

## 644 Juvenile Justice Department

### ACTION ITEM—JJD RIDERS

#### ADOPTED

##### 1. Appropriation: Juvenile Justice Functions.

a) ~~In lieu of providing an appropriation for the Texas Juvenile Justice Department (TJJD) across goals, strategies, and objectives, \$321,316,182 in All Funds and 2,855.1 full-time equivalent positions (FTEs) in fiscal year 2016 and \$317,535,666 in All Funds and 2,855.1 FTEs in fiscal year 2017 is appropriated to TJJD for the purpose of administering juvenile justice functions in the following manner:~~

- ~~1) General Revenue Funds. \$297,012,710 in fiscal year 2016 \$293,542,465 in fiscal year 2017 in General Revenue Funds;~~
- ~~2) Federal Funds. \$10,774,006 in fiscal year 2016 and \$10,728,134 in fiscal year 2017 in Federal Funds;~~
- ~~3) Other Funds. \$2,310,413 in Fiscal year 2016 and \$2,310,413 in fiscal year 2017 in Appropriated Receipts;~~
- ~~4) Other Funds. \$691,000 in fiscal year 2016 and \$691,000 in fiscal year 2017 in Interagency Contracts; and,~~
- ~~5) Other Funds. \$10,528,053 in fiscal year 2016 and \$10,263,654 in fiscal year 2017 in Interagency Contracts from the Foundation School Fund No. 193.~~

b) ~~The final allocation of funds and FTEs for the state's juvenile justice functions is contingent upon actions taken by the Eighty-fourth Legislature, 2015, statutory or in this Act, to address fundamental issues regarding the state's juvenile justice policies, including, but not limited to, the following:~~

- ~~1) Number, size, and geographic locations of State-operated Facilities. TJJD currently operates five secure facilities and eight halfway house facilities. An additional secure facility is not operational, but is maintained by TJJD. Current and projected populations do not support the existing capacity and the excess capacity creates operational inefficiencies, including fixed costs. The rapidly declining served population presents challenges to state policy which requires efficiencies and cost effectiveness while also~~

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~~maintaining statutory goals of juvenile justice facilities that are of a size that support effective youth rehabilitation and are geographically close to services and families.~~

- ~~2) **Use of Contractor-operated Facilities.** TJJD's current vision includes increasing the use of contract beds in the 2016-17 biennium to provide specialized services for youth. The Eighty-fourth Legislature may address whether and to what extent it wants to use contractor-operated facilities to address the state's current juvenile justice needs.~~
- ~~3) **Agency authority to transfer appropriations between residential settings.** The Eighty-fourth Legislature may choose to address the degree to which the agency is granted authority to deviate, in terms of the utilization of different types of facilities, including contracted facilities, from the legislative allocations contained in the General Appropriations Act. In fiscal year 2014, TJJD transferred appropriations between items of appropriation in excess of the limitations provided in Article IX, Section 14.01. The need for these transfers was the result of the agency's policy shift in its use of capacity.~~
- ~~4) **Safety and Security of youth and staff.** The agency has a need for a clear, stabilized vision of practices and policies related to the safety and security of youth and staff. The fiscal year 2014 juvenile correctional officer (JCO) turnover rate as reported by TJJD was 36 percent. Administration has cited high turnover as the result of staff feeling unsafe in the workplace. Currently, JCOs must receive 300 training hours before consideration for service. However, agency administration's current vision is to reduce the number of training hours required.~~
- ~~5) **Ensuring an agency administration that is transparent, responsive, and adaptable.** Agency administration has changed since the Eighty-third Legislature, 2013. The agency has suffered significant administrative turnover in recent years, creating a lack of historical and administrative knowledge. The agency has a need for stabilization in its administration and a vision that meets the needs of the agency's consumers. Agency administration must be adaptable to changes in population and the operations those populations affect, and in communicating effectively with the legislature.~~

**ADOPTED**

2. **Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and

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identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code §1232.103.

