with one or more persons described by this subsection, has at least a 50 percent ownership interest is a party; and

(C) with:

(i) a governmental entity; or

(ii) a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee; and

(16) if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section [1201.002\(1\)](#), identification of the following for each issuance for which the individual served as bond counsel:

- (A) the amount of the issuance;
- (B) the name of the issuer;
- (C) the date of the issuance;
- (D) the amount of fees paid to the individual, and whether the amount is:
  - (i) less than \$5,000;
  - (ii) at least \$5,000 but less than \$10,000;
  - (iii) at least \$10,000 but less than \$25,000; or
  - (iv) \$25,000 or more; and
- (E) the amount of fees paid to the individual's firm, if applicable, and whether the amount is:
  - (i) less than \$5,000;
  - (ii) at least \$5,000 but less than \$10,000;
  - (iii) at least \$10,000 but less than \$25,000; or
  - (iv) \$25,000 or more.

(c) For purposes of Subsections (b)(8) and (14), a blind trust is a trust as to which:

- (1) the trustee:
  - (A) is a disinterested party;
  - (B) is not the individual;
  - (C) is not required to register as a lobbyist under Chapter [305](#);
  - (D) is not a public officer or public employee; and
  - (E) was not appointed to public office by the individual or by a public officer or public employee the individual supervises; and

(2) the trustee has complete discretion to manage the trust, including the power to dispose of and acquire trust assets without consulting or notifying the individual.

(d) If a blind trust under Subsection (c) is revoked while the individual is subject to this subchapter, the individual must file an amendment to the individual's most recent financial statement, disclosing the date of revocation and the previously unreported value by category of each asset and the income derived from each asset.

(e) In this section, "governmental entity" means this state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.

(f) Subsection (b)(15) does not require the disclosure of an employment contract between a school district or open-enrollment charter school and an employee of the district or school.

(g) An individual who complies with any applicable requirements of Sections [51.954](#) and [51.955](#), Education Code, and Section 2252.908 of this code, in an individual capacity or as a member or employee of an entity to which those sections apply, is not required to include in the

account of financial activity the information described by Subsection (b)(15) unless specifically requested by the commission to include the information.

Sec. 572.024. INFORMATION ABOUT SERVICES FOR LOBBYISTS OR LOBBYIST EMPLOYERS. A state officer who receives a fee for services rendered by the officer to or on behalf of a person required to be registered under Chapter [305](#), or to or on behalf of a person or entity that the officer actually knows directly compensates or reimburses a person required to be registered under Chapter [305](#), shall report on the financial statement the name of each person or entity for which the services were rendered and the category of the amount of each fee.

Sec. 572.0252. INFORMATION ABOUT REFERRALS. A state officer who is an attorney shall report on the financial statement:

- (1) making or receiving any referral for compensation for legal services; and
- (2) the category of the amount of any fee accepted for making a referral for legal services.

### *Member Removal*

Reference: Sec. 202.004, Human Resources Code

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

- (1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;
- (2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;
- (3) is ineligible for membership under Section 202.002;
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or
- (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.**

(b) The validity of an action of the board is not affected by the fact that the action is taken when a ground for removal of a board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

*Acceptance of Honorarium*

Reference: Sec. 36.07, Penal Code

Sec. 36.07. ACCEPTANCE OF HONORARIUM. (a) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

(b) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

(b-1) Transportation, lodging, and meals described by Subsection (b) are not political contributions as defined by Title 15, Election Code.

(c) An offense under this section is a Class A misdemeanor.

# Public Board Meetings

## Meeting Schedule and Notice

The board shall meet at least quarterly on dates agreed upon by members. The Chair may also call special meetings of the board at his/her discretion. The board and TJJD staff shall follow requirements set forth in Chapter 551, Government Code, whenever convening and open meeting of the board.

## Meeting Preparation and Organization

### *Selection of Agenda Items*

The Chair shall establish the agenda for each board meeting. Any board member may submit a request to the Chair to include an item on the board meeting agenda. Such requests must be submitted at least two weeks prior to a board meeting.

