

General Grant Requirements – All Grants

2008-09 Biennium

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I. GRANT DESCRIPTION.

- A. General Grant Requirements are those requirements that apply to all grants received by the Grantee from the Texas Juvenile Probation Commission (Commission) for any purpose. These requirements are in addition to those specific grant requirements listed in each individual grant. If any provision of the General Grant Requirements conflicts with any provision under any individual grant, the specific grant provision in the individual grant controls.

II. GENERAL GRANT DEFINITIONS.

- A. **Authorized Designee.** An authorized designee is any person, entity, state agency or federal agency to whom authority has been contractually or statutorily delegated to act in cooperation or consultation with the Commission regarding any program or service provided under any individual grant, (e.g., Texas State Auditor's Office, Texas Comptroller's Office, private auditors, Department of Family and Protective Services, Department of State Health Services, Department of Aging and Disability Services, etc.).
- B. **Intensive Community-Based Program.** A community-based, non-residential program that serves a priority population of juvenile offenders adjudicated for misdemeanor offenses that, under prior law, were eligible for commitment to the Texas Youth Commission [SB 103, 80th Legis.Reg. Sess. (2007), effec. 6/8/2007].
- C. **Juvenile Justice Program.** A program operated for the benefit of juveniles referred to the juvenile probation department that is wholly or partly operated by the juvenile board or by a private vendor under contract with the juvenile board. As defined in Texas Family Code Section 261.405, this term also includes juvenile justice alternative education programs (JJAEPs) and non-residential programs that serve juveniles that have been referred to the juvenile probation department and who are under the jurisdiction of the juvenile court. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Commission.
- D. **Juvenile Probation Services.** Juvenile probation services means services provided to juvenile offenders under the jurisdiction of the juvenile court by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:
1. Protective services;
 2. Prevention of delinquent conduct and conduct indicating a need for supervision;
 3. Diversion;
 4. Deferred prosecution;
 5. Foster care;
 6. Counseling;
 7. Supervision;
 8. Diagnostic, correctional and educational services; and
 9. Services provided by a juvenile probation department that are related to the provision of services, operation of a secure pre-adjudication detention facility, a short-term detention facility (i.e., holdover), a secure post-adjudication correctional facility, a non-secure residential treatment facility, a juvenile justice alternative education program or a juvenile justice program as defined in Texas Family Code Section 261.405.
- E. **Misdemeanor Eligibility.** The chronological sequence and adjudication pattern of jailable misdemeanor offenses which, in combination with other misdemeanor, felony or probation violation adjudications, would have resulted in eligibility for commitment to the Texas Youth Commission under prior law. [SB 103, 80th Legis.Reg. Sess. (2007), effec. 6/8/2007].

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- F. **Non-Residential Services.** A service or program provided to a juvenile who has not been placed in a residential facility or a service or program provided to a juvenile who has been placed in a residential setting, but the service or program is not included in the cost per day for the juvenile's placement. The following services/programs are considered non-residential including:
1. Psychological, psychiatric and other professional diagnostic, evaluation and therapeutic treatment services;
 2. Medical and dental diagnosis, evaluation, treatment and supplies;
 3. Vocational and educational fees and supplies;
 4. Related programs, services, supplies and tutoring not provided by public schools;
 5. Transportation and meals;
 6. Clothing and personal hygiene supplies; and
 7. Programs and services approved in writing in advance by the Commission, including professional and contractual services.
- G. **Primary Prevention Services.** Programs, services and activities designed to prevent law and Family Code violations by juveniles identified as "at risk" of becoming juvenile offenders. These services are designed for juveniles that have not had contact with the juvenile probation department prior to the service (i.e., no formal referral has occurred).
- H. **Progressive Sanctions Model.** The Progressive Sanctions Model is a set of recommended graduated dispositional guidelines defined in the Texas Family Code Chapter 59. The Model provides uniform and consistent standards in juvenile case dispositions, taking into account the seriousness of conduct, history of delinquent conduct, previous interventions, special treatment/training needs and special circumstances of the juvenile.
- I. **Residential Services.** Residential services means the provision of services to a juvenile that has been placed in a secure pre-adjudication detention facility, a short-term detention facility (i.e., holdover), a post-adjudication correctional facility, or a non-secure residential placement facility operated by or under the authority of the Grantee. This category also includes services contracted to a third-party service provider in any non-secure placement facility licensed and/or operated by or under the authority of another governmental entity under the laws of this state or another state.
- J. **Staff Services.** Staff services means:
1. Salaries and fringe benefits for staff employed by the juvenile probation department under the direction of the Grantee;
 2. Travel reimbursement for juvenile probation department staff for the provision of juvenile probation services, juvenile justice programs and administration; and
 3. Operating expenses for the juvenile probation department (e.g., postage, telephone, office supplies, printing and other costs etc.) directly related to juvenile probation services, juvenile justice programs and administration).
- K. **Service Provider.** A service provider is a public or private vendor that is funded in whole or in part using grant funds and obligated under the terms of a procurement contract with the Grantee to provide goods and/or services for the operation, management or administration of juvenile probation services and juvenile justice programs.
- L. **Secure Post-Adjudication Correctional Facility.** A secure facility administered by a juvenile board or a privately operated facility certified by the juvenile board that includes construction and fixtures designed to physically restrict the movements and activities of the residents and is intended for the treatment and rehabilitation of juveniles who have been adjudicated.

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- M. **Secure Pre-Adjudication Detention Facility.** A public secure facility administered by a juvenile board or a privately operated facility certified by the juvenile board that includes construction and fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and is intended for the temporary placement of any juvenile or other individual who is accused of having committed an offense and is awaiting court action, an administrative hearing or other transfer action.
- N. **TYC Commitments.** Any new commitment or recommitment to the Texas Youth Commission for an indeterminate period or determinate sentence.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Commission's grants is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated, community-based juvenile probation system.
- B. **Program Objective.** The objective of the Commission's grants shall be to promote the delivery of safe and effective juvenile probation services and juvenile justice programs that maximize adherence to Commission standards and policies.
- C. **Program Performance.** Grantee performance shall be determined using the following measures:
 - 1. One year re-contact rate for juveniles served by the juvenile probation department; and
 - 2. Average cost per juvenile served.

IV. PROGRAMMATIC COMPONENTS.

- A. **Requests for Information.** The Grantee shall fully and promptly comply with all reporting requirements and requests for information issued by the Commission or its authorized designee that are required under any grant or that are necessary for any legislative requests for information, audit surveys or studies which may be undertaken by the Commission or its authorized designee or any office or agency for or on behalf of the state of Texas. The Grantee shall provide any information requested by the Commission or its authorized designee in the format requested or supplied by the Commission. The Grantee shall ensure that its staff, interns, volunteers and subcontractors comply in a timely and complete manner with all the Commission's requests for information made during the course of on-site monitoring visits, unannounced monitoring visits, abuse, neglect and exploitation investigations, programmatic and financial audits or monitoring, or other on-site inspections. The Grantee shall ensure that it complies with the Commission's or its authorized designee's requests for information arising out of any other investigation being conducted by the Commission or its authorized designee that involves the Grantee's juvenile probation department or any juvenile justice program operated in whole or part by the Grantee or operated by a private vendor operating under the Grantee's authority. The Grantee shall ensure that it complies in a timely manner with requests by the Commission or its authorized designee for financial information, records and documents related to evaluating costs of programs and services provided by the Grantee's probation department. The Grantee shall timely submit, in the manner and format specified by the Commission, any files or records of the Grantee's juvenile probation department or any facility or program operated by or under the authority of the Grantee that may be requested by the Commission or its authorized designee as a part of the monitoring, auditing or investigatory process.
 - 1. **Agency Proceedings and Investigations.** The Grantee shall require all employees, interns, volunteers, subcontractors and private vendors paid in whole or part with state funds to cooperate with and to testify in any formal, informal, administrative or judicial proceeding or hearing regarding any matter the Commission considers necessary for the investigation of abuse, neglect or exploitation allegations, complaints, financial and programmatic audits or any other matter under its authority. Compliance with this provision is not intended as, nor does it constitute, a contractual waiver of the privilege against self-incrimination or any other right or privilege guaranteed under law.