	<u>2014</u>	<u>2015</u>
<del>a. Repair or Rehabilitation of Buildings and Facilities</del>		
<del>(1) Repair &amp; Rehabilitation of Existing Facilities</del>		
<del>83rd Exceptional Request</del>	<del>\$ 5,500,000</del>	<del>\$ UB</del>
<del>b. Acquisition of Information Resource Technologies</del>		
<del>(1) Acquisition of Information Resource Technologies</del>		
<del>Education</del>	<del>838,000</del>	<del>838,000</del>
<del>(2) Automated Risk Assessment and Data Sharing Systems</del>		
	<del>99,950</del>	<del>99,934</del>
<del>(3) Juvenile Case Management System</del>	<del>300,000</del>	<del>300,000</del>
<del>Total, Acquisition of Information Resource Technologies</del>	<del>\$ 1,237,950</del>	<del>\$ 1,237,934</del>
<del>c. Data Center Consolidation</del>		
<del>(1) Data Center Consolidation</del>	<del>1,773,871</del>	<del>1,883,990</del>
<del>(2) Data Center Consolidation Exceptional</del>	<del>192,000</del>	<del>192,000</del>
<del>Total, Data Center Consolidation</del>	<del>\$ 1,965,871</del>	<del>\$ 2,075,990</del>
<del>Total, Capital Budget</del>	<del>\$ 8,703,821</del>	<del>\$ 3,313,924</del>
<del>Method of Financing (Capital Budget):</del>		
<del>General Revenue Fund</del>	<del>\$ 2,365,821</del>	<del>\$ 2,475,924</del>

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<del>Federal Funds</del>	<del>838,000</del>	<del>838,000</del>
<del>Bond Proceeds — General Obligation Bonds</del>	<del>5,500,000</del>	<del>UB</del>
<del>Total, Method of Financing</del>	<del>\$ <u>8,703,821</u></del>	<del>\$ <u>3,313,924</u></del>

**ADOPTED**

3. **Appropriation of Other Agency Funds.** Any unexpended balances remaining in Independent School District Funds (not to exceed \$155,000 and included in the amounts above), the Student Benefit Fund (not to exceed \$140,000 and included in the amounts above), the Canteen Revolving Funds (not to exceed \$7,500 and included in the amounts above), any gifts, grants, and donations as of August 31, ~~2013~~2015, and August 31, ~~2014~~2016 (estimated to be \$0), and any revenues accruing to those funds are appropriated to those funds for the succeeding fiscal years. Funds collected by vocational training shops at Juvenile Justice Department institutions, including unexpended balances as of August 31, ~~2013~~2015 (not to exceed \$21,000 and included in the amounts above), are hereby appropriated for the purpose of purchasing and maintaining parts, tools, and other supplies necessary for the operation of those shops.

**ADOPTED**

4. **Restrictions, State Aid.** None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries of individual personnel that exceed 112% of the previous year.

**ADOPTED**

5. **Revolving Funds.** The Juvenile Justice Department may establish out of any funds appropriated herein a revolving fund not to exceed \$10,000 in the Central Office, and \$10,000 in each institution, field office, or facility under its direction. Payments from these revolving funds may be made as directed by the department. Reimbursement to such revolving funds shall be made out of appropriations provided for in this Article.

**ADOPTED**

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- 6. Student Employment.** Subject to the approval of the Juvenile Justice Department, students residing in any Juvenile Justice Department facility may be assigned necessary duties in the operations of the facility and be paid on a limited basis out of any funds available to the respective institutions or facility not to exceed \$50,000 a year for each institution and \$10,000 a year for any other facility.

**ADOPTED**

- 7. Appropriation and Tracking of Title IV-E Receipts.** The provisions of Title IV-E of the Social Security Act shall be used in order to increase funds available for juvenile justice services. The Juvenile Justice Department (JJD) shall certify to the Texas Department of Family and Protective Services that federal financial participation can be claimed for Title IV-E services provided by counties. JJD shall direct necessary general revenue funding to ensure that the federal match for the Title IV-E Social Security Act is maximized for use by participating counties. Such federal receipts are appropriated to JJD for the purpose of reimbursing counties for services provided to eligible children. In accordance with Article IX, Section 8.03(a) of this Act, when reporting Federal Funds to the Legislative Budget Board, JJD must report funds expended in the fiscal year that funds are disbursed to counties, regardless of the year in which the claim was made by the county, received by JJD, or certified by JJD.

