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TEXAS ARCHIVES

TEXAS REGISTER

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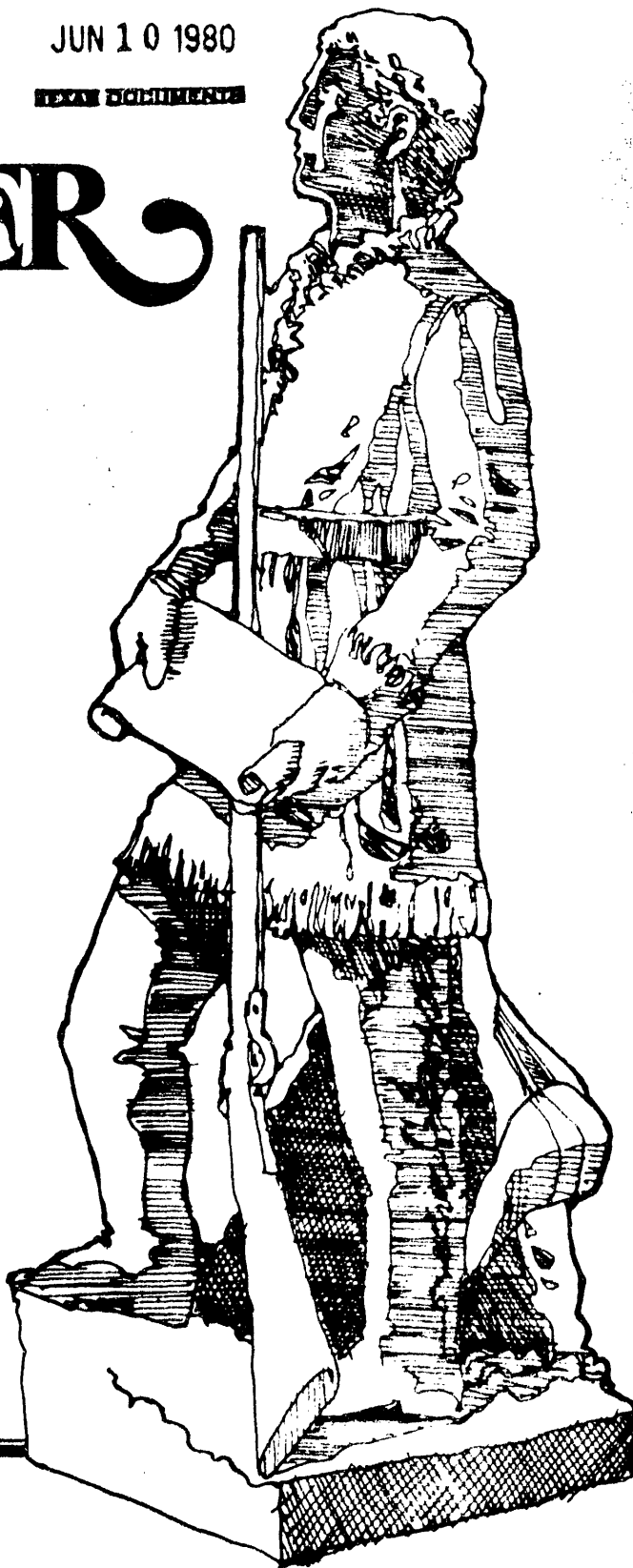
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Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 31, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 1, Oct. 79

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Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

NONCODIFIED

Texas Department of Human Resources

Child Welfare Services

Adoption Services 326.50.75

The Department of Human Resources has adopted on an emergency basis Rule 326.50.75.080, concerning its Adoption Subsidy Program. This rule will serve to expand the department's adoption subsidy program to include all special-needs children in the department's managing conservatorship at the time of adoptive placement until such time as existing Rules .060, .062 and .066 are replaced. These rules, which are among those relating to the Adoption Subsidy Program, are superseded by this emergency rule and will be replaced by new rules now being prepared for publication. Further delay in expanding the department's subsidy program will seriously jeopardize the adoptive placements of children who were recently placed with the anticipation that a subsidy for medical-related needs would be forthcoming. In addition to jeopardizing these placements, placements already planned for children will have to be indefinitely delayed, if not abandoned, if the expanded subsidy program cannot be implemented immediately. For the target population, this constitutes a grave danger. The health and welfare of these children will be jeopardized if DHR cannot meet its legally mandated responsibility to provide protective adoption services to children.

