



TEXAS YOUTH COMMISSION

CHERYLN K. TOWNSEND
Executive Commissioner

November 26, 2008

Mr. Joey Longley, Director
Sunset Advisory Commission
6th Floor, Robert E. Johnson Building
1501 North Congress Avenue
Austin, Texas 78701

Dear Mr. Longley,

Thank you and your staff for their hard work and professional review of the Texas Youth Commission throughout the Sunset Review process. We enjoyed working with your staff and appreciate their efforts especially during a time of great change within this agency. Please find the attached document detailing our responses to each Sunset Staff Recommendation.

In general, I believe that this has been a challenging Sunset Review to conduct. Because of the timing, Sunset Staff were required to review the agency during a time of flux between a conservatorship and an executive leadership position. The roles and functions of conservator and executive commissioner differ; the conservator was charged with completing critical activities that were specifically defined, thus allowing the executive commissioner to begin longer range accomplishments. Many important reforms were completed during the conservancy period, and TYC is now well-positioned to build on those reforms with additional changes. I hope that the Sunset Commission will note that since TYC was released from conservatorship on October 14, 2008, we have made a number of critical reforms. I respectfully submit that TYC and the Texas youth it serves will be better served if we delay consideration of extensive agency restructuring for four years when the impact of SB 103 reforms can be evaluated and our efforts can be more fully realized. I believe that time period will provide a fuller picture of TYC operations and its role in the juvenile justice system. To make these types of dramatic organizational changes now when this agency is just becoming stabilized will further impede its progress in implementing the reforms of SB 103 and our ability to better serve Texas youth.

TYC also includes a response to the Sunset Advisory Commission Staff Report on the Texas Parks and Wildlife Department, Issue 6, related to modification of Trust terms and purpose of the Parrie Haynes Ranch.

Thank you for the opportunity to provide feedback on these Sunset Reports. We look forward to continuing to work closely with you as these issues evolve.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl K. Townsend".

Cheryl K. Townsend
Executive Commissioner

**AGENCY RESPONSE TO SUNSET
ADVISORY COMMISSION STAFF
REPORT**



November 26, 2008

**Sunset Advisory Commission Staff Report
Texas Youth Commission's Agency Response
Table of Contents**

Issues / Recommendations

1 Texas' Juvenile Justice Agencies, Services, and Funding Need Major Restructuring to Ensure an Effective Continuum of Treatment and Sanctions for Youthful Offenders 1

1.1 Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, with a Sunset date of 2015.....

1.2 Establish an 11-member Board to govern the Texas Juvenile Justice Department.....

1.3 Establish a community corrections pilot program that encourages counties to keep lower-risk offenders eligible for commitment to TYC in their home communities and out of state confinement.....

1.4 The Sunset Commission should recommend that the Legislature designate appropriate funding to establish the community corrections pilot program.....

1.5 Consolidate existing community corrections funding for probation departments through the State's appropriations process.....

1.6 Require the Department to consider past performance in awarding future community corrections grants or pilot program grants.....

1.7 Require the Department to establish basic probation and community corrections funding formulas in rule.....

1.8 Require the Department to give juvenile courts access to information on youths' progress at TYC.....

1.9 Require the Department to adopt a memorandum of understanding with TCOOMM for continuity of care for juvenile offenders with mental impairments.....

1.10 Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state level reforms.....

2 The Office of Independent Ombudsman and the New Texas Juvenile Justice Department Need Clearer Guidelines to Ensure Effective Interaction

2.1 Require the new Texas Juvenile Justice Department and Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.....

2.2 Require the Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.....

2.3 Require that OIO undergo Sunset review during the same time period as the Department.....

3 A Small Number of Nonsecure Residential Facilities, Used Exclusively by Counties for Placing Youth on Probation, Are Not Licensed or Monitored by Any State Agency

3.1 Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.....

3.2 Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.....

3.3 Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the Texas Juvenile Justice Department.....

4 Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices.....

4.1 Authorize the new Texas Juvenile Justice Department to require certified officers to obtain continuing education as a condition for renewal.....

4.2 Require the Department to report annually on the final resolution of abuse, neglect, and exploitation complaints.....

4.3 Transfer disciplinary hearings for certified officers to the State Office of Administrative Hearings.....

4.4 Authorize the Department to place certified officers on probation.....

4.5 Authorize the Department to temporarily suspend an officer's certification under certain circumstances.....

4.6 Clarify certified officers' right to appeal Department actions to district court under the substantial evidence standard.....

Issue 1

Texas' Juvenile Justice Agencies, Services, and Funding Need Major Restructuring to Ensure an Effective Continuum of Treatment and Sanctions for Youthful Offenders.