**ADOPTED**

- 8. Federal Foster Care Claims.** ~~Within the~~ Out of appropriations made above, the Texas Department of Family and Protective Services and the Juvenile Justice Department shall document possible foster care claims for children in juvenile justice programs and maintain an interagency agreement to implement strategies and responsibilities necessary to claim additional federal foster care funding; and consult with juvenile officials from other states and national experts in designing better foster care funding initiatives.

**ADOPTED**

- 9. Support Payment Collections.** The Juvenile Justice Department shall annually report to the Governor and to the Legislative Budget Board the number of active accounts, including the amounts owed to the state pursuant to the Texas Family Code, §54.06 (a) court orders, and the total amount of funds collected.

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**ADOPTED**

- 10. Employee Medical Care.** Appropriations made in this Act for the Juvenile Justice Department not otherwise restricted in use may also be expended to provide medical attention by medical staff and infirmaries at Juvenile Justice Department facilities, or to pay necessary medical expenses, including the cost of broken eyeglasses and other health aids, for employees injured while performing the duties of any hazardous position which is not reimbursed by workers' compensation and/or employees' state insurance. For the purpose of this section, "hazardous position" shall mean one for which the regular and normal duties inherently involve the risk or peril of bodily injury or harm. Appropriations made in this Act not otherwise restricted in use may also be expended for medical tests and procedures on employees that are required by federal or state law or regulations when the tests or procedures are required as a result of the employee's job assignment or when considered necessary due to potential or existing litigation.

**ADOPTED**

- 11. Safety.** In instances in which regular employees of facilities operated by the Juvenile Justice Department are assigned extra duties on special tactics and response teams, supplementary payments, not to exceed ~~\$125~~200 per month for team leaders and ~~\$100~~150 per month for team members, are authorized in addition to the salary rates stipulated by the provisions of Article IX of this Act relating to the position classifications and assigned salary ranges.

**ADOPTED**

- 12. Charges to Employees and Guests.**
- a. Collections for services rendered to Juvenile Justice Department employees and guests shall be made by a deduction from the recipient's salary or by cash payment in advance. Such deductions and other receipts for these services from employees and guests are hereby appropriated to the facility. Refunds of excess collections shall be made from the appropriation to which the collection was deposited.
  - b. As compensation for services rendered and notwithstanding any other provision in this Act, any facility under the jurisdiction of the Juvenile Justice Department may provide free meals

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for food service personnel and volunteer workers and may furnish housing facilities, meals, and laundry service in exchange for services rendered by interns, chaplains in training, and student nurses.

**ADOPTED**

- 13. Juvenile Justice Alternative Education Program (JJAEP).** Funds transferred to the Juvenile Justice Department (JJD) pursuant to Texas Education Agency (TEA) Rider 29 and appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs, shall be allocated as follows: \$1,500,000 at the beginning of each fiscal year to be distributed on the basis of juvenile age population among the mandated counties identified in Chapter 37, Texas Education Code, and those counties with populations between 72,000 and 125,000 which choose to participate under the requirements of Chapter 37.

The remaining funds shall be allocated for distribution to the counties mandated by § 37.011(a) Texas Education Code, at the rate of ~~\$8696~~ per student per day of attendance in the JJAEP for students who are required to be expelled as provided under §37.007, Texas Education Code. Counties are not eligible to receive these funds until the funds initially allocated at the beginning of each fiscal year have been expended at the rate of ~~\$8696~~ per student per day of attendance. Counties in which populations exceed 72,000 but are 125,000 or less, may participate in the JJAEP and are eligible for state reimbursement at the rate of ~~\$8696~~ per student per day.

JJD may expend any remaining funds for summer school programs. Funds may be used for any student assigned to a JJAEP. Summer school expenditures may not exceed \$3.0 million in any fiscal year.

Unspent balances in fiscal year ~~2014~~2016 shall be appropriated to fiscal year ~~2015~~2017 for the same purposes in Strategy A.1.6.