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2. **Agency Subpoena Power.** The Grantee shall comply with the provisions of Human Resources Code Section 141.0461 or other applicable law which authorizes the Commission to issue subpoenas, receive evidence and gather information that the Commission deems necessary for the investigation of abuse, neglect, or exploitation allegations, complaints, financial and programmatic audits of juvenile probation programs, services and facilities, including juvenile justice alternative education programs or any other matter under its authority.

- B. **Compliance with Agency Administrative Law.** The Grantee shall comply with all the Commission's administrative rules contained in Title 37 Texas Administrative Code that are applicable or become applicable during the term of the grant to the Grantee, the juvenile probation departments and any juvenile justice programs, juvenile probation services and facilities operated or provided by or under the authority of the Grantee.

- C. **Legal Compliance.** The Grantee shall comply with all applicable state and federal laws that may affect operations of the Grantee, the juvenile probation departments and any juvenile justice programs, services and facilities operated by or under the authority of the Grantee. The receipt of state funds shall be contingent upon compliance with the laws set forth herein and any other federal, state and local laws which may be applicable. The Grantee shall acknowledge that the citation of specific state and federal laws herein shall not be construed as a comprehensive listing of all applicable laws with which the Grantee may be required to comply.
 1. **State and Federal Juvenile Law Compliance.** The Grantee shall comply with all procedural and substantive requirements of the Juvenile Justice Code found in Title 3 of the Texas Family Code. The Grantee shall comply with all requirements of federal law related to juveniles including, but not limited to, the *Juvenile Justice and Delinquency Prevention Act of 1974* and all subsequent amendments thereto. See Public Law 93-415, 42 U.S.C. 5601 et. seq.

 2. **Federal Law Compliance.** The Grantee shall comply with all applicable federal statutes and all requirements imposed by the regulations issued pursuant to these acts, specifically including, but not limited to, the following:
 - a. **Non-discrimination Statutes.** The Grantee shall comply with the following federal statutes relating to non-discrimination and all requirements imposed by the regulations issued pursuant to these acts including, but not limited to:
 - i. *Title VII of the Civil Rights Act of 1964* as amended by the *Civil Rights Act of 1991*, which prohibits discrimination on the basis of race, color or national origin;
 - ii. *Title IX of the Education Amendments of 1972*, as amended, which prohibits discrimination on the basis of sex;
 - iii. *Section 504 of the Rehabilitation Act of 1973*, as amended, which prohibits discrimination on the basis of handicaps and the *Americans with Disabilities Act of 1990 (ADA)*;
 - iv. *The Age Discrimination in Employment Act of 1974 (ADEA)*, which prohibits discrimination on the basis of age;
 - v. *The Drug Abuse Office and Treatment Act of 1972*, as amended, relating to non-discrimination on the basis of drug abuse;
 - vi. *The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970*, as amended, relating to the non-discrimination on the basis of alcohol abuse or alcoholism;
 - vii. *The Public Health Service Act of 1912*, as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - viii. *The Family and Medical Leave Act (FMLA)*, as amended, which provides an employee with job-protected, unpaid family leave;

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- ix. *The Equal Pay Act of 1963 (EPA)*, as amended, which prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar working conditions;
 - x. *The Pregnancy Discrimination Act of 1964*, as amended, which prohibits sex discrimination on the basis of pregnancy;
 - xi. *The Pro-Children Act of 1994*, as amended, which prohibits smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act;
 - xii. *The Uniformed Services Employment and Reemployment Rights Act of 1994*, as amended, which provides reemployment protection and prevents discrimination against uniformed service personnel; and
 - xiii. Any other statute(s) under which application for federal assistance is being made and any other non-discrimination statute(s) which may apply to a grant.
- b. **Employment Verification Statutes.** The Grantee shall comply with the requirements of the *Immigration Reform and Control Act of 1986*, as amended, regarding employment verification and retention of verification forms for any individuals hired on or after November 6, 1986, who will perform any labor or services for or under the authority of the Grantee.
- c. **Labor Statutes.** The Grantee shall comply with the minimum wage and maximum hours provisions of the *Federal Fair Labor Standards Act* and the *Intergovernmental Personnel Act of 1970*, as applicable.
- d. **Institutional Rights.** The Grantee shall comply with the following federal statutes relating to the elimination and reduction of prison rape, abuse, neglect and exploitation in correctional institutions and all requirements imposed by the regulations issued pursuant to these acts including, but not limited to:
- i. *The Prison Rape Elimination Act of 2003 (PREA)*, as amended, which provides for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; and
 - ii. Any other statute(s) under which application for federal assistance is being made and any other prison rape reduction or elimination statute which may apply to a grant.
3. **State Law Compliance.** The Grantee shall comply with all Texas state laws specifically including, but not limited to:
- a. The *Texas Commission on Human Rights Act (TCHRA)*, as amended, which prohibits employment discrimination in virtually all aspects of employment in Texas;
 - b. The Texas Family Code Section 261.101 and Section 261.401, which require the reporting of all suspected cases of child abuse, neglect and exploitation of a child to local law enforcement or regulatory authorities;
 - c. The Texas Family Code, Section 231.006, which prohibits payments to a person who is in arrears on child support payments;
 - d. The Texas Family Code, Chapter 60, which contains the *Uniform Interstate Compact on Juveniles* pertaining to, among other things, the out-of-state placement and return of runaways and juvenile absconders on probation or parole;
 - e. The Texas Government Code, Chapter 783, which contains the *Uniform Grant Management Standards (UGMS)* that promote the efficient use of public funds and establishes uniform grant and contract administration procedures. The Uniform State Assurances contained in UGMS shall be incorporated by reference herein;