It is the policy of the board that each board meeting agenda contain certain items, including the following, unless otherwise authorized by the Chair:

- An agenda item allowing a representative from **TJJD's executive team** to provide updates on agency operations, trends, and upcoming initiatives.
- An agenda item allowing a representative from the **Office of Inspector General** to provide updates on investigations, system trends, and relevant law enforcement information.
- An agenda item allowing a representative from the **Internal Audit Division** to provide updates on completed and ongoing audits.
- An agenda item allowing a representative from the **Office of the Independent Ombudsman** to provide updates on site visit trends, complaints, and other oversight findings.
- An agenda item allowing **members of the public** to address the board on any issue under the jurisdiction of the department. The Chair reserves the right to place reasonable limits on the amount of time granted to each individual to address the board. If a board member or a member of the public inquires about a topic that was not included on the agenda — and therefore, was not posted publicly in compliance with Chapter 551, Government Code — deliberation of or decisions regarding that subject shall be limited to a proposal to place the subject on a future board agenda. This ensures all stakeholders are adequately informed about and given opportunities to provide comment on all inquiries brought before the board.

If an internal audit requires approval from the board during a public meeting, the Chief Auditor (or designee) must be present to describe the findings within the audit. Further, the Executive



Director (and designee, if needed) must be present to discuss the impact of the audit's findings and anticipated changes to department practice.

### *Frequency and Length of Meetings*

The Chair, in consultation with the members of the board, shall determine the frequency and length of the board meetings. Special meetings may be called as determined by the needs of the department.

### *Advance Distribution of Materials*

Information and data that are important to the board's understanding of the business to be conducted at a board meeting should generally be distributed in writing to the members at least two weeks before the meeting where practicable. Members should review these materials in advance of the meeting. The board acknowledges that certain items to be discussed at a board or committee meeting may be of an extremely confidential or time sensitive nature and that the distribution of materials on these matters prior to meetings may not be appropriate or practicable.

In advance of board meetings, TJJD staff shall also offer times at which board members may receive an individual briefing on the board agenda. During these meetings, staff shall answer questions about the board materials, gather information requests, and update board presentations accordingly to ensure the board meeting meets the needs of members.

Presentations made at board meetings should do more than summarize previously distributed board meeting materials. Presentations by staff and other stakeholders should offer opportunities for board member questions and discussion. To the extent possible, presentations should also be made available in advance and posted on TJJD's website after meetings conclude.

## **Meeting Order and Decorum**

The Chair is responsible for ensuring that board meetings proceed with appropriate order and decorum. The Chair, in consultation with the department's General Counsel, shall resolve any questions relating to parliamentary procedures.

Board members shall seek recognition from the Chair to address the board or a person presenting information to the board. Upon recognizing the member, the Chair shall state the member's name for the record.

## **Executive Session**

The board may convene in an executive, or closed, session only to discuss certain allowable topics. The following is a list of exceptions specified in the Government Code to the requirement that meetings are open.

- Sec. 551.071 Consultation with Attorney
- Sec. 551.072 Deliberation Regarding the Purchase, Exchange, Lease, or Value of Real Property
- Sec. 551.073 Deliberation Regarding Prospective Gift
- Sec. 551.074 Personnel Matters
- Sec. 551.076 Deliberation Regarding Security Devices or Security Audits
- Sec. 551.087 Deliberations Regarding Economic Development Negotiations
- Sec. 551.088 Deliberation Regarding Test Item

Before meeting in a closed session, a quorum of the board must first convene in an open meeting held in compliance with Chapter 551, Government Code. When convening the open meeting, the Chair must announce that the closed meeting will occur and identify the exceptions bulleted above under which the closed meeting will be held. Though members may discuss the topics listed above in a closed session, they must take any final action, decision, or vote on these matters in an open meeting.

## Relevant Statute

### *Board Meetings and Public Participation*

Reference: Sec. 202.008, Human Resources Code

Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The board shall hold regular quarterly meetings on dates set by the board and special meetings at the call of the presiding officer.