The amount of ~~\$8696~~ per student day for the JJAEP is an estimated amount and not intended to be an entitlement. Appropriations for JJAEP are limited to the amounts transferred from the Foundation School Program pursuant to TEA Rider 29. The amount of ~~\$8696~~ per student per day may vary depending on the total number of students actually attending the JJAEPs. Any

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unexpended or unobligated appropriations shall lapse at the end of fiscal year ~~2015~~2017 to the Foundation School Fund No. 193.

JJD may reduce, suspend, or withhold Juvenile Justice Alternative Education Program funds to counties that do not comply with standards, accountability measures, or Texas Education Code Chapter 37.

**ADOPTED**

- 14. Funding for Additional Eligible Students in JJAEPs.** Out of funds appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs, a maximum of \$500,000 in each fiscal year (for a maximum of 90 attendance days per child), is allocated for counties with a population of at least 72,000 which operate a JJAEP under the standards of Chapter 37, Texas Education Code. The county is eligible to receive funding from the Juvenile Justice Department at the rate of ~~\$86~~96 per day per student for students who are required to be expelled under § 37.007, Texas Education Code, and who are expelled from a school district in a county that does not operate a JJAEP.

**ADOPTED**

- 15. JJAEP Accountability.** Out of funds appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs (JJAEP), the Juvenile Justice Department (JJD) shall ensure that JJAEPs are held accountable for student academic and behavioral success. JJD shall submit a performance assessment report to the Legislative Budget Board and the Governor by May 1, ~~2014~~2016. The report shall include, but is not limited to, the following:
- a. an assessment of the degree to which each JJAEP enhanced the academic performance and behavioral improvement of attending students;
  - b. a detailed discussion on the use of standard measures used to compare program formats and to identify those JJAEPs most successful with attending students;
  - c. student passage rates on the State of Texas Assessments of Academic Readiness (STAAR) in the areas of reading and math for students enrolled in the JJAEP for a period of 90 days or



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longer;

- d. standardized cost reports from each JJAEP and their contracting independent school district(s) to determine differing cost factors and actual costs per each JJAEP program by school year;
- e. average cost per student attendance day for JJAEP students. The cost per day information shall include an itemization of the costs of providing educational services mandated in the Texas Education Code § 37.011. This itemization shall separate the costs of mandated educational services from the cost of all other services provided in JJAEPs. Mandated educational services include facilities, staff, and instructional materials specifically related to the services mandated in Texas Education Code, § 37.011. All other services include, but are not limited to, programs such as family, group, and individual counseling, military-style training, substance abuse counseling, and parenting programs for parents of program youth; and
- f. inclusion of a comprehensive five-year strategic plan for the continuing evaluation of JJAEPs which shall include oversight guidelines to improve: school district compliance with minimum program and accountability standards, attendance reporting, consistent collection of costs and program data, training, and technical assistance needs.

**ADOPTED AS AMENDED**

**16. Appropriation Transfers between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Juvenile Justice Department may transfer appropriations in an amount not to exceed \$~~21~~10,000,000 made for fiscal year ~~2015~~2017 to fiscal year ~~2014~~2016 subject to the following conditions provided by this section:

- a. Transfers under this section may be made only if (1) juvenile correctional populations exceed appropriated areas of daily population targets or (2) for any other emergency expenditure, including expenditures necessitated by public calamity.
- b. A transfer authorized by this section must receive prior approval from the Governor and the

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Legislative Budget Board.

- c. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending under this section.

**ADOPTED**

- 17. State-owned Housing Authorized.** The chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the department. Other Juvenile Justice Department employees may live in state-owned housing as set forth in Article IX, §11.04, State Owned Housing, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing and shall at least cover the agency cost of maintenance and utilities for the housing provided.

**ADOPTED**

- 18. Unexpended Balances - Hold Harmless Provision.** Any unexpended balances as of August 31, ~~2014~~2016, in Strategy A.1.2, Basic Probation Supervision (estimated to be \$400,000), above are hereby appropriated to the Juvenile Justice Department in fiscal year ~~2015~~2017 for the purpose of providing funding for juvenile probation departments whose allocation would otherwise be affected as a result of reallocations related to population shifts.