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- f. The Texas Government Code, Chapter 552, which requires that all information collected, assembled or maintained by the Grantee must be maintained in compliance with the *Public Information Act*, unless expressly prohibited by law;
 - g. The Texas Government Code, Chapter 551, which requires all regular, special or called meetings of a governmental body, shall be conducted in accordance with the *Texas Open Meetings Act*, except as otherwise provided by law or specifically permitted in the Texas Constitution;
 - h. *The Architectural Barriers Act*, Article 9102, Texas Civil Statutes, which requires that public buildings and facilities constructed, renovated or modified using state funds or funds of any political subdivision shall be accessible to and functional for persons with disabilities.
 - i. The Texas Government Code, Section 441.187(b), county records retention schedule, or other applicable statute or regulation which prohibits the destruction of a record made the subject of any litigation, claim, negotiation, audit, open records request, administrative review or other action before the expiration of a retention period established by the Texas State Library and Archives Commission or in the approved records retention schedule adopted by the agency.
4. **Assessment.** The Grantee agrees to ensure that each juvenile's need for services is considered and evaluated when the juvenile probation department, prosecutor or court makes any dispositional decisions. The Grantee shall ensure that the mental health screening instrument selected by the Commission, the *Massachusetts Youth Screening Instrument, Second Version (MAYSI-2)*, is administered to each juvenile according to Title 37, Texas Administrative Code Chapters 341 and 343.
5. **Departmental Policies and Procedures.** The Grantee shall promulgate and enforce certain departmental policies and procedures specifically including the following:
- a. **Workplace AIDS/HIV Guidelines.** The Grantee shall develop and implement guidelines regarding confidentiality of AIDS and HIV-related medical information that is consistent with the confidentiality guidelines published by the Texas Department of State Health Services and with state and federal law and regulations for its employees and for children referred to juvenile court. The Grantee shall comply with the Texas Health and Safety Code Section 85.113 and 85.115, respectively, relating to workplace and confidentiality guidelines regarding AIDS and HIV.
 - b. **Equal Employment Policies.** The Grantee shall operate as an equal opportunity employer and shall not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services, programs or activities. The Grantee shall promulgate and enforce written departmental policies prohibiting harassment of employees on the basis of race, color, national origin, sex, religion, age or disability.
 - c. **Abuse, Neglect and Exploitation Reporting.** The Grantee shall ensure that any employee, intern volunteer, contractor or service provider of a juvenile justice program, facility or juvenile probation department who witnesses or receives an oral or written outcry from an alleged victim or other person with reasonable belief or knowledge of an occurrence of an incident of abuse, neglect, exploitation, death or other serious incident involving a juvenile under the jurisdiction of the juvenile court shall report to the Commission and local law enforcement as required by statutory and administrative law detailed in the Texas Family Code Chapter 261 and Title 37 Texas Administrative Code Chapters 341, 343, 348, 349 and 351 or successor provisions which may be amended or adopted during the term of this Contract. The Grantee and its agents shall make the report by telephone or by faxing or emailing a completed *TJPC Incident Report Form* [TJPC-ANE-05-05]. If the report is made by telephone, the Grantee and its agents shall ensure that a completed *TJPC Incident Report Form* is submitted within 24 hours of the telephone report. The Grantee shall ensure that its employees, interns, volunteers, contractors and service providers in the Grantee's jurisdiction are properly trained in the reporting requirements and procedures of the Texas Family Code 261 and any applicable Commission administrative rules regarding abuse, neglect and exploitation. The Grantee shall further ensure that any contract authorizing the placement of juveniles in a juvenile justice program or facility operated by or under the authority of a county, governing board, juvenile board or private vendor under a contract with an operating authority that serves juveniles under the jurisdiction of the juvenile court shall include a clause that requires the contracting county to report all pending and past allegations and/or investigations of abuse, neglect, exploitation, death or other serious incidents involving a juvenile that

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has been placed by the Grantee. The Grantee acknowledges that the duties of this section exist regardless of whether the Grantee has entered into subcontracts with public or private providers for program services. The Grantee shall accept full liability should a public or private service provider under contract with the Grantee fail to comply with the abuse reporting requirements listed in this section.

- i. **Dedicated Toll-Free Number.** The Grantee shall make available to its employees, interns, volunteers, contractors and service providers the dedicated 24-hour, toll-free number [i.e., 1-800-STOP-ANE] and shall prepare and distribute to each Grantee the official notice to inform members of the public and staff of its availability to be used for the purpose of reporting allegations of abuse, neglect, exploitation, death or other serious incidents that occur in any juvenile justice program or facility operated by or under the authority of the county, governing board, juvenile board or by a private entity through a contract with the Grantee. The Grantee shall make available an English and a Spanish version of the following official notices: *Notice to Public Regarding Abuse, Neglect and Exploitation* [TJPC-ANE-07-05] and the *Notice to Employees Regarding Abuse, Neglect and Exploitation* [TJPC-ANE-08-05]. These forms shall be available on the Commission's website. The Grantee shall prominently post both the English and Spanish language versions of the official notice in all public and staff areas of any juvenile probation office, satellite office and in any facility or program operated by or under the authority of the Grantee or operated by a private entity through contract with the Grantee.
- d. **Employment Disclosures.** The Grantee shall verify and disclose, or cause its staff, volunteers, interns and subcontractors to verify and disclose any arrest, any criminal history and any current criminal indictment involving a felony offense or misdemeanor or under the laws of this state, any other state or the federal laws of the United States and any offense that requires registration as a sex offender under the laws of this state or any other state. The Grantee shall verify and disclose, or cause its staff, volunteers, interns and subcontractors to verify and disclose any finding of "Reason to Believe" by a state regulatory agency in a child abuse, neglect and exploitation investigation where the staff, volunteer, intern or subcontractor was the alleged or designated perpetrator. This verification and disclosure shall be required of all persons who have direct contact with juveniles and shall be maintained in the Grantee's personnel files. These verifications shall occur at pre-employment and the Grantee shall require ongoing disclosure.
- e. **Employee Timekeeping Documentation.** The Grantee shall require all employees, interns, volunteers, subcontractors and private vendors paid in whole or part with state funds to maintain and make available to the Grantor source documentation that substantiates the performance of juvenile probation services, completion of a standard 40-hour work week or a pro-rated alternate work schedule and any and all documented leave. The Grantee shall ensure that accurate timesheets and attendance records are maintained by the Grantor. The Grantee shall ensure that all employees, interns, volunteers, subcontractors and private vendors that are paid with state funds, including the Chief Administrative Officer, regardless of Fair Labor Standards Act (FLSA) appointed or exempt status, provide leave documentation. Grantee shall make all employee salary documentation and timesheets available for review by the Grantor.
- f. **Employee Daily Travel Activity Documentation.** The Grantee shall require all travel expenses paid in whole or part with state funds to be accurately documented daily by the individual traveling. The Grantee shall document, at a minimum the date, destination, times, mileage or odometer readings and related travel activities.

V. PROGRAMMATIC REPORTING.

A. Annual Reports.

1. The *Annual Resource Report* [TJPC-RES-01-04] shall be submitted on or before the designated due date of each year of the grant period in an electronic format as specified by the Commission.
2. The *Secure Juvenile Facility Registry Application* shall be submitted in the electronic format specified by the Commission prior to opening a new facility or by February 1 of each year of the grant period. This form shall be submitted by any secure pre-adjudication detention facility, short-term detention facility (i.e., holdover) or post-adjudication correctional facility that is operated by or under the authority of the Grantee.