Recommendations for Statutory Changes

1.1. Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, with a Sunset date of 2015.

Agency Response to Recommendation 1.1: Disagree

The Texas Youth Commission disagrees with the recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TYC and TJPC should remain separate, independent agencies. TYC does agree with many of the characteristics for an effective juvenile justice system contained within the Sunset Commission Report. However, the agency believes that combining two separate agencies with very distinct mandates and responsibilities does not ensure creation of an effective juvenile justice system.

TYC and TJPC are both committed to the service of the state's population of juvenile offenders; however, the underlying purpose and focus of the two agencies are quite different. The statutory purposes of TYC and TJPC highlight objectives at markedly different points in the continuum of the juvenile justice system. In particular, the emphasis of TYC is to administer and address the needs of youth in the state's correctional facilities after commitment and to provide active parole supervision. The youth population served by TYC is high-risk felony offenders with a significant percentage having one or more specialized treatment needs. TJPC's purpose is to make juvenile probation services and supervision available throughout the state as well as to provide alternatives to commitment. These two purposes are both necessary for a complete juvenile justice system, but they would necessarily be competitive for resource allocations within one consolidated agency.

Consolidation is the most drastic of proposed remedies to address the challenges facing TYC and the need for greater collaboration between TYC and TJPC. Less dramatic and more realistic options exist to achieve the juvenile justice system goals cited in the Sunset Report. As demonstrated by the current stable and effective leadership of these two agencies, these goals can and are being accomplished through system coordination. This coordination ensures that TYC is able to continue implementation of the reforms of Senate Bill 103 without negatively impacting the operations of TJPC.

Senate Bill 103, passed during the 2007 legislative session, mandated massive reforms for TYC management and operations. These reforms must be allowed to work and the effectiveness of them must be fully evaluated to determine future TYC needs. Given the overwhelming support for Senate Bill 103 and the significant financial investment made by the State of Texas in these reforms and services related to their successful implementation, it is counter-productive to not maintain complete focus on them. To consolidate the functions of TJPC and TYC amidst the implementation of the SB 103 reforms is likely to jeopardize TYC's reform progress by injecting an entirely new set of issues and challenges that exist when two agencies are consolidated. TYC should be allowed to achieve stability and true reforms before consideration is given to consolidate the agency with another. Consolidating TYC and TJPC during these reforms will, at best, significantly increase the challenges for both agencies at a fragile point in the process. At worst, the entire juvenile justice system would be put at risk to falter under the strain of a consolidation.

All juvenile justice professionals can agree that a consistent approach to the treatment and rehabilitation of delinquent youth is certainly a worthwhile goal as is reducing barriers to effective services and treatment. Consolidating TJPC and TYC will do little to achieve this goal as the problem of inconsistent treatment and services is more a function of limited resources than lack of collaboration between agencies that treat youth at

different points in the juvenile justice system. TYC must be fully funded to treat all youth committed to its care and local community based probation programs need adequate funding to meet the specialized treatment needs of youth they serve in the counties. The agency agrees that TYC, TJPC, and local community based probation programs need to work collaboratively with other agencies and with local communities to develop capacity for appropriate resources throughout the system. Creating a larger state agency bureaucracy may ultimately cost more in the long run despite cost savings predictions in the short run. Any additional funds need to be directed toward direct services to youth and not toward creating a larger state agency.

The other goals cited by the Sunset report include the sharing of data and data systems so that critical information regarding youth is available to practitioners. This goal is already occurring and consolidation of the two agencies will not expedite this process. TJPC has participated for nearly two years in the development of the statewide Juvenile Case Management System (JCMS). TYC is now actively analyzing the best way to utilize the JCMS system to enhance the agency's Correctional Care System and to provide data back to JCMS as youth re-enter the community. The goal of a Memorandum of Understanding currently being developed between the TYC and TJPC is to exchange data electronically at intake and at re-entry or discharge as well as to not duplicate data entry.

The JCMS project will address the need to share juvenile justice data statewide between local and state entities, including youth assessment data. Use of this data from the JCMS system will contribute to more effective strategic planning between TJPC and TYC. In addition, the two agencies are exploring how information from community agencies providing mental health treatment services can be integrated with juvenile justice system information systems. All information about the risks and needs of youth at all decision points of the juvenile justice system will enhance our planning efforts. Joint strategic planning has always occurred between the two agencies; however, both agencies agree with the Sunset report that the effectiveness of the joint planning can and must be greatly improved. Since the appointment of new leadership at TYC, both agencies have actively collaborated on a wide variety of issues and projects and this will continue. Clearly, the goals described in the Sunset report are worthwhile and necessary. These goals can be accomplished without consolidation of TJPC and TYC and with the effective and strong leadership that now exists at both agencies to ensure the goals are met.

