

By: Johnson of Harris

H.B. No. 314

A BILL TO BE ENTITLED

AN ACT

relating to the functions of the Texas Juvenile Justice Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.011, Education Code, is amended by adding Subsection (r) to read as follows:

(r) The Texas Juvenile Justice Department shall ensure that a program created subject to the approval of the department under this section prioritizes reading at grade level and preparation for the general education development test.

SECTION 2. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0121 to read as follows:

Sec. 37.0121. JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM ACCOUNTABILITY. The Texas Juvenile Justice Department shall ensure that a juvenile justice alternative education program is held accountable for student academic and behavioral success and shall submit a performance assessment report to the Legislative Budget Board and the governor on or before May 1 of each even-numbered year. The report shall include:

(1) an assessment of the degree to which each juvenile justice alternative education program enhanced the academic performance and behavioral improvement of attending students;

(2) a detailed discussion on the use of standard measures used to compare program formats and to identify those juvenile justice alternative education programs most successful

1 with attending students;

2 (3) student passage rates on the assessment
3 instruments administered under Section 39.023(a) in reading and
4 mathematics for students enrolled in the juvenile justice
5 alternative education program for a period of 90 days or more;

6 (4) standardized cost reports from each juvenile
7 justice alternative education program and its contracting
8 independent school district to determine differing cost factors and
9 actual costs per each juvenile justice alternative education
10 program by school year;

11 (5) average cost per student attendance day for
12 juvenile justice alternative education program students, including
13 an itemization of the costs of providing educational services
14 mandated in Section 37.011; and

15 (6) a comprehensive five-year strategic plan for the
16 continuing evaluation of juvenile justice alternative education
17 programs, which must include oversight guidelines to improve:

18 (A) school district compliance with minimum
19 program and accountability standards;

20 (B) attendance reporting;

21 (C) the consistency of collection of costs and
22 program data;

23 (D) training; and

24 (E) technical assistance.

25 SECTION 3. Section 203.012, Human Resources Code, is
26 amended to read as follows:

27 Sec. 203.012. ANNUAL FINANCIAL REPORT. (a) The department

1 shall prepare annually a complete and detailed written report
2 accounting for all funds received and disbursed by the department
3 during the preceding fiscal year. The annual report must meet the
4 reporting requirements applicable to financial reporting provided
5 in the General Appropriations Act.

6 (b) The department shall maintain a specific accountability
7 system for tracking funds targeted at making a positive impact on
8 youth and shall implement a tracking and monitoring system so that
9 the use of all funds appropriated can be specifically identified
10 and reported to the Legislative Budget Board in the annual report to
11 be delivered not later than December 1 of each year.

12 (c) The report must include detailed monitoring, tracking,
13 utilization, and effectiveness information on all funds
14 appropriated. The report shall include information on the impact of
15 any new initiatives and all programs tracked by the department and
16 specifically include information on:

17 (1) prevention and intervention programs;

18 (2) residential placements;

19 (3) enhanced community-based services for serious and
20 chronic offenders, including sex offender treatment;

21 (4) intensive supervision and specialized
22 supervision;

23 (5) community-based services for misdemeanants no
24 longer eligible for commitment to the department; and

25 (6) the commitment diversion initiatives.

26 (d) The report shall include information on all training,
27 inspection, monitoring, investigation, and technical assistance

1 activities conducted using appropriated funds. Required elements
2 include training conferences held, practitioners trained,
3 facilities inspected, and investigations conducted.

4 (e) The report must:

5 (1) be accompanied by supporting documentation
6 detailing the sources and methodologies utilized to assess program
7 effectiveness and any other supporting material specified by the
8 Legislative Budget Board;

9 (2) contain a certification by the person submitting
10 the report that the information provided is true and correct based
11 upon information and belief together with supporting
12 documentation; and

13 (3) contain information on each program receiving
14 funds for prevention and intervention, including all outcome
15 measures reported by each program and information on how funds were
16 expended by each program.

17 (f) The report must provide an assessment of the
18 effectiveness of specialized treatment, emphasizing the rearrest
19 rate of offenders receiving treatment.