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3. The Grantee shall complete the *Designation of Key Personnel Worksheet* [TJPC-FIS-31-04] in the format specified by the Commission. The worksheet shall be submitted to the Commission by electronic mail along with the *Annual Budget Application* on or before the date the Contract is executed by the Grantee. The Grantee or their designee shall notify the Commission of any changes by submitting a revised dated worksheet along with notification of the changes on official department or juvenile board letterhead in writing within ten (10) calendar days from the effective date of the change.
 - a. A person may not serve as Chief Administrative Officer and Fiscal Officer at the same time and a person may not serve as a Project Director and Fiscal Officer at the same time. One person may serve as the Chief Administrative Officer and Project Director simultaneously.
- B. **Quarterly Reports.** See Individual Grant Requirements.
- C. **Monthly Reports.** See Individual Grant Requirements.
- D. **Other Periodic Reports.** See Also Individual Grant Requirements.
 1. Grantee shall utilize the Commission's Compliance Monitoring, Enforcement and Tracking System (COMETS) to respond to all citations of non-compliance with standards and/or grant requirements issued in regularly scheduled monitoring visit performance reports and any Non-Compliance Citation Reports (NCCR) that are issued by the Commission. The Grantee shall submit the required corrective action responses within the mandated time frame as specified by the COMETS system.
 2. The Grantee shall notify the Commission of any change affecting the Grantee's official registry information including administration, baseline services, programs, rated capacity or any other data submitted in the *Secure Juvenile Facility Registry Application* regarding any secure pre-adjudication detention facility, short-term detention facility (i.e., holdover) or post-adjudication correctional facility operated by or under the authority of the Grantee. The Grantee shall ensure that any private vendor that operates a facility under the authority of the Grantee shall be contractually obligated to notify the Commission of any changes in official registry information. Changes shall be provided in writing to the Commission within ten (10) calendar days from the effective date of the change.
 3. The Grantee shall notify the Commission immediately of any change affecting the Grantee and the composition, structure, function or identity, such as the control, name change, governing board membership or personnel changes affecting the contracted services. The Grantee or their designee shall notify the Commission of any changes by submitting a revised dated *Designation of Key Personnel Worksheet* along with notification of the changes on official department or juvenile board letterhead in writing within ten (10) calendar days from the effective date of the change.
 4. Prior to referring a juvenile for participation in a research program or study, the Grantee shall submit, via the Commission's website, a *Report Concerning Research Programs and Studies of Juveniles*. The report shall be required for any juvenile who is currently or may have previously been under the jurisdiction of the juvenile court. As mandated in Human Resources Code Section 141.0486, the report shall be utilized by the Commission to track the number of children, study type, principal investigator and sponsoring entity conducting a research program or study relating to children within the juvenile justice system.

VI. PROGRAMMATIC MONITORING.

- A. **On-Site Monitoring Visits.** The Grantee shall be subject to programmatic monitoring as scheduled at the discretion of the Commission. Scheduled on-site visits are announced and confirmed in writing at least fifteen (15) calendar days in advance of the actual visit whenever possible. Scheduled on-site visits shall be conducted during the program's regular operating hours. The visit can include a review of policies, procedures and records; interviews with staff, juveniles and other personnel; and a tour of the program or facility. The length of the visit depends on the size of the program or facility as well as the size of the Commission's monitoring team. Each visit will conclude with an exit conference with appropriate department and/or facility staff and the presentation of findings in the Performance Rating Profile Report.
- B. **Unannounced On-Site Monitoring Visits.** The Commission shall conduct unannounced on-site visits in addition to its scheduled on-site visits. Unannounced on-site visits may be made without any advance

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notification and may occur at any time. Unannounced on-site visits may be entirely random or they may be made for cause. The Commission may determine cause by assessing information relating to a specific area of alleged standards non-compliance(s), patterns of actual or alleged non-compliance(s), as a means to monitor program improvement plans (PIPs) or due to a request for intervention from other state or local government entities, the public, etc. Unannounced on-site visits may also be conducted in conjunction with the Commission's formal abuse, neglect and exploitation investigations. The length and scope of an unannounced on-site visits shall be dependent on the circumstances that led to the visit. A Non-Compliance Citation Report (NCCR) shall be issued for any verified non-compliance in an unannounced on-site visit.

- C. **Desk Audits.** The Commission may monitor compliance with standard or grant requirements by a desk audit, which includes review of select records and program documentation. This review will require the department to forward or make available to the Commission any written policies and procedures, juvenile and staff records, juvenile board documentation, etc. The review of written documentation and materials may be supplemented by phone interviews with select staff and/or juveniles. Findings will result in a performance rating profile report or a Non-Compliance Citation Report (NCCR). Grantee shall ensure its agents will comply with all request of information during the course of a desk audit by the Commission or its authorized designee.

- D. **Other.** See Individual Grant Requirements.

- VII. **APPLICABLE LAW, POLICY AND PROCEDURE.** The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended, revised or enacted during the term of this Contract:

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC), Title 37, Public Safety and Corrections.**

- a. Chapter 341 – Texas Juvenile Probation Commission.
- b. Chapter 342 – Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities.
- c. Chapter 343 – Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities.
- d. Chapter 347 – Title IV-E Federal Foster Care Programs.
- e. Chapter 348 – Juvenile Justice Alternative Education Programs.
- f. Chapter 349 – General Administrative Standards.
- g. Chapter 351 – Short-Term Detention Facilities.

B. **General Statutes.**

1. **Federal Law.**

- a. **Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended.**
 - i. 42 United States Code 5601, et seq.
 - ii. 28 Code of Federal Regulations Section 31.303, et seq.
- b. **Prison Rape Elimination Act (PREA) of 2003, as amended.**
 - i. 42 United States Code 15601, et seq.
- c. **Office of Management and Budget (OMB) Circular A-102, as amended.**
 - i. 59 Federal Register 52224 - Office of Management and Budget (OMB) Circular A-102 - Grants and Cooperative Agreements with State and Local Governments.

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2. State Law.

- a. **Texas Family Code, Title III, Juvenile Justice Code.**
 - i. Chapter 60 – Uniform Interstate Compact on Juveniles.
- b. **Texas Administrative Code (TAC) Title 1, Part 15 Health and Human Services Commission.**
 - i. Chapter 351, Section 351.13 – Substitute Care Provider Outcome Standards.
- c. **Texas Human Resources Code.**
 - i. Chapter 141 – Texas Juvenile Probation Commission.
 - ii. Chapter 142 – Juvenile Probation Departments and Personnel.
 - iii. Chapter 152 – Juvenile Boards.
- d. **Texas General Appropriations Act.**
- e. **Texas Government Code, Title 7, Uniform Grant and Contract Management.**
 - i. Chapter 783 – Uniform Grant and Contract Management Act.

C. Policy and Procedure.

- 1. **Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2.**

VIII. FINANCIAL COMPONENTS.**A. Allowable Expenditure of Funds.**

- 1. Unless otherwise indicated in the individual grant requirements, state funds shall be expended for juvenile justice programs and juvenile probation services as allowed in the *Expenditure Guidelines* contained in Appendix I of this document.
- 2. Grant funds may be expended to provide programs and services for juveniles under the jurisdiction of the Grantee's juvenile probation department. Grant funds may be expended to provide programs and services to family members of juveniles under the jurisdiction of the Grantee's juvenile probation department.
- 3. Expenditures that benefit both adult and juvenile probation departments shall be pro-rated on an equitable basis. The determination of the method of pro-rating such expenditures shall be supported by documentation.
- 4. Grant funds used to reimburse a county that provides fiscal services to another county or multiple counties shall be reasonable compensation for services actually provided. Payment shall not exceed five percent (5%) of the funding allocation and shall be made to the county providing fiscal services rather than to an individual.

B. Unallowable Expenditure of Funds.

- 1. Unless otherwise indicated in the individual grant requirements, no state funds shall be expended for unallowable items as detailed in the *Expenditure Guidelines* incorporated in Appendix I of this document.
- 2. No state funds shall be expended for the provision of primary prevention services.

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C. **Financial Match Requirements.** See Also Individual Grant Requirements.

1. **Certification of Local Expenditures.** Pursuant to the requirements of the Texas Human Resources Code Section 141.082, to be eligible to receive funding under the State Financial Assistance Contract, the fiscal officer duly appointed by the Grantee shall submit the *Certification of Local Expenditures Report* that certifies local juvenile justice expenditures (i.e., juvenile probation services and juvenile justice programs) made by the Grantee during the previous fiscal year that is equal to or greater than those made in fiscal year 1994.