1.2 Establish an 11-member Board to govern the Texas Juvenile Justice Department.

Agency Response to Recommendation 1.2: Disagree

The Texas Youth Commission disagrees with the recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies. Thus, TYC disagrees with this recommendation to create a new board for the new state agency.

TYC believes that the reforms of Senate Bill 103 must be allowed to work and the effectiveness of them must be fully evaluated before changing the governance structure of the agency. Therefore, the agency supports the continuation of a Governor appointed Executive Commissioner with a nine-member advisory board with the following representation:

- ◆ At least one physician
- ◆ An experienced member of a victims advocacy organization
- ◆ A mental health professional
- ◆ A current or former prosecutor or juvenile court judge
- ◆ At least two members must have experience in a field other than criminal or juvenile justice

As noted in Senate Bill 103, "The majority of members of the advisory board should be qualified, by experience or education, in the development and administration of programs for the rehabilitation and reestablishment in society of children in the custody of agencies similar in mission and scope to the TYC." The agency recommends that the members represent all areas of the state as well as small, medium and urban counties.

As required by Senate Bill 103, the members of the advisory board must be citizens who are recognized within their communities for their interest in youth. Three members should be appointed by the Governor; three members should be appointed by the Lieutenant Governor, and three members should be appointed by the Speaker of the House of Representatives. The General Appropriations Act should specifically state that TYC advisory board members are eligible for travel reimbursement.

1.3 Establish a community corrections pilot program that encourages counties to keep lower-risk offenders eligible for commitment to TYC in their home communities and out of state confinement.

Agency Response to Recommendation 1.3: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC agrees with Recommendation 1.3 regarding establishment of a community corrections pilot program and believes this should be developed through the TYC/TJPC Juvenile Justice Master Plan. TYC disagrees with the Sunset Staff Report statement that funding for such a pilot would come from funds appropriately solely for the commitment of youth to TYC as well as the suggestion that the local probation departments pay the costs of state commitment if youth do not remain in their jurisdiction. TYC and TJPC should work collaboratively to analyze population trends, the risks and needs presented by youth, the evidence-based treatment models that are best suited to deliver positive outcomes in local communities rather than in state facilities, and the interest of local communities to invest in such a pilot program. Ultimately, the agency recommends that TJPC determine and define the parameters and specifications of the pilot program to achieve the most effective results with

ultimate implementation of the pilot occurring through TJPC. Funding for the pilot program is addressed in Recommendation 1.4.

Change in Appropriations

1.4 The Sunset Commission should recommend that the Legislature designate appropriate funding to establish the community corrections pilot program.

Agency Response to Recommendation 1.4: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC agrees with Recommendation 1.4 regarding funding for the pilot program described in 1.3; however, it is important to note that the funding for this pilot must be new funding. Any reduction in current funding to facilitate this pilot may be counterproductive and have a negative impact on current probation and TYC services and outcomes. Additionally, minimal lapsed funds are anticipated with TYC facilities. Generally, lapsed funds are an unpredictable funding source.

1.5 Consolidate existing community corrections funding for probation departments through the State's appropriations process.

Agency Response to Recommendation 1.5: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC supports TJPC's response to Recommendation 1.5.

Change in Statute

1.6 Require the Department to consider past performance in awarding future community corrections grants or pilot program grants.

Agency Response to Recommendation 1.6: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC supports TJPC's response to Recommendation 1.6.

1.7 Require the Department to establish basic probation and community corrections funding formulas in rule.

Agency Response to Recommendation 1.7: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC supports TJPC's response to Recommendation 1.7.

1.8 Require the Department to give juvenile courts access to information on youths' progress at TYC.

Agency Response to Recommendation 1.8: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC agrees with Recommendation 1.8 to give juvenile courts access to information on youths' progress at TYC. This recommendation is consistent with the report card that has already been implemented for families and with the development of re-entry plans. TYC recommends removal of the reference to "the Department."

1.9 Require the Department to adopt a memorandum of understanding with TCOOMMI for continuity of care for juvenile offenders with mental impairments.

Agency Response to Recommendation 1.9: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies. TYC recommends that Recommendation 1.9 be modified to introduce a statutory language change.