(b) The board shall adopt rules regulating the board's proceedings.

(c) The board shall keep a public record of the board's decisions at the board's general office.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the department.

### *Open Meetings Requirement*

Reference: Sec. 551.002, Government Code

Sec. 551.002. OPEN MEETINGS REQUIREMENT. Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.

### *Inquiry at a Board Meeting*

Reference: Sec. 551.042, Government Code

Sec. 551.042. INQUIRY MADE AT MEETING. (a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

(1) a statement of specific factual information given in response to the inquiry;

or

(2) a recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

*Notice of Board Meetings*

Reference: Sec. 551.044, Government Code

Sec. 551.044. EXCEPTION TO GENERAL RULE: GOVERNMENTAL BODY WITH STATEWIDE JURISDICTION. (a) The secretary of state must post notice on the Internet of a meeting of a state board, commission, department, or officer having statewide jurisdiction for at least seven days before the day of the meeting. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view notices of meetings posted by the secretary of state.

(b) Subsection (a) does not apply to:

- (1) the Texas Department of Insurance, as regards proceedings and activities under Title 5, Labor Code, of the department, the commissioner of insurance, or the commissioner of workers' compensation; or
- (2) the governing board of an institution of higher education.

*Final Actions in Open Meetings*

Reference: Sec. 551.102, Government Code

Sec. 551.102. REQUIREMENT TO VOTE OR TAKE FINAL ACTION IN OPEN MEETING. A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

## Board Committees

The board shall establish standing committees made up of board members and supported by TJJD staff. Standing committees are designed to establish a division of labor among board members and allow these members to develop areas of expertise as they complete the governing body's expansive duties.

Current board committees include the following:

- *Executive and Governance Committee*: Focuses on high-level agency matters, such as strategic planning, required rulemaking, and personnel matters when needed. Monitors compliance with Sunset recommendations related to board policies, procedures, and governance.
- *Finance and Audit Committee*: Focuses on TJJD's budget and fiscal affairs, such as the biennial legislative appropriations request and contracting matters. Monitors findings from and responses to audits and reviews performed by the Internal Audit Division, State Auditor's Office, and other relevant entities, and provides an opportunity for the Executive Director (and designee, if needed) to discuss audit findings and corrective actions.
- *Safety, Security, and Accountability Committee*: Focuses on findings, trends, and data provided by the Office of Inspector General, Office of the Independent Ombudsman, and Monitoring and Inspections Division. May consider and make recommendations regarding discipline against certified officers and TJJD employees, as appropriate.
- *Mental Health, Treatment, and Education Committee*: Focuses on treatment and programming services provided to youth in the juvenile justice system, implementation of Texas Model initiatives, evolving service needs of youth committed to state care, and the provision of educational and vocational services to youth.
- *Probation, Parole, and Reentry Committee*: Focuses on front- and back-end juvenile justice processes, including diversion and grantmaking procedures with county juvenile probation departments and coordination with local entities as youth are reintegrated into their communities.

### Committee Appointments

The Chair, in consultation with each member, shall appoint committee chairs and committee members. Each committee's size must be less than a quorum of the full board (i.e., no more than four members).

## **Committee Agendas and Schedules**

The chair of each committee, in consultation with committee members and TJJD staff, shall develop the committee's agenda. The chair of each committee shall coordinate with TJJD staff on establishing a convenient date and time for committees to meet, either in-person or virtually.

The chair of each committee, in consultation with committee members, shall determine the frequency and length of the committee meetings consistent with the needs of the department. Special meetings may be called as determined by the needs of the department and the responsibilities of the committees.

# **Management Selection and Evaluation**

## **Selection**

The board selects the department's Executive Director, Chief Inspector General, and Chief Internal Auditor in the manner that it determines to be in the best interests of the department. In selecting these staff members, the board must ensure employees meet relevant qualifications set forth in statute.

In the event of involuntary separation of a board-appointed staff member, the board selects an interim replacement in the manner that it determines to be in the best interests of the department. The person selected must also meet relevant qualifications set forth in statute. At the Chair's request, persons holding board-appointed positions will provide recommendations for interim appointments.