D. **Funding Adjustments.**

1. **Reduction of Grant Payments.** The Commission shall review the Grantee's unexpended grant balances for each individual grant in the last three fiscal years. If the Commission determines that more than 10 percent of the amount awarded remained unspent or unencumbered at the end of each of the three fiscal years reviewed, the Commission may reduce the current fiscal year's grant amount by the unspent balance of the previous fiscal year's grant. The Commission may conduct an analysis and/or audit of the Grantee's level of referral activity, juvenile probation supervision activity and juvenile probation caseloads to determine the reasonableness of the amount of grant funds received by the Grantee in relation to these workload variables. As a result of this analysis, the Commission may reduce the amount of any grant awarded to the Grantee in this grant period or in any subsequent grant periods by an amount determined reasonable by the Commission.
2. **Unexpended Balances.** With the exception of funding received under the E, H, L, P, R and V Grants, the Grantee shall refund to the Commission no later than December 15 in the next fiscal year, any unexpended funds from any grant that is allocated under the State Financial Assistance Contract which are unencumbered by August 31 and unexpended by November 30 in the next fiscal year.
3. **Overpayments.** Any overpayments made by the Commission in regard to any grant discovered by the Grantee, its agent, the Commission or its authorized designee in any fiscal year shall be refunded to the Commission within 45 calendar days after discovery or after receipt of a written notice from the Commission.
4. **Refunds Due.** All refunds due to the Commission under any grant for unallowable expenditures discovered shall be returned to the Commission within 45 calendar days of confirmation.

E. **Timely Expenditure of Grant Funds.** The Grantee shall expend funds in a timely manner. The Commission shall determine if an acceptable percentage of disbursed funds are expended during the designated reporting period in order for the Grantee to expend the full amount of the grant by the end of the contract period. If the Grantee fails to expend the grant funds in a timely manner, the Commission may issue a Non-Compliance Citation Report (NCCR) and may reduce or suspend funds.F. **Audits.**

1. **Auditing Requirements.** The Grantee shall provide an independent financial compliance audit of funds received from the Commission under the State Financial Assistance Contract, specifically for the following grants: A, B, D, E, F, G, M, O, P, U, W, X, Y and Z. The audit shall be prepared in accordance with Generally Accepted Auditing Standards, Governmental Auditing Standards and the Commission's audit requirements that will be sent under separate cover by September 30 for each year of the biennium. The Grantee shall submit two (2) copies of the current fiscal year audit to the Commission no later than March 1 of the subsequent year. The audit shall include as part of the Report on Compliance and Internal Control, the specific financial assurances contained in Section VIII (G), of the General Grant Requirements and any individual grant as included in the State Financial Assistance Contract. The audit shall include an opinion on whether or not the Grantee complied with the applicable assurances. A summary of all material instances of non-compliance and an identification of the total amount of funds in question for each assurance shall be included in the audit. If the audit is not received by March 1 of the subsequent year, the Commission shall issue a Non-Compliance Citation Report (NCCR) and may suspend funds.

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- G. Financial Assurances.** The following financial assurances are applicable to all grant funds unless the individual grant requirements specifically state the contrary.
1. Separate accountability for the receipt and expenditure of all grant funds under the State Financial Assistance Contract is maintained for each grant from which the Grantee receives funds;
 2. Expenditures reported to the Commission are in agreement with the Grantee's accounting records and audited expenditures in each budget category;
 3. Expenditures are made in accordance with the *Expenditure Guidelines* contained in *Appendix I* of this document and are supported by written documentation;
 4. Salary expenditures under each grant are verified and supported by appropriate documentation or hours worked, activities performed and leave taken;
 5. All travel expenses are supported by daily documentation of the individual traveling. The Grantee shall document date, destination, times, mileage or odometer readings and related travel activities;
 6. Travel reimbursements paid with the grant funds including travel allowances paid in lieu of mileage, are paid according to county policy and do not exceed state travel rates as described below:
 - a. Lodging - \$85.00 / Day
 - b. Meals - \$36.00 / Day
 - c. Mileage - \$0.445 / Mile
 7. The grant funds used for residential expenditures are paid for placement of a juvenile in a secure pre-adjudication detention facility, a short-term detention facility, a post-adjudication correctional facility, or a non-secure residential placement facility operated by or under the authority of the Grantee, another governmental entity or a third-party service provider licensed under the laws of the state;
 8. The grant funds used for residential placement do not exceed the Commission's *Levels of Care Rates* [TJPC-FED-27-04] in the State Financial Assistance Contract;
 9. The grant funds are not expended for the purchase of equipment, renovation or construction unless explicitly authorized by the Commission within the individual grant requirements. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00;
 10. Authorized capital purchases are capitalized and depreciated within the county accounting system;
 11. Proper cut-off procedures are observed at the end of each fiscal period. Obligations of the fiscal period under review are not paid from funds of a subsequent fiscal period. Obligations of a subsequent fiscal period are not prepaid from funds of a fiscal period under review. A modified accrual basis of accounting is only used in preparing fourth quarter expenditure reports to the Commission;
 12. Refunds and reimbursements are properly accounted for as reductions of expenditures rather than as increases in revenues;
 13. Any funds not expended under the terms of each grant were returned to the Commission according to the Unexpended Balances and Refunds Due provisions contained in Subsections VIII (D) 2 and VIII (D) 4, respectively; and
 14. The amount of local or county funds expended excluding construction and/or renovation for juvenile services are at least equal to or greater than the amount spent in the 1994 county fiscal year.
 15. All employees with access to monies are covered by surety bonds.
 16. The Grantee is required to separate all county and state transactional funds, revenues and expenses.

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- H. **Service Providers.** Contracts with private service providers that are funded in whole or in part with grant funds shall adhere to the requirements set forth in the *Private Service Provider Contract Requirements* [TJPC-FIS-32-04].
1. **Selection of Providers.** Selection of service provider contractors shall be fairly and objectively based upon county procurement procedures and guidelines and any applicable state or federal laws or regulations related to service procurement. As an integral part of the service provider selection process, the Grantees shall utilize procedures to assess prospective contractors' strengths, weaknesses and past performance. The Grantee shall use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.
 2. **Required Contract Provisions.** Private service provider contracts paid in whole or part with grant funds shall include the following provisions in the contract between the Grantee and the service provider:
 - a. **Accountability.** Service provider contractors shall be held accountable for delivery of quality services and all contracts shall include clearly defined goals, outputs and measurable outcomes that directly relate to program objectives as required by the Texas Human Resources Code Section 141.050(b);
 - b. **Eligibility to Receive State Funds.** Service provider contractors shall be required to provide certification of eligibility to receive state funds if required by the Texas Family Code Section 231.006. The Commission has provided form *Affidavit of Eligibility to Receive State Funds* [TJPC-FIS-60-04] that may be used;
 - c. **Legal Compliance.** Service provider contractors shall adhere to all applicable state and federal laws and regulations pertinent to the subcontractor's provision of services to the Grantee;
 - d. **Accounting.** The Grantee shall contractually notify service providers when state funds are used to pay for services. Service providers paid from state funds shall be required to account separately for the receipt and expenditure of state funds received from the Grantee. The Grantee shall require clearly specified accounting, reporting and auditing requirements applicable to any state funds paid to the service provider by the Grantee under contract; and
 - e. **Records Retention.** Service provider contractors receiving whole or partial payment with any state grant funds received from the Commission shall retain all applicable records for a minimum of three (3) years or until any pending audits and all questions arising there from have been resolved and shall make available for the Commission inspection, all contractual agreements with service provider subcontractors.
 - f. **Funding Out.** Service provider contracts that are funded in whole or in part with grant funds shall be subject to termination without penalty, either in whole or in part, if funds are not available or are not appropriated by the Texas Legislature.
 3. **Performance Standards, Evaluations and Oversight.** Service provider contractors shall be monitored at least twice during the fiscal year of this grant for programmatic and financial compliance. The Commission has provided two monitoring tools that may be used *Private Service Provider Contractual Monitoring and Evaluation Report - Residential Services* [TJPC-FIS-33-04] and the *Private Service Provider Contractual Monitoring and Evaluation Report - Non-Residential Services* [TJPC-FIS-34-04]. The purpose of the monitoring is to ensure performance of and compliance with contractual provisions between the Grantee and service provider contractor if required by and in accordance with the *Private Service Provider Contract Requirements* [TJPC-FIS-32-04]. The Grantee shall maintain written documentation of all monitoring visits.
 4. **Sanctions or Penalties.** The Grantee shall contractually impose specific, clearly defined and appropriate sanctions or penalties upon the service provider contractors that do not comply with the provisions of contractual agreements between the Grantee and the service provider contractor if the contractor is paid in whole or in part with state funds.