TJPC, TYC and TCOOMMI have developed proposed legislation for Chapter 614.018 Health and Safety Code (new section) to expand the current continuity of care statute to include juvenile agencies. If passed, this legislation would establish a legislative mandate for TJPC, TYC, TEA, DSHS, DFPS, TCOOMMI, and local juvenile probation departments and community mental health centers to develop and implement memorandums of understanding for continuity of care for juvenile offenders with mental impairments. The change would also ensure compliance with the HIPAA in the exchange of information.

In addition, TJPC, TYC, Medicaid and TCOOMMI, under the auspices of the Mental Health and Juvenile Justice Network grant funded by the John T. and Catherine D. MacArthur foundation, have initiated four juvenile justice initiatives in Texas. One collaborative initiative focuses on training for juvenile justice system staff; a second initiative provides continuity of care for youth leaving TYC facilities and returning to the community.

1.10 Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state level reforms.

Agency Response to Recommendation 1.10: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC agrees with Recommendation 1.10 and believes that TJPC and TYC should jointly develop a Juvenile Justice Master Plan that has the following components:

- Comprehensive treatment plan and initiative for offenders with special needs
- Data sharing across the continuum of the juvenile justice system and partner agencies
- Systemic performance measures and desired outcomes
- Use of appropriate and validated risks and needs assessments across the juvenile justice system
- Leveraging of agency resources to meet areas identified as mutual concern/need
- Workforce and leadership development for succession planning at all levels of the system
- Incorporating national best practices into the Texas system

The following modified timeline is proposed for implementation of this recommendation and all recommendation in the report:

2009	2010	2011-2014	2015
<ul style="list-style-type: none"> ◆ Data Sharing ◆ Identification of trends in risk and needs 	<ul style="list-style-type: none"> ◆ Identify best practices for Texas ◆ Identify any changes in trends ◆ Conduct first joint meeting of the TJPC Board and the TYC Advisory Board 	<p>2011: Finalize and implement collaborative plan</p> <p>2011-2014: Continue annual joint Board/Advisory Board meetings</p> <p>2014: Sunset review of TYC and TJPC begins</p>	<p><i>January-May, 2015</i> 84th Legislature considers the TJPC and TYC Sunset legislation.</p> <p>May 1, 2015 Final implementation report on the five-year plan.</p> <p>September 1, 2015 TYC and TJPC Sunset date.</p>

Agency Comments:

Juvenile Justice Facilities

TYC and TJPC will include an analysis of juvenile justice facility size, location and program models as one of several topics to be included in the Five-Year Juvenile Justice Master Plan. Both agencies believe that the state should not attempt to develop a master plan for community based juvenile justice facilities that are county-owned and operated. However, where these facilities do exist will impact state population trends and location of TYC facilities. That impact as well as workforce availability, community input/support and programs, commitment trends, and risk/needs assessment are factors to be considered in the Juvenile Justice Master Plan.

Data Sharing Blueprint

TJPC and TYC should create a blueprint for developing common data *definitions and elements* that facilitate data exchange and integrity of data. TYC and TJPC, as indicated in responses to Recommendation 1.1, are collaborating on the integration of their respective information systems as well as on data exchange where that is more cost effective and appropriate.

Performance Measurement for Entire System

As noted by other systems that determine the cost effectiveness of program models in the juvenile justice system as well as recidivism, care must be taken when identifying measurements for the overall system. TJPC has begun a project to determine objective performance expectations at each level of the Progressive Sanctions Model. TYC has utilized performance measures for each of its funding strategies. The development of a Five-Year Juvenile Justice Master Plan will address how this can best be addressed for each decision point within the juvenile justice system. The ultimate outcome that we are all committed to is public safety and positive youth outcomes.

Fiscal Implication

TYC disagrees with the projected cost savings regarding the reduction of five duplicative director-level positions that is projected to be \$594,616. While some of these director positions (e.g., Director of Human Resources) possess a skill set and knowledge base that are consistent across state agencies, that cannot be said of the other director-level positions which are individuals with critical knowledge of the distinct complexities of these separate agencies. The reality is that most of the higher level director positions in each agency have very unique, specific skills and knowledge that would be essential for the success of any consolidated agency and these individuals should be retained in some capacity. The projection is over-estimated.

TYC is presently implementing staffing reductions in its central office with an estimated annual cost savings of \$1.6 million. Further reductions are anticipated with additional savings. These savings will be implemented prior to the upcoming 2010-11 biennium. The agency is committed to limited and cost effective government.