Because of this imminent peril to the public health, safety, and welfare, the department has adopted Rule .080 on an emergency basis.

Rule .080 is adopted under the authority of Title 2 of the Human Resources Code.

.080. Adoption Subsidy Program.

(a) Adoption subsidies are considered only for children who at the time of adoptive placement are in the managing conservatorship of DHR and qualify as children with special needs. Special needs children are defined as children who are:

- (1) six years of age or older; or
- (2) two years of age or older and of minority or racially mixed backgrounds; or
- (3) professionally diagnosed as having a physical, mental, or emotional handicap; or
- (4) siblings being placed together.

(b) Families who can be considered for adoption subsidies must meet the same standards and criteria that are applied to all adoptive applicants. The only difference in approving a family for a subsidized adoptive placement is the family's need for financial assistance in order to adopt a special-needs child. Adoptive parents do not have to be residents of Texas in order to receive adoption subsidies.

(c) Adoption subsidies are categorized by purpose of the subsidy. The categories of subsidy are:

(1) Placement subsidies. Placement subsidies are for assisting the adoptive family with costs related to the child's placement into the home. Included are travel expenses incurred to participate in the placement process, legal fees related to the adoption, clothing, and equipment for the child. The subsidy amount requested on the application must be based on the actual expenses related to the placement. These expenses must be documented and included on the subsidy application. When actual costs cannot be determined, the costs may be estimated based on prevailing community standards. Placement subsidies are one-time expenditures and should be paid in a lump sum.

(2) Special services subsidies. Special services subsidies are for the purpose of assisting families to provide for the following kinds of special needs of the child:

- (A) therapy or counseling;
- (B) special educational services;
- (C) extensive dental care;
- (D) medical care, equipment, and supplies.

Special services subsidies for medical care and equipment cannot include costs which are covered by the family's health insurance. Medical care and equipment must be related to medical conditions which existed prior to the child's placement. The subsidy may be used by the family to purchase health insurance for the child. The subsidy amount requested must be based on the actual costs of the services needed for the child plus any costs related to securing a service such as transportation. These expenses must be documented and specified on the subsidy application. Special service subsidies are paid either in lump sums or prorated over a specified period of time depending on the frequency of the expenditure.

(3) Maintenance subsidies. Maintenance subsidies are for the purpose of assisting the family in providing for the child's financial maintenance, either temporarily or on a long-range basis. Maintenance subsidies are available to families who adopt school-age children and sibling groups. Temporary maintenance subsidies are appropriate for placements where the adoptive family needs short-term financial assistance in order to assume full financial responsibility for the child. Temporary maintenance subsidies should not exceed 18 months. Long-range maintenance subsidies are ap-

appropriate for placements that will in all likelihood require assistance until the child is age 18 or 21 if still in school. The amount of all maintenance subsidies must be based on the actual and realistic needs of the child and family and must be the minimum amount needed to support the child. Maintenance subsidies should not exceed \$165 per month. In some instances, families may require a combination of subsidies such as placement and special service or placement and temporary maintenance. In these situations, the expenses related to each type of subsidy must be specified on the Adoption Subsidy Request form.

(d) The maximum amount of subsidy a family may receive for the child during a 12-month period cannot exceed the total amount for foster care maintenance that the department would have paid for the child in a foster family home during the same 12-month period. Both the need for subsidy and the amount may vary from year to year depending upon the child's needs and the family's available resources. Subsidies can be approved and contracted for a period not to exceed 12 months. At the end of the 12-month period and when a review of the family's and child's circumstances indicate a continuing need for subsidy, the contract can be renegotiated. If a change occurs in the child's and family's circumstances during the period the subsidy contract is in effect, the subsidy may be increased or decreased after a review of the changed circumstances. Continuous receipt of subsidy is not necessary for the child to retain his eligibility. Special ser-

vices and long-term maintenance subsidies may continue until the child is age 18 or age 21 if still in school.