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5. **Termination.** The Grantee shall include contractual provisions that allow termination of a contract with a service provider if the provider fails to achieve the defined goals, outcomes, strategies and outputs set by the Grantee or if the provider fails to comply with any conditions in the contract between the Grantee and the provider.

IX. FINANCIAL REPORTING.

A. Annual Reports.

1. **Certification of Local Expenditures.** The Commission will on or before February 28 of each fiscal year of the grant period, generate the *Certification of Local Expenditures Report* to the Grantee, which shall be completed by the county's Fiscal Officer for the previous fiscal year. The report shall be completed, signed by both the Chief Administrative Officer and the Fiscal Officer, notarized and returned to the Commission by April 1 of the current fiscal year.
2. **Independent Audit.** The Grantee shall submit two (2) copies of the independent financial compliance audit prepared by an independent Certified Public Accountant for the previous state fiscal year. The audit shall follow the General Grant Requirements of Sections VIII (F) and (G) and be submitted no later than March 1 of the current fiscal year.

B. **Quarterly Reports.** See Individual Grant Requirements.

C. **Monthly Reports.** See Individual Grant Requirements.

D. **Other Periodic Reports.** See Individual Grant Requirements.

X. FINANCIAL MONITORING.

A. Annual Monitoring.

1. **Budget Review.** The grant funds will not be disbursed until a completed *Annual Budget Application*, located on the Commission's website for all applicable grants funded under the State Financial Assistance Contract is received and approved by the Commission. The Commission shall review all budgets for completeness, reasonableness and accuracy. Incorrect budgets may be returned to the Grantee for correction. Projected expenditures will be compared with actual expenditures from prior years and adjustments may be made to current allocations.
2. **Independent Audits.** The Commission staff shall review annual independent audits for adherence to Generally Accepted Auditing Principles and to the Commission's audit instructions. Incomplete or incorrect audits may be returned to the Grantee for correction.

B. Periodic Monitoring.

1. **On-Site Monitoring.** Grantee shall be subject by the Commission or its authorized designee to on-site financial monitoring at any time, which may include but is not limited to the discovery of problem areas resulting from financial data reviews, risk assessments, independent audit findings, budget reasonableness reviews and other factors.
2. **Desk Audits.** The Commission or its designee may elect to monitor compliance of financial records and documentation by desk audits. The audit may be supplemented by phone interviews with financial staff in the juvenile probation department, county auditor's office and the county treasurers' office. Findings will result in a performance rating profile report or a Non-Compliance Citation Report (NCCR). Grantee shall ensure its agents will comply with all request for information during the course of a desk audit by the Commission or its authorized designee.
3. **Quarterly Reports.** The Commission shall review all *Quarterly Expenditure Reports* for completeness, reasonableness and may return incorrect reports to Grantee for correction.

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4. **Investigations and Special Audits.** The Grantee shall cooperate fully with the Commission or its authorized designee in the conduct of an investigation or special audit arising out of any complaint, financial, programmatic, abuse, neglect or exploitation finding or allegation relating to the provision of juvenile probation services or occurring in a juvenile justice program or facility such as a probation department, secure pre-adjudication detention facility, secure post-adjudication correctional facility, juvenile justice alternative education program (JJAEP) or other program serving juvenile offenders.

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APPENDIX I EXPENDITURE GUIDELINES

- I. **Allowable and Unallowable Expenditure Guidelines.** The following information contains general principles for determining allowable costs under all Commission grants unless the individual grant requirements specifically state otherwise:
 - A. **Purpose and Scope.**
 1. **Objectives.** These guidelines establish principles for determining the allowable costs incurred by the Grantee under grants, contracts and other agreements with the Commission utilizing state funding. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of the Commission's participation in the financing of a particular program or project.
 2. **Policy Guides.** The application of these principles is based on the fundamental premises that:
 - a. The Grantee shall be responsible for the efficient and effective administration of the Commission's State Financial Assistance Contract through the application of sound management practices;
 - b. The Grantee shall assume responsibility for administering the grant funds in a manner consistent with underlying agreements, program objectives and the terms and conditions of the State Financial Assistance Contract; and
 - c. Each Grantee, in recognition of its unique combination of staff, facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques that may be necessary to assure proper and efficient administration of the Commission's grants.
 - B. **Basic Guidelines.**
 1. **Factors Affecting Allowability of Costs.** To be allowable under a Commission grant, costs shall:
 - a. Be necessary and reasonable for proper and efficient performance and administration;
 - b. Be authorized and not prohibited under state or local laws or regulations;
 - c. Be accorded consistent treatment. A cost may not be assigned to a Commission grant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to other awards as an indirect cost;
 - d. Except as otherwise provided for in this guideline, be determined in accordance with Generally Accepted Accounting Principles (GAAP);
 - e. Be the net of all applicable credits; and
 - f. Be adequately documented.
 2. **Reasonable Costs.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when local juvenile probation departments or components are funded by the Commission. In determining reasonableness of a given cost, consideration shall be given to:
 - a. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the performance of the grant;
 - b. The restraints or requirements imposed by such factors as: sound business practices; arms length bargaining; federal, state, Indian Tribal and other laws and regulations; and terms and conditions of the grant award;

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- c. Market prices for comparable goods or services; and
 - d. Whether the Grantee acted with prudence in the circumstances considering their responsibilities to the Grantee's and the public at large.
 - 3. **Applicable Credits.** Applicable credits refer to those receipts or reduction of expenditure type transactions that offset or reduce expense items allocable to the Commission's grants as direct or indirect costs. Examples of such transactions include: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds or rebates and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the Grantee relate to allowable costs, they shall be credited to the grant either as a cost reduction or cash refund, as appropriate.
 - 4. **Expenditure Categories.** Unless restricted to certain allowable expenditures by the particular grant program from which funds were received under a grant, any funds received pursuant to a grant must be spent in the following categories, as defined in the grant: juvenile probation services, staff services, non-residential services and residential services.
 - 5. **Accrued Interest.** Idle funds are invested in an account that provides a reasonable interest rate and provides necessary protection of principal. Interest generated as a result of grant funds deposited is credited to the account of the juvenile probation department for the provision of juvenile probation services and juvenile justice programs.
- C. **Direct Costs.**
- 1. **General.** Direct costs are those that can be identified specifically with a particular final cost objective.
 - 2. **Application.** Typical direct costs chargeable to the Commission's grants are:
 - a. Compensation of employees for the time devoted and identified specifically to the performance of those grants;
 - b. Cost of materials acquired or consumed specifically for the purpose of those grants;
 - c. Equipment and other pre-approved capital expenditures;
 - d. Travel expenses incurred specifically to carry out the grant;
 - e. Non-residential services as defined under Article II Section (F) of the General Grant Requirements; and
 - f. Residential services as defined under Article II Section (I) of the General Grant Requirements.
- D. **Reimbursement of Unallowable Expenditures.** All refunds due to the Commission under any grant for unqualified expenditures, discovered by the Grantee, its agent or its authorized designee shall be returned to the Commission within 45 calendar days of confirmation.
- E. **Guiding Principles For Determining Allowability or Unallowability of Costs.** The following sections provide principles to be applied in establishing the allowability or unallowability of certain items of cost. Failure to mention a particular item of cost in these sections is not intended to imply that it is either allowable or unallowable. The allowability in each case should be based on the treatment or standards provided for similar or related items of cost.
- 1. **Accounting.** The cost of establishing and maintaining accounting and/or other information systems is allowable.