**ADOPTED**

- 19. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** The Juvenile Justice Department (JJD) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of each ~~biennium~~fiscal year by local juvenile probation departments. All fiscal year ~~2014~~2016 and fiscal year ~~2015~~2017 refunds received from local juvenile probation departments by JJD are appropriated above in Strategy A.1.3, Community Programs. Any juvenile probation department refunds received in excess of ~~\$1,150,000~~\$2,300,000 for the 2016-17 biennium ~~in fiscal year 2014 and \$1,150,000 in fiscal year 2015~~ shall lapse to the General Revenue Fund.

**ADOPTED**

- 20. Salaries, Education Professionals.**

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- a. Each principal, supervisor, and classroom teacher employed in an institution operated by the Juvenile Justice Department (JJD) shall receive a monthly salary to be computed as follows:  
The applicable monthly salary rate specified in §21.402, Texas Education Code, as amended, shall be multiplied by ten to arrive at a ten month salary rate. Such rate shall be divided by the number of days required in §21.401, Texas Education Code, for 10-month employees, and the resulting daily rate shall be multiplied by the number of on-duty days required of JJD educators, resulting in the adjusted annual salary. The adjusted annual salary is to be divided by 12 to arrive at the monthly rate. Salary rates for educational aides commencing employment before September 1, 1999, shall be calculated in the same manner, using 60 percent of the salary rate specified in §21.402, Texas Education Code.
- b. JJD may authorize salary rates at amounts above the adjusted annual salary determined in the preceding formula, but such rates, including longevity for persons commencing employment on September 1, 1983, or thereafter, and excluding hazardous duty pay, shall never exceed the rates of pay for like positions paid in the public schools of the city in which the JJD institution is located. Any authorized local increments will be in addition to adjusted annual salaries. When no similar position exists in the public schools of the city in which the JJD facility is located, the JJD may authorize a salary rate above the adjusted annual salary determined in the formula provided by Section a.
- c. There is hereby appropriated to JJD from any unexpended balances on hand as of August 31, 20164, funds necessary to meet the requirements of this section in fiscal year 20175 in the event adjustments are made in the salary rates specified in the Texas Education Code or in salary rates paid by the public schools where JJD facilities are located.

**ADOPTED**

21. **Training for GED and Reading Skills.** ~~From the~~Out of funds appropriated above in Strategy B.1.3, Education, the Juvenile Justice Department shall prioritize reading at grade level and preparation for the GED in its educational program. A report containing statistical information regarding student performance on the Test of Adult Basic Education (TABE) shall be submitted to the Legislative Budget Board and the Governor on or before December 1, 20142016.

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**ADOPTED**

22. **Salary Adjustment Authorized.** Notwithstanding other provisions of this Act, the Juvenile Justice Department is authorized to adjust salaries and pay an additional evening, night, or weekend shift differential not to exceed 15 percent of the monthly pay rate of Juvenile Correctional Officers I, Juvenile Correctional Officers II, Juvenile Correctional Officers III, Juvenile Correctional Officers IV, Juvenile Correctional Officers V, and Juvenile Correctional Officers VI to rates within the designated salary group for the purpose of recruiting, employing, and retaining career juvenile correctional personnel. Merit raises are permitted for all Juvenile Correctional Officers who are not receiving or are no longer eligible to receive step adjustments in the career ladder system.

**ADOPTED**

23. **Appropriations Prohibited for Purposes of Payment to Certain Employees.** None of the appropriations made by this Act to the Juvenile Justice Department (JJD) may be distributed to or used to pay an employee of JJD who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or has been convicted of an offense described in Article 42.12, Section 3g, Code of Criminal Procedure.

**ADOPTED**

24. **Appropriation: Unexpended Balances of General Obligation Bond Proceeds.** In addition to the amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds for projects that have been approved under the provisions of Article IX, Section 17.02 of Senate Bill 1, Eighty-third Legislature, Regular Session, 2013, remaining as of August 31, 2015, (estimated to be \$5,307,914), for repair and rehabilitation of existing facilities, for the 2016-17 biennium.