(e) The adoption subsidy approval and payment processes are to be followed. The Adoption Subsidy Request form is used to apply for subsidies.

(f) Upon recommendation by the regional adoption subsidy committee, subsidy payments may be authorized back to the date of adoptive placement.

Counties may continue to make subsidy payments for children who are not eligible for the state-funded subsidy program and/or for expenses which are not reimbursable under this policy.

(g) This rule will serve to expand the department's adoption subsidy program to include all special-needs children in the department's managing conservatorship at the time of adoptive placement until such time as existing Rules .060-.062 and .066 are repealed and replaced with new rules.

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804085

Jerome Chapman
Commissioner

Texas Department of Human Resources

Effective Date: June 2, 1980

Expiration Date: September 30, 1980

For further information, please call (512) 441-3355.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

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NONCODIFIED

Texas Department of Health Maternal and Child Health Services Hemophilia Assistance Program 301.33.09

The Texas Department of Health proposes to adopt rules implementing the Hemophilia Assistance Program authorized by Article 4477-30, Texas Revised Civil Statutes. The purpose of the program is to assist persons who have hemophilia and who require continuing treatment with blood, blood derivatives, or manufactured pharmaceutical products, but who are unable to pay the entire costs. The proposed rules will primarily cover the criteria for patient eligibility; the termination or modification of patient eligibility; the assistance provided by the program; the approved providers of services; the utilization of private insurance or other third party payment services; the confidentiality of information received in the program; and the organization of the department's Advisory Committee on the program.

The approximate cost of administering the program for the first five years is \$76,144 for fiscal year 1980, and \$77,346 for the remaining four years.

Public comments are invited and should be submitted in writing no later than 30 days after publication of these proposed rules in the *Register* to Punam Myer, M.D., director, Crippled Children's Services Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

These rules are being proposed under authority of Articles 4418a, 4477-30, and 6252-13a, Texas Revised Civil Statutes.

.001. Introduction and Brief Description of Program Operation. The Hemophilia Assistance Program of the Texas Department of Health provides financial assistance to persons who have hemophilia and who require continuing treatment with blood, blood derivatives, or manufactured pharmaceutical products but are unable to pay the entire cost.

.002. Advisory Committee.

(a) The Advisory Committee is appointed by the commissioner of health and reviews the program and consults with the department in the administration of the program.

(b) Number of members. The committee consists of 12 members, as follows:

(1) Three members representing hospitals where hemophilia treatment occurs.

(2) Two members representing voluntary agencies interested in hemophilia.

(3) Three members who are medical specialists in hemophilia patient care.

(4) Three members who are adult hemophiliacs or parents of hemophiliacs.

(5) One member representing the general public.

(c) Length of appointment. Except for those first appointed, members are appointed for terms of six years, expiring January 31 of odd numbered years. If a vacancy occurs on the committee, the commissioner shall appoint a member to serve the unexpired portion of the term.

(d) Frequency of meetings. The committee shall meet annually, and the committee may meet at other times as necessary.

(e) Compensation. Members shall serve without compensation but may be reimbursed for travel expenses incurred by committee activities.

.003. Annual Report. The department shall make an annual report of the program to the committee.

.004. Patient Eligibility. Patient eligibility is determined by the following:

(1) Medical status. The patient must have a condition characterized by bleeding resulting from a genetically determined deficiency of a blood coagulation factor or hereditarily resulting in an abnormal or deficient plasma procoagulant.

(2) Financial status.

(A) To determine the financial inability of the party legally responsible to pay for blood products, each case is individually considered, and no automatic denial or approval is based upon income alone.

(B) The factors considered include:

(i) size of family;

(ii) total family net income;

(iii) current family medical indebtedness;

(iv) insurance or other third party payment sources available to the applicant;

(v) cost of blood product required by the applicant.

