

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3689 by McClendon (Relating to the functions and continuation of the Texas Youth Commission and the Texas Juvenile Probation Commission and to the functions of the Office of Independent Ombudsman for the Texas Youth Commission.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3689, As Passed 2nd House: a negative impact of (\$1,486,330) through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$818,165)
2011	(\$668,165)
2012	(\$668,165)
2013	(\$668,165)
2014	(\$668,165)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$818,165)	8.0
2011	(\$668,165)	8.0
2012	(\$668,165)	8.0
2013	(\$668,165)	8.0
2014	(\$668,165)	8.0

Fiscal Analysis

The Youth Commission (TYC) and the Juvenile Probation Commission (JPC) are subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. The Office of the Independent Ombudsman (OIO) is subject to review, but not abolishment. The bill contains the following Sunset Commission key recommendations on these three agencies.

- Maintain TYC and JPC as separate agencies. TYC would be governed by a seven-member board. JPC would be governed by a nine-member commission composed of judges, chief juvenile probation officers, and public members.
- Continue TYC and JPC until 2011, and require the Sunset Commission to evaluate both agencies' compliance with the provisions of S.B. 103 (Eightieth Legislative Session); requirements placed on the agencies by legislation enacted by the Eighty-first Legislature; initiatives of TYC and JPC in coordinating activities and services including joint strategic planning, sharing of youth data across youth agencies, assessments and classification of youth, and the collection of data on probation outcomes.
- Require TYC to provide information regarding a youth's progress to the committing court upon request.

TYC would be required to provide the committing court with notice of a youth's release no later than the 30th day before the release date. TYC would also be required to provide the committing court or the county or state to which the youth is being released with the youth's reentry and reintegration plan and a report on the youth's progress.

- Continue the Office of Independent Ombudsman until 2010, and require the Sunset Commission to evaluate the OIO's compliance with requirements of legislation enacted by the Eighty-first legislature.
- Require OIO and TYC to enter into a memorandum of understanding concerning the development of formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility. Authorize the OIO to withhold information concerning matters under active investigation from TYC and to report the information to the Governor.
- Require OIO and TYC to enter into a memorandum of understanding concerning the development of formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility. Authorize the OIO to withhold information concerning matters under active investigation from TYC and to report the information to the Governor.
- Specify that the Office of Inspector General has jurisdiction over facilities where youths who are committed to TYC are housed or receive medical or mental health treatment.
- Require TYC to assess youth at least every 12 months, and at least 15 days but not more than 30 days before a youth is released from TYC. Require TYC to provide at least 60 minutes per day of individualized reading instruction by trained educators with expertise in teaching reading to struggling adolescent readers to youth who exhibit deficits in reading on the assessments. Prohibit TYC from releasing youth with deficits in reading on parole unless the youth participated in reading instruction to the extent required by the bill and TYC rules.
- Require JPC to regulate, and local juvenile boards to inspect and certify, all non-secure correctional facilities that accept only youth on probation.
- Authorize JPC to contract with an unutilized or underutilized local mental health and mental retardation authority to provide mental health residential treatment services for a period that does not exceed 150 days.
- Creates the Coordinated Strategic Planning Committee with members appointed by the directors of TYC and JPC for the purpose of agency collaboration on a variety of initiatives, including implementation of a common data source and data sharing among TYC, JPC, and various other state agencies that serve youth in the juvenile justice system.
- Require TYC, JPC, and various other state agencies to adopt a memorandum of understanding with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TOOMMI) for continuity of care for juvenile offenders with mental impairments. Require TCOOMMI, in coordination with TYC, JPC, and other participating state and local agencies, to collect data and report on the outcomes of the MOU.
- Conform key elements of JPC's officer certification program to commonly applied licensing practices.

The bill would take effect immediately if it receives a two-thirds vote of all members. Otherwise, the effective date of this bill would be September 1, 2009.

Methodology

This analysis assumes that the provisions of the bill could be met with existing resources, except for the provision requiring reading assessments and instruction. TYC estimates the need for eight Master Certified Teachers at a salary of \$60,100 plus benefits per year. TYC's Rider 12 requires that TYC teachers be paid at the same rate as those working in the school district in which the TYC facility is located. The rate of pay for the Master Certified Teachers would be dependent upon the pay rate of similar highly skilled teachers in individual school districts. Since those individual salaries cannot be calculated without input from each school district where a TYC facility is located, we honored TYC's salary estimates for the Master Certified Teachers for the purpose of this analysis, with the understanding that those figures could vary dependent on the pay rates of individual school districts. TYC estimates costs for salaries and wages for 8 teachers (\$961,600); benefits (\$274,730); training (\$100,000); and professional fees for higher education consultants (\$150,000) for the 2010-11 biennium, with ongoing costs of \$668,165 per year.

Local Government Impact

The bill would require local juvenile boards to annually inspect any non-secure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the JPC. Local juvenile boards are already required to inspect over 80 secure facilities throughout the state. The six non-secure facilities impacted by this provision are located in five jurisdictions, requiring each local juvenile board to inspect one or two additional facilities only. The Sunset Commission estimates that additional inspections could be accomplished within existing resources.

Source Agencies:

LBB Staff: JOB, KK, GG, AI