In addition to the amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds for projects that have been approved under the provisions of Article IX, Section 17.11 of Senate Bill 1, Eighty-first Legislature, Regular Session, 2009, remaining as of August 31, 2014~~5~~, (estimated to be \$0~~230,681~~), for repair and rehabilitation of

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existing facilities, for the ~~2014-15~~2016-17 biennium.

In addition to the amounts appropriated above are unexpended and unobligated balances of general obligation bond proceeds for projects that have been approved under the provisions of Article IX, Sections 19.70 and 19.71 of House Bill 1, Eightieth Legislature, Regular Session, 2007, remaining as of August 31, 2014~~5~~, (estimated to be \$~~0~~1,714,301), for repair and rehabilitation of existing facilities, for the ~~2014-15~~2016-17 biennium.

Any unexpended balances in General Obligation Bond Proceeds described herein and remaining as of August 31, ~~2014~~2016, are hereby appropriated for the same purposes for the fiscal year beginning September 1, ~~2014~~2016.

**ADOPTED**

- 25. Managed Health Care and Mental Health Services Contract(s).** ~~From~~Out of funds appropriated above, the Juvenile Justice Department (JJD) shall develop and manage a provider contract, or contracts, to deliver the most effective managed health care and mental health (psychiatric) services for the best value. Potential service providers shall not be entitled to pass-through funding from JJD appropriations.

**ADOPTED**

- 26. JJAEP Disaster Compensation.** Out of funds appropriated above in Strategy A.1.6, the Juvenile Justice Department may compensate a mandatory JJAEP for missed mandatory student attendance days in which disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.

**ADOPTED**

- 27. Specialized Treatment Report.** The Juvenile Justice Department shall, in its annual report, provide an assessment of the effectiveness of specialized treatment, emphasizing re-arrest rates of offenders receiving treatment.

**ADOPTED**

- 28. Reporting Requirements to the Legislative Budget Board.** From funds appropriated above, the

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Juvenile Justice Department shall maintain a specific accountability system for tracking funds targeted at making a positive impact on youth. The Juvenile Justice Department shall implement a tracking and monitoring system so that the use of all funds appropriated can be specifically identified and reported to the Legislative Budget Board. In addition to any other requests for information, the agency shall produce an annual report on the following information for the previous fiscal year to the Legislative Budget Board by December 1st of each year:

- a. The report shall include detailed monitoring, tracking, utilization, and effectiveness information on all funds appropriated in Goal A, Community Juvenile Justice. The report shall include information on the impact of any new initiatives and all programs tracked by the Juvenile Justice Department. Required elements include, but are not limited to prevention and intervention programs, residential placements, enhanced community-based services for serious and chronic felons such as sex offender treatment, intensive supervision, and specialized supervision, community-based services for misdemeanants no longer eligible for commitment to the Juvenile Justice Department, ~~and the~~ Commitment Diversion Initiatives, and Regional Diversion Alternatives.
- b. The report shall include information on all training, inspection, monitoring, investigation, and technical assistance activities conducted using funds appropriated in Goal A. Required elements include, but are not limited to training conferences held, practitioners trained, facilities inspected, and investigations conducted.
- c. The annual report submitted to the Legislative Budget Board pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to assess program effectiveness and any other supporting material specified by the Legislative Budget Board.
- d. The annual report submitted to the Legislative Budget Board pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.
- e. The annual report submitted to the Legislative Budget Board pursuant to this provision must

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contain information on each program receiving funds from Strategy A.1.1, Prevention and Intervention, including all outcome measures reported by each program and information on how funds were expended by each program.

In addition to the annual report described above, the Juvenile Justice Department shall report juvenile probation population data as requested by the Legislative Budget Board on a monthly basis for the most recent month available. The Juvenile Justice Department shall report to the Legislative Budget Board on all populations specified by the Legislative Budget Board, including, but not limited to, additions, releases, and end-of-month populations. End of fiscal year data shall be submitted indicating each reporting county to the Legislative Budget Board no later than two months after the close of each fiscal year. The Juvenile Justice Department will use Legislative Budget Board population projections for probation supervision and state correctional populations when developing its legislative appropriations request for the ~~2016-17~~2018-19 biennium.