(3) Legal residency. The applicant must be a legal resident of Texas.

.005. Approved Providers. An approved provider is any physician licensed to practice medicine in Texas.

.006. Assistance Provided. The program will assist in paying for blood products prescribed by the patient's physician. Payment will be made directly to the pharmacy or other suppliers.

.007. Utilization of Private Insurance or Other Third Party Payment Sources. The program's assistance will be secondary to any private medical insurance or other benefits available to the patient from Medicare, Medicaid, or any other third party payment source.

.008. Termination or Modification of Patient Eligibility.

(a) A person may have his or her eligibility modified, suspended or terminated in the event the circumstances which made him or her eligible initially, should change.

(b) The program will inform the patient, stating the reason(s) for any change in the patient's eligibility.

(c) The patient may respond to or question the program's reason(s) in a written response to the program.

(d) The program will affirm or reverse its action in writing to the patient, giving the reason(s) for the decision.

(e) Any person aggrieved by the program's decision is entitled to an appeal to the department by the following procedure:

(1) Within 10 days after receiving the program's decision, the person must send a notice to the program requesting an informal hearing.

(2) The program will set a date and time at the central office for an informal hearing to be conducted by an impartial decision maker.

(3) The person aggrieved will have the opportunity to appear and offer comments, ask questions, refute the program's decision and make suggestions for alternative action.

(4) The hearing officer will give all interested persons the opportunity to be heard, will conduct the informal hearing in a fair and due process manner, and will issue a written decision on the appeal, setting forth the reasons for his decision and the facts upon which he relied.

.009. Confidentiality of Information.

(a) All information as to personal facts and circumstances obtained by the person staff or the staff of cooperative agencies at the state, regional, or local level will constitute privileged communications, will be held confidential and will not be divulged without the consent of the patient, parent, or guardian except as may be necessary to provide services. Information may be disclosed in summary, statistical or other forms which does not identify particular individuals.

(b) Information as to personal facts and circumstances will be safeguarded as follows:

(1) All cooperating agencies and providers of services will be notified that no information is to be released about individuals receiving assistance under the program, without the consent of the patient, parent, or guardian.

(2) Nonprofit organizations which solicit funds for the treatment of hemophiliacs will be informed that the names of patients receiving assistance from the program are not to be included in any publicity which may be released.

(3) Information will be released if requested by duly constituted courts of the state.

(4) All statements made herein with reference to the confidentiality of information must conform to the state law of Texas and will be administered in conformity with such laws.

.010. Nondiscrimination Statement. The Texas Department of Health operates in compliance with Title VI, Civil Rights Act of 1964 (Public Law 88-352) and Part 80 of Title 45, Code of Federal Regulations, so that no person will be ex-

cluded from participation in, be denied benefits, or otherwise subjected to discrimination on the grounds of race, color, or national origin.

Issued in Austin, Texas, on May 30, 1980.

Doc. No. 804110

A. M. Donnell, Jr., M.D.
Deputy Commissioner
Texas Department of Health

Proposed Date of Adoption: July 11, 1980

For further information, please call (512) 458-7241.



Texas Department of Human Resources

Family Services

Day Care Services for Children 326.53.63.044

The Department of Human Resources proposes to amend its rule regarding the purchase of child day care services in the Family Services Program. This change represents part of the required compliance with the new United States Department of Health, Education, and Welfare day care requirements, Volume 45 of the Code of Federal Regulations—Part 71. This amendment further defines the limitation on the number of children for whom care can be purchased from new provider agreements.

The department has determined that this change only affects the number of children that can be placed in a given facility. It has no effect on rates or the cost of providing services. Therefore, there will be no fiscal implications for the state or for local units of government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—190, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The following rule amendments are proposed under the authority of Title 2 of the Human Resources Code.

.044. Application Process for Provider Agreement—Day Care Center.

(a) After the need for the day care services which a center provides has been determined, the next activity is verifying with the Licensing Division that the center is

licensed or certified and has no current infractions related to state standards. When this has been verified, the department staff begins evaluating with the legally responsible person (provider) the center's potential for meeting the Texas quality child care requirements. Included in this activity is furnishing copies of documents to the provider and discussing their implication. The provider agreement and an estimated payment rate may also be discussed at this point.