## **Evaluation**

The board shall provide the overall evaluation of the Executive Director, Chief Inspector General, and Chief Internal Auditor. Evaluations shall occur annually and must be based on each direct report's current job description. The board may request assistance from TJJD's Human Resources Division in developing evaluation tools or documents, as needed.

While evaluations occur on an annual basis, the Chair and other members are expected to provide ongoing and timely feedback to each direct report. The Chair shall engage in routine communication with the Executive Director, Chief Inspector General, and Chief Internal Auditor to ensure each individual is meeting the board's expectations and receiving the support they and other TJJD staff require to fulfill the department's daily functions.

The board delegates authority to the Chair to take the following actions concerning the compensation of the Chief Inspector General and Chief Internal Auditor:

- Make adjustments to the salary.
- Issue one-time bonus payments.

## Relevant Statute

### *Executive Director Employment and Qualifications*

Reference: Sec. 203.002, Human Resources Code

Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

- (1) employ an executive director to administer the department; and
- (2) supervise the director's administration of the department.

(b) The executive director must possess the following minimum qualifications:

(1) five years of experience in the field of juvenile corrections or congregate care in an administrative capacity;

(2) three years of experience in the field of juvenile corrections or congregate care in an administrative capacity and a graduate degree from an institution of higher education in a relevant field, including penology, adolescent development, behavior management, or rehabilitative services; or

(3) seven years of experience in management and administration of a government agency, institution of higher education, or business enterprise of a size comparable to the department.

(c) The department shall track the frequency with which the executive director takes the following actions as defined by department rule:

- (1) selects a child for a conditional placement;
- (2) selects a child for a home placement;
- (3) waives the requirement for a child with a determinate sentence to spend the child's entire minimum period of confinement in a high-restriction facility;
- (4) waives the requirement for a child to be on intensive supervision when initially released on parole;
- (5) authorizes early discharges for a child on parole; or
- (6) finalizes an appeal brought by an advocacy group or social service provider who was denied certain access to department facilities.

(d) The executive director shall provide the board and the Sunset Advisory Commission at the beginning of each calendar quarter aggregated data on the number of times each action described by Subsection (c) was taken during the previous calendar quarter.

### *Chief Inspector General Employment and Qualifications*

Reference: Sec. 242.102(f), Human Resources Code

(f) The board shall select a commissioned peace officer as chief inspector general. The chief inspector general:

- (1) operates directly under the authority of the board;
- (2) is subject to the requirements of this section; and



- (3) may only be discharged by the board for cause.

*Chief Internal Auditor Employment, Qualifications, and Duties*

Reference: Sec. 2102.006, Government Code

Sec. 2102.006. INTERNAL AUDITOR; STAFF. (a) The governing board of a state agency or the administrator of a state agency that does not have a governing board shall appoint an internal auditor.

(b) An internal auditor must:

- (1) be a certified public accountant or a certified internal auditor; and
- (2) have at least three years of auditing experience.

(c) The state agency shall employ additional professional and support staff the administrator determines necessary to implement an effective program of internal auditing.

(d) The governing board of a state agency, or the administrator of a state agency if the state agency does not have a governing board, shall periodically review the resources dedicated to the internal audit program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

Sec. 2102.007. DUTIES OF INTERNAL AUDITOR. (a) The internal auditor shall:

- (1) report directly to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board;
- (2) develop an annual audit plan;
- (3) conduct audits as specified in the audit plan and document deviations;
- (4) prepare audit reports;
- (5) conduct quality assurance reviews in accordance with professional standards as provided by Section [2102.011](#) and periodically take part in a comprehensive external peer review; and
- (6) conduct economy and efficiency audits and program results audits as directed by the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board.

(b) The program of internal auditing conducted by a state agency must provide for the auditor to:

- (1) have access to the administrator; and
- (2) be free of all operational and management responsibilities that would impair the auditor's ability to review independently all aspects of the state agency's operation.