Upon the request of the Legislative Budget Board, the Juvenile Justice Department shall report expenditure data by strategy, program, or in any other format requested~~-, including substrategy expenditure detail.~~

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Juvenile Justice Department in Goal E, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that the Juvenile Justice Department is not in compliance with any of the provisions of this Section.

### **ADOPTED**

- 29. ~~Special Needs Diversionary Program.~~** ~~Funds appropriated above in Strategy A.1.3, Community Programs, may be used for specialized mental health caseloads or to provide mental health services to youth being served on specialized mental health caseloads.~~

### **ADOPTED**

- 30. Harris County Leadership Academy.** Out of funds appropriated above in Strategy A.1.4, Pre and Post Adjudication Facilities, \$1,000,000 in General Revenue Funds in each fiscal year shall be expended for the Harris County Leadership Academy.

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**ADOPTED**

- 31. Commitment Diversion Initiatives.** Out of the funds appropriated above in Strategy A.1.5, Commitment Diversion Initiatives, \$19,492,500 in General Revenue Funds in fiscal year 20146 and \$19,492,500 in General Revenue Funds in fiscal year 20157, may be expended only for the purposes of providing programs for the diversion of youth from the Juvenile Justice Department. The programs may include, but are not limited to, residential, community-based, family, and aftercare programs. The allocation of State funding for the program is not to exceed the rate of \$140 per juvenile per day. The Juvenile Justice Department shall maintain procedures to ensure that the State is refunded all unexpended and unencumbered balances of State funds at the end of each fiscal year.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009.

The juvenile probation departments participating in the diversion program shall report to the Juvenile Justice Department regarding the use of funds within thirty days after the end of each quarter. The Juvenile Justice Department shall report to the Legislative Budget Board regarding the use of the funds within thirty days after receipt of each county's quarterly report. Items to be included in the report include, but are not limited to, the amount of funds expended, the number of youth served by the program, the percent of youth successfully completing the program, the types of programming for which the funds were used, the types of services provided to youth served by the program, the average actual cost per youth participating in the program, the rates of recidivism of program participants, the number of youth committed to the Juvenile Justice Department, any consecutive length of time over six months a juvenile served by the diversion program resides in a secure corrections facility, and the number of juveniles transferred to criminal court under Family Code, §54.02.

The Juvenile Justice Department shall maintain a mechanism for tracking youth served by the diversion program to determine the long-term success for diverting youth from state juvenile correctional incarceration and the adult criminal justice system. A report on the program's results shall be included in the report that is required under Juvenile Justice Department Rider 28 to be



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submitted to the Legislative Budget Board by December 1st of each year. In the report, the Juvenile Justice Department shall report the cost per day and average daily population of all programs funded by Strategy A.1.5, Commitment Diversion Initiatives, for the previous fiscal year.

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Juvenile Justice Department in Goal E, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that the Juvenile Justice Department is not in compliance with any of the provisions of this Section.

**ADOPTED**

- ~~32. Juvenile Justice Department Institutional Capacity. Funds appropriated by this Act may be used for the operation of a maximum of 1,356 Juvenile Justice Department (JJD) institutional beds beginning September 1, 2013. For the purposes of this rider, the institutional capacity of 1,356 beds shall not include halfway house facilities operated by JJD or contract facilities.~~

**ADOPTED**

- ~~33~~34. **Local Assistance.** From funds appropriated above in Strategy E.1.1, Central Administration, ~~\$150,000~~\$140,000 in fiscal year ~~2014~~2016 and \$144,000 in fiscal year ~~2015~~2017 in General Revenue Funds and two full-time equivalent positions in each fiscal year shall be used to increase technical assistance on program design and evaluation for programs operated by juvenile probation departments. This shall include, but not be limited to:

- a. providing in-depth consultative technical assistance on program design, implementation, and evaluation to local juvenile probation departments;
- b. assisting juvenile probation departments in developing logic models for all programs;
- c. developing recommended performance measures by program type;
- d. facilitating partnerships with universities, community colleges, or larger probation departments to assist departments with statistical program evaluations where feasible;

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- e. following current research on juvenile justice program design, implementation, and evaluation; and,
- f. disseminating best practices to juvenile probation departments.