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2. Advertising and Public Relations Costs.

- a. The term "advertising costs" means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, etc.
- b. The term "public relations" includes community relations and means those activities dedicated to maintaining the image of, or maintaining or promoting understanding and favorable relations with the community, or any segment of the public.
- c. Advertising costs are allowable only when incurred for the recruitment of personnel, the procurement of goods and services, the disposal of surplus materials and any other specific purposes necessary to meet the requirements of the contract. Public relations costs are allowable when:
 - i. Incurred to communicate with the public and press pertaining to specific activities or accomplishments that result from performance of the Commission grant; or
 - ii. Necessary to conduct general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of state contract or grant awards, financial matters, etc.
- d. Unallowable advertising and public relations costs include the following:
 - i. All advertising and public relations costs other than as specified;
 - ii. Except as otherwise permitted by these cost principles, costs of conventions, meetings or other events related to other activities of the Grantee including:
 - (a) Costs of displays, demonstrations and exhibits;
 - (b) Costs of meeting rooms, hospitality suites and other special facilities used in conjunction with shows and other special events;
 - (c) Salaries and wages of employees engaged in setting up and displaying exhibits, making demonstrations and providing briefings;
 - (d) Costs of promotional items and memorabilia, including models, gifts and souvenirs; and
 - (e) Costs of advertising and public relations designed solely to promote the local departments.

3. **Advisory Councils.** Costs incurred by advisory councils or committees are unallowable.

4. **Alcoholic Beverages.** Costs of alcoholic beverages are unallowable.

5. **Audit Services.** The costs of audits of grants are allowable provided that the audits were performed in accordance with Generally Accepted Auditing Standards, Governmental Auditing Standards and the Commission's current audit requirements.

6. **Automatic Electronic Data Processing.** The cost of data processing services is allowable.

7. **Bad Debts.** Any losses arising from uncollectible accounts and other claims and related costs are unallowable.

8. **Bonding Costs.** Costs of bonding employees and officials are allowable to the extent that such bonding is in accordance with sound business practice.

9. **Budgeting.** Costs incurred for the development, preparation, presentation and execution of budgets are allowable.

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10. **Communications.** Costs of telephone, mail, messenger and similar communication services are allowable.
11. **Compensation for Personnel Services.**
 - a. **General.** Compensation for personnel services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant, including but not necessarily limited to wages, salaries and fringe benefits. The costs of such compensation are allowable to the extent that the total compensation for individual employees:
 - i. Is reasonable for the services rendered and conforms to the established policy of the Grantee consistently applied to both the Commission and non-Commission activities;
 - ii. Follows an appointment made in accordance with local government laws and rules and meets merit system or other requirements required by law, where applicable; and
 - iii. The grant funds are not paid as wages or salaries to children receiving services from the Grantee.
 - b. **Reasonableness.** Compensation for employees engaged in work on the grant will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the Grantee. In cases where the kinds of employees required for the grant are not found in the other activities of the Grantee, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved.
 - c. **Unallowable Costs.** Costs which are unallowable under other sections of these principles shall not be allowable under this section solely on the basis that they constitute personnel compensation.
 - d. **Fringe Benefits.**
 - i. Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions and unemployment benefit plans. Except as provided elsewhere in these principles, the costs of fringe benefits are allowable to the extent that the benefits are reasonable and are required by law, the Grantee's employee agreement or an established policy of the Grantee.
 - ii. The cost of fringe benefits in the form of employer contributions or expenses for social security, employee life, health, unemployment and worker's compensation insurance pension plan costs and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits shall be allocated to the grant and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to the grant and other activities.
 - e. **Pension Plan Costs.** Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the Grantee.
 - f. **Post-Retirement Health Benefits.** Post-retirement health benefits (PRHB) refers to costs of health insurance or health services not included in a pension plan for retirees and their spouses, dependents and survivors. PRHB costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the Grantee.
 - g. **Severance Pay.** Severance pay is unallowable using state funds.

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- h. **Support of Salaries and Wages.** These standards regarding time distribution are in addition to the standards for payroll documentation.
 - i. Charges to a grant for salaries and wages will be based on payrolls documented in accordance with generally accepted practice of the Grantee and approved by a responsible official(s) of the Grantee.
 - ii. No further documentation is required for the salaries and wages of employees who work in a single indirect cost activity.
 - iii. Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation.
 - iv. Salaries and wages of employees used in meeting cost sharing or matching requirements of the grant must be supported in the same manner as those claimed as allowable costs under the grant.
- i. **Donated Services.**
 - i. Donated or volunteer services may be furnished to the Grantee by professional and technical personnel, consultants and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost. However, the value of donated services may be used to meet cost sharing or matching requirements.
 - ii. To the extent feasible, donated services will be supported by the same methods used by the Grantee to support the allocability of regular personnel services.
- 12. **Contingencies.** Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, or intensity or with an assurance of their happening, are unallowable.
- 13. **Contributions and Donations.** Contributions and donations including cash, property and services by the Grantee to others are unallowable.
- 14. **Defense and Prosecution of Criminal and Civil Proceedings and Claims.** Costs incurred in defense of any civil or criminal fraud proceeding or similar proceedings are unallowable.
- 15. **Depreciation and Use Allowances.** Depreciation and use allowances are unallowable.
- 16. **Disbursing Service.** The cost of disbursing funds by the county auditor, treasurer or other designated officer is allowable.
- 17. **Employee Morale, Health and Welfare Costs.** The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employee counseling services, employee information publications and any related expenses incurred in accordance with the Grantee's policy are allowable. Income generated from any of these activities shall offset against expenses.
- 18. **Entertainment.** Costs of entertainment, including amusement, diversion and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation and gratuities, etc.) are unallowable.
- 19. **Equipment and Other Capital Expenditures.** Expenditures for equipment and other capital expenditures are unallowable except when specifically provided for within a grant. Items of equipment with an acquisition cost of less than \$5,000.00 are considered to be supplies and are allowable as direct costs of the grant without specific approval. As used in this section, the following terms have the meanings as set forth below:
 - a. **"Capital Expenditure"** means the cost of the asset including the cost to put it in place. Capital expenditure for equipment means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories or auxiliary apparatus necessary to make it usable for the

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purpose for which it is acquired. Ancillary charges such as taxes, duty, protective in-transit insurance, freight and installation may be included in, or excluded from, capital expenditure cost in accordance with the Grantee's regular accounting practices;