20 (g) In addition, the department shall report juvenile
21 probation population data as requested by the Legislative Budget
22 Board on a monthly basis for the most recent month available. The
23 department shall report to the Legislative Budget Board on all
24 populations specified by the Legislative Budget Board, including
25 additions, releases, and end-of-month populations. The department
26 shall submit end-of-fiscal-year data indicating each reporting
27 county to the Legislative Budget Board not later than two months

1 after the last day of each fiscal year. The department must use
2 Legislative Budget Board population projections for probation
3 supervision and state correctional populations when developing the
4 department's legislative appropriations requests.

5 (h) On request of the Legislative Budget Board, the
6 department shall report expenditure data by strategy, by program,
7 or in any other format requested.

8 SECTION 4. Chapter 203, Human Resources Code, is amended by
9 adding Sections 203.017 and 203.018 to read as follows:

10 Sec. 203.017. DIVERSION PROGRAMS FUNDS; REPORT. (a) The
11 department shall distribute grant funds for the purpose of
12 providing programs for the diversion of youth from the department.

13 (b) The department shall maintain a mechanism for tracking
14 youth served by the diversion programs to determine the long-term
15 success for diverting youth from state juvenile correctional
16 incarceration and the adult criminal justice system.

17 (c) A report on the programs' results shall be included in
18 the report that is required under Section 203.012 to be submitted to
19 the Legislative Budget Board on or before December 1 of each year.

20 Sec. 203.018. EDUCATIONAL PERFORMANCE REPORT. The
21 department shall submit a report containing statistical
22 information regarding the performance of students of the
23 department's educational programs on the Test of Adult Basic
24 Education to the Legislative Budget Board and the governor on or
25 before December 1 of each even-numbered year.

26 SECTION 5. Section 221.005, Human Resources Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) The department shall provide technical assistance on
2 program design and evaluation for programs operated by juvenile
3 probation departments, including:

4 (1) providing in-depth consultative technical
5 assistance on program design, implementation, and evaluation to
6 local juvenile probation departments;

7 (2) assisting juvenile probation departments in
8 developing logic models for all programs;

9 (3) developing recommended performance measures by
10 program type;

11 (4) facilitating partnerships with universities,
12 community colleges, or larger probation departments to assist
13 departments with statistical program evaluations where feasible;

14 (5) following current research on juvenile justice
15 program design, implementation, and evaluation; and

16 (6) disseminating best practices to juvenile
17 probation departments.

18 SECTION 6. Section 242.004, Human Resources Code, is
19 amended by adding Subsections (d), (e), and (f) to read as follows:

20 (d) The disciplinary and grievance procedures must be
21 substantially equivalent to the Texas Department of Criminal
22 Justice's employee disciplinary and grievance procedures.

23 (e) The department's disciplinary procedures must allow an
24 employee of the department to be represented by a designee of the
25 employee's selection who may participate in the hearing on behalf
26 of an employee charged with any type of disciplinary violation.

27 (f) The department's grievance procedures shall attempt to

1 solve problems through a process that recognizes the employee's
2 right to bring a grievance under the department's procedures. The
3 grievance procedures must include independent mediation or
4 independent, nonbinding arbitration of a dispute between the
5 employer and the employee if the disciplining authority recommends
6 that the employee be terminated or the employee is terminated.

7 SECTION 7. Subchapter B, Chapter 242, Human Resources Code,
8 is amended by adding Section 242.0585 to read as follows:

9 Sec. 242.0585. FEDERAL FUNDS FOR CERTAIN SERVICES. (a) The
10 department shall certify to the Department of Family and Protective
11 Services that federal financial participation can be claimed for
12 Title IV-E, Social Security Act (42 U.S.C. Section 670 et seq.),
13 services provided to a child by a county.

14 (b) The department shall direct necessary general revenue
15 funding to ensure that the amount of federal funds received under
16 Title IV-E is maximized for use by participating counties. The
17 department shall use the federal funds received for the purpose of
18 reimbursing counties for services provided to eligible children.

19 (c) When reporting federal funds to the Legislative Budget
20 Board, the department must report funds expended in the fiscal year
21 that the funds are disbursed to counties, regardless of the year in
22 which the claim was made by the county, received by the department,
23 or certified by the department.

24 SECTION 8. Section 244.009, Human Resources Code, is
25 amended by adding Subsection (c) to read as follows:

26 (c) The department shall develop an approach to deliver
27 health care and psychiatric services at the best value possible.

1 SECTION 9. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.