Staff who perform these duties shall be included in the agency's research function and shall not be responsible for monitoring departments' compliance with standards.

**ADOPTED**

**35. Facility Closure.** ~~Funds appropriated by this Act shall be used for the operation of no more than five Juvenile Justice Department state-operated correctional facilities as of January 1, 2014. The Juvenile Justice Department shall develop a comprehensive plan to close at least one state-operated correctional facility and submit the plan in writing, not later than September 1, 2013, to the Legislative Budget Board for approval. The plan shall:~~

- ~~a. identify the state-operated correctional facility planned for closure;~~
- ~~b. identify any special healthcare needs or rehabilitative treatment unique to the current residential population of the facility planned for closure;~~
- ~~c. provide a detailed proposal for the relocation of the displaced population within existing facilities; and~~
- ~~d. ensure that adequate security and access to adequate mental health services and rehabilitative treatment are provided at the alternate facility location.~~

~~Legislative Budget Board approval is required prior to the expenditure of funds related to the closure of a facility or the relocation of youth to an alternate facility.~~

**ADOPTED**

**3435. Grievance Procedures.** From funds appropriated above, the Juvenile Justice Department will

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adopt and maintain employee disciplinary and grievance procedures substantially equivalent to the Texas Department of Criminal Justice's employee grievance procedures.

The Juvenile Justice Department Board's disciplinary procedures shall allow an employee of the department to be represented by a designee of the employee's selection who may participate in the hearing on behalf of an employee charged with any type of disciplinary violation.

The Board's grievance procedure shall attempt to solve problems through a process which recognizes the employee's right to bring grievances pursuant to the procedures in this section. The grievance procedure shall include either independent mediation or independent, non-binding arbitration of disputes between the employer and the employee if the disciplining authority recommends that the employee be terminated or the employee is terminated.

**ADOPTED**

**3637. Mental Health Services Grants.** Out of funds appropriated above in Strategy A.1.7, Mental Health Services Grants, the Juvenile Justice Department shall allocate \$12,804,748 in fiscal year ~~2014~~2016 and \$12,804,748 in fiscal year ~~2015~~2017 to fund mental health services provided by local juvenile probation departments. Funds subject to this provision shall be used by local juvenile probation departments only for providing mental health services to juvenile offenders. Funds subject to this provision may not be utilized for administrative expenses of local juvenile probation departments nor may they be used to supplant local funding.

**ADOPTED**

**38. Probation Grants.** From funds appropriated above in Goal A, Community Juvenile Justice, the Juvenile Justice Department shall develop a juvenile probation grant structure that:

- a. adheres to the budget structure in the agency's bill pattern;
- b. is straightforward in its requirements, providing flexibility to juvenile probation departments within the confines of the agency budget structure and other provisions of this Act; and,
- c. requires juvenile probation departments to report expenditures in accordance with the agency budget structure and agency grant requirements.

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**ADOPTED AS AMENDED**

- 39. Contingency for SB 1630.** Contingent on enactment of Senate Bill 1630 by the Eighty-fourth Legislature, Regular Session, which establishes a regionalization plan within the department, funds appropriated to Strategy A.1.8, Regional Diversion Alternatives, \$435,490 in General Revenue Funds in fiscal year 2016 and \$870,980 in General Revenue Funds in fiscal year 2017 shall be used to develop a regionalization plan for keeping juveniles closer to home in lieu of commitment to the juvenile secure facilities operated by the department. The regionalization plan shall be developed through consultation with juvenile probation departments to define regions, identify post-adjudication facility capacity for support of the plan, and with JJD confirmation that each region has defined, appropriate, research-based programs for the target populations under the regionalization plan. JJD shall submit the regionalization plan to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, Lieutenant Governor, Office of the Governor, and the Legislative Budget Board not later than September 1, 2016.