- b. **"Equipment"** means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals the lesser of the capitalization level established by the Grantee for financial statement purposes or \$5,000.00; or
 - c. **"Other Capital Assets"** means buildings, land and improvements to buildings or land that materially increase their value or useful life.
20. **Fines and Penalties.** Fines, penalties, damages and other settlements resulting from violations or alleged violations of, or failure of the Grantee to comply with, federal, state, local or Indian tribal laws and regulations are unallowable.
21. **Fund Raising and Investment Management Costs.**
- a. Costs of organized fund raising, including financial campaigns, solicitation of gifts and bequests and similar expenses incurred to raise capital or obtain contributions are unallowable regardless of the purpose for which the funds will be used.
 - b. Costs of investment counsel and staff and similar expenses incurred to enhance income from investments are unallowable.
22. **General Government Expenses.** The general costs of government are unallowable, including:
- a. Salaries and other expenses of local governmental bodies, such as juvenile boards, county commissioners, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction;
 - b. Cost of the judiciary branch of a government;
 - c. Cost of prosecutorial activities; and
 - d. Other general types of government services normally provided to the general public, such as fire and police.
23. **Insurance and Indemnification.** Costs of insurance in connection with the general conduct of activities are allowable provided that the extent and cost of coverage are in accordance with the Grantee's policy and sound business practice.
24. **Interest.** Costs incurred for interest on borrowed capital or the use of a Grantee's own funds, however represented, are unallowable.
25. **Lobbying.** The cost of lobbying and associated activities are unallowable costs.
26. **Maintenance, Operations and Repairs.** The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, necessary maintenance, normal repairs and alterations are allowable.
27. **Materials and Supplies.** The cost of materials and supplies is allowable. Purchases should be charged at their actual prices after deducting all cash discounts, trade discounts, rebates and allowances received. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing, consistently applied. Incoming transportation charges are a proper part of materials and supply costs.

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28. Memberships, Subscriptions and Professional Activities.

- a. Costs of the local probation department's staff memberships in business, technical and professional organizations are allowable; and
- b. Costs of the local probation department's subscriptions to business, professional and technical periodicals are allowable.
- c. Costs of local probation department's membership in civic, community and social organizations are unallowable.
- d. Costs of membership in organizations that compensate for lobbying are unallowable.

29. Motor Pools. The costs of a service organization which provides automobiles to local probation departments at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

30. Pre-Award Costs. Pre-award costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the Commission.

31. Professional Service Costs. Cost of professional and consultant services rendered by persons or organizations that are members of a particular profession or possess a special skill, except employees of the Grantee, are allowable when reasonable in relation to the services rendered.

32. Proposal Costs. Costs of preparing proposals for potential Commission grants are allowable.

33. Publication and Printing Costs. Publication costs, including the costs of printing, distribution, mailing and general handling are allowable.

34. Rearrangements and Alterations. Costs incurred for ordinary and normal rearrangement and alteration of facilities are allowable.

35. Reconversion Costs. Costs incurred in the restoration or rehabilitation of the Grantee's facilities to approximately the same condition existing immediately prior to commencement of the Commission grants, less costs related to normal wear and tear, are unallowable.

36. Rental Costs. Rental costs are allowable to the extent that the rates are reasonable in light of such factors as rental costs of comparable property, if any, market conditions in the area, alternatives available, and the type, life expectancy, condition and value of the property leased.

37. Residential Services. Residential services means a secure pre-adjudication detention facility, short-term detention facility (i.e., holdover) or post-adjudication correctional facility operated by or under the authority of the Grantee, including services contracted with a third-party service provider in a facility licensed by or operated under the authority of another governmental entity under the laws of this state or of another state.

- a. **Secure Pre-Adjudication Detention Facilities.** Grant funds may be utilized to pay for all or part of the costs of the placement of a juvenile into any public or private secure pre-adjudication detention facility in the state of Texas provided that the facility has been certified and registered in accordance with the Texas Family Code Section 51.12.
- b. **Secure Post-Adjudication Correctional Facilities.** Grant funds may be utilized to pay for all or part of the costs of the placement of a juvenile into any public or private post-adjudication secure correctional facility provided that it has been certified and registered in accordance with Texas Family Code Section 51.12.

Summary of Grant Requirements

General Grant Requirements – All Grants

2008-09 Biennium

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- c. **Non-Secure Residential Placement Facilities.** Grant funds may be utilized to pay for all or part of the costs of a placement of a juvenile into a non-secure residential facility in this state that is licensed by the Texas Department of Family and Protective Services or other regulatory authority if said facility is required to possess such a license. Also, grant funding can be utilized to pay for all or part of the costs of an out-of-state placement of a juvenile into any public or private residential placement facility that is state certified or licensed or meets minimum standards for residential placement facilities promulgated by the appropriate state administrative entity or regulatory agency in the state where the facility is located. Grant funds may be utilized to pay for all or part of the costs of a placement of a juvenile into a non-secure residential facility if the facility is accredited in accordance with the provisions of Chapter 42, Subchapter E of the Human Resources Code regarding Accreditation of Child-Care Facilities and Child-Placing Agencies.
- i. **Levels of Care.** The grant funds shall not be used to pay for non-secure residential services purchased in the private sector, both in-state or out-of-state, in excess of the amounts established by the residential placement rate schedule and definitions for *Levels of Care* [TJPC-FED-27-04] provided by the Commission that are applicable or become applicable during the term of the grant. Additionally payments over the maximum allowable rates may be made only if documented educational, medical, dental, therapeutic or extraordinary transportation costs are necessary in the circumstances of a particular case. A payment may not exceed the actual cost of the additional services.
- d. Any charges to the grant funds for residential services are reduced by any other sources of funds such as court ordered support payments, social security payments, etc., which are to be contributed toward the individual juvenile's placement cost.
- 38. **Services in Foreign Country.** Grant funds shall not be expended for the purchase of services to be provided in a foreign country.
- 39. **Taxes.** Taxes that a Grantee is legally required to pay are allowable.
- 40. **Training.** The cost of training that is related to employment provided for employee development is allowable.
- 41. **Travel Costs.**
 - a. **General.** Travel costs are allowable for expenses for transportation, lodging, subsistence and related items incurred by employees traveling on official business. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and results in charges consistent with those normally allowed in like circumstances in non-Commission sponsored activities. In no event can reimbursement rates exceed the established travel rates for the state of Texas.
 - b. **Lodging and Subsistence.** Costs incurred by employees and officers for travel, including costs of lodging, other subsistence and incidental expenses, shall be considered reasonable and allowable only to the extent such costs do not exceed charges normally allowed by the local departments in its regular operations as a result of the Grantee's policy. In the absence of a written local departmental policy regarding travel costs, the rates and amounts established by the state of Texas will prevail. In no event can reimbursement rates exceed the established travel rates for the state of Texas.
 - c. **Commercial Air Travel.** Airfare costs in excess of the customary standard (i.e., coach or equivalent) airfare, are unallowable except when such customary standard accommodations would require circuitous routing, require travel during unreasonable hours, excessively prolong travel, greatly increase the duration of the flight, result in increased cost that would offset transportation savings or offer accommodations not reasonably adequate for the medical needs of the traveler. However, in order for airfare costs in excess of the customary standard commercial airfare to be allowable (i.e., use of first-class airfare), the Grantee must justify and document on a case-by-case basis the applicable condition(s) set forth above.
 - d. **Out-of-State Travel.** No grant funds shall be expended for travel outside Texas or the United States unless a specific written request has been submitted by the Grantee and prior written approval of the trip and projected costs for such travel has been granted by the Commission.

Summary of Grant Requirements