Facility Closures

The TYC agrees that an agency capacity plan is needed for TYC facilities based on agency goals. The location of facilities, both for new facilities as well as realignment and closure of existing facilities, is based on many factors. It is important for the location and operation of a facility to support family involvement and participation in treatment. It is equally important for the facility to be able to recruit and retain a qualified workforce for the type of treatment provided, especially specialized treatment. Another important factor is the level of community involvement and support for the facility, operational costs, and availability of other services.

The total projected savings of \$27.6 million for the closure of three facilities is misleading. The agency received no appropriations in FY 2009 for the operation of five facilities. Only two of the five facilities were identified for closure in an agency rider. These two facilities, San Saba and Marlin, as well as Sheffield Boot Camp were

closed during FY 2008. The two remaining facilities—not specifically identified for closure—are currently funded from staff vacancy savings from other institutions until the overall population and staffing plan is finalized during December 2008. Because the operation of these facilities is funded from vacancies at other institutions, the “savings” estimated from potential closure would be temporary and not continuing savings. Additionally, although \$20.7 million was removed from the FY 2009 appropriations, the Legislature did not require the closure of either West Texas or Victory Field, allowing agency flexibility for determining the most appropriate distribution for the reductions.

The Legislature appropriated funding for an average daily population of 2,292 in institutions. Currently, institutional populations are 7.8% under that number, while the population is projected to increase. If the three facilities identified in the Sunset report were closed, the agency would have insufficient capacity for serving the projected population. TYC agrees with the recommendation to locate facilities closer to urban areas, however, the agency believes that it is important to consider all factors when making this decision. In addition, until those facilities are developed, the agency must use the resources that are currently available. Utilization of Ron Jackson I facility is anticipated in December 2008.

Lapsed and Other Funds

TYC does not anticipate significant lapsed funds for FY 2009. The agency lapsed funds in FY 2008 in part because additional funds were appropriated to facilitate the phase out of the five unfunded facilities in FY 2009. The agency has requested further guidance from the Legislature regarding the best use of the previously appropriated \$25 million in bond funds.

Issue 2

The Office of Independent Ombudsman and the New Texas Juvenile Justice Department Need Clearer Guidelines to Ensure Effective Interaction.

Change in Statute

2.1 Require the new Texas Juvenile Justice Department and Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.

Agency Response to Recommendation 2.1: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

TYC agrees with Recommendation 2.1 if modified to require TYC and the OIO to jointly develop and adopt policy and procedure regarding OIO reports and TYC's formal response to them. The agency is working with the OIO to engage professional consultation in this area and expects to have implemented this modified recommendation no later than March 31, 2008.

2.2 Require the Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.

Agency Response to Recommendation 2.2: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC agrees with Recommendation 2.2 for TYC and the OIO to adopt a memorandum of understanding. In fact, a memorandum of understanding regarding administrative services was adopted in June, 2008. The agency is working with the OIO to engage professional consultation and expects this work to result in a revision to the current MOU to include other areas as noted in this recommendation.

2.3 Require that OIO undergo Sunset review during the same time period as the Department.

Agency Response to Recommendation 2.3: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The agency agrees with Recommendation 2.3 if it requires that the OIO undergo Sunset Review at the same time as TYC.

Issue 3

A Small Number of Nonsecure Residential Facilities, Used Exclusively by Counties for Placing Youth on Probation, Are Not Licensed or Monitored by Any State Agency.

Change in Statute

3.1 Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.

Agency Response to Recommendation 3.1: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

3.2 Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.

Agency Response to Recommendation 3.2: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

3.3 Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the Texas Juvenile Justice Department.

Agency Response to Recommendation 3.3: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

Issue 4

Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices.

4.1 Authorize the new Texas Juvenile Justice Department to require certified officers to obtain continuing education as a condition for renewal.

Agency Response to Recommendation 4.1: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

4.2 Require the Department to report annually on the final resolution of abuse, neglect, and exploitation complaints.

Agency Response to Recommendation 4.2: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

4.3 Transfer disciplinary hearings for certified officers to the State Office of Administrative Hearings.

Agency Response to Recommendation 4.3: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

4.4 Authorize the Department to place certified officers on probation.

Agency Response to Recommendation 4.4: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

4.5 Authorize the Department to temporarily suspend an officer's certification under certain circumstances.

Agency Response to Recommendation 4.5: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.

4.6 Clarify certified officers' right to appeal Department actions to district court under the substantial evidence standard.

Agency Response to Recommendation 4.6: Modify

The Texas Youth Commission disagrees with the overall recommendation to abolish the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) and to create a new state agency, the Texas Juvenile Justice Department. TJPC and TYC should remain separate, independent agencies.

The TYC supports TJPC's response to this recommendation.