(b) For centers in which the number of children for whom DHR purchases day care services does not exceed 10 [five] children or 20% of capacity, QCCR staffing requirements may be waived. These centers must comply with applicable licensing standards, including staff-child ratios. ***These ratios are effective as of July 1980.***

(c) Providers who indicate that they have sufficient interest, ability, and resources to meet the department's requirements will receive assistance from the department staff in planning and developing their center's program.

(d) Each provider must submit a plan for providing services which becomes the plan for the center's compliance with QCCR. For each provider, the department staff must help determine how supportive services to meet Texas quality child care requirements will be provided in centers where non-DHR-related clients provide these services for themselves. In relation to these services, staff and the provider will confer to determine how the children and their families will receive required health and social services. The provider's plan for providing services will specify what the center will provide. An attachment will summarize what the department and the families will assume responsibility for securing.

(e) The provider and Child Development Program staff will also confer and plan or direct child care, staff training, self-evaluation by the facility, and a recording system which will comply with Texas quality child care requirements (QCCR). This process will be very similar to the process followed for planning and developing the child program for purchase of service contracts.

(f) The department staff will assess the center, plan, and operation to determine whether it complies with the core services of QCCR. Health services, social services, parent involvement, and staff training will be evaluated in terms of services from DHR and other sources as well as those of the center. This study will cover:

- (1) state licensing standards status (verified with Licensing Division);
- (2) plan for providing services;
- (3) plan for improving services;
- (4) assessment of service delivery.

(g) Upon completion of the assessment, the department staff will approve or disapprove the facility for provider agreement. If it is approved, the provider and DHR staff agree upon the daily rate that the department will pay for each unit of service.

(h) When a center is approved for provider agreement, a notification is sent to the supervisor responsible for signing the provider agreement which includes:

- (1) name of the center;
- (2) employer's identification number or social security number;
- (3) address and telephone number of the center (include both site address and mailing address, if different);
- (4) maximum number and age range of children for whom care is approved;
- (5) days and hours of operation;
- (6) rate of payment and a list of auxiliary services (indicate the cost of auxiliary services where it is not included in the basic rate for all children);
- (7) date of most recent license or certification;
- (8) statement that the facility has QCCR certification or provisional approval (waiver of QCCR staffing requirements).

Doc. No. 804293

326.53.63.075

The Department of Human Resources proposes to amend its rule regarding the purchase of child day care services in the Family Services Program. These changes represent part of the first stage of compliance with the new United States Department of Health, Education and Welfare Day Care Requirements, Volume 45 of the Code of Federal Regulations—Part 71. These changes should lower the cost of providing day care for children three to 10 years old and help offset increases in the rates charged by providers for children under age three years and thus prevent day care from being denied to a number of children.

The department has determined that the proposed amendment would have no fiscal implications for the state or for local units of government in that the funds allotted for day care services are fixed. In addition, these changes would allow a few more children to be served within that allocation.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—190, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The following amendments are proposed under the authority of Title 2 of the Human Resources Code.

.075. *Texas Quality Child Care Requirements (Specifications for Purchase).*

(a)-(l) (No change.)

(m) Group sizes and staff-child ratios ***effective as of July 1980.***

Type of Facility	Age of Children	Minimum Staff to Child Ratios and Maximum Group Sizes
Family Day Home	0 - 6 years	No more than two children under two years old, and no more than five total, including the family caregiver's own children.
	3 - 14 years	No more than six children, including the caregiver's own children.
Group Day Home Care *	0 - 6 weeks	One child per adult.
	6 weeks - 2 years	Four children per adult in an eight child group.
	3 years	Five children per adult in a 12 child group.
	4 - 5 years	Six children per adult in a 12 child group.
	6 - 14 years	Twelve children per adult in a 12 child group.
Day Care Center *	Mixed ages 0 - 14 years	Six children per adult in a 12 child group.
	[0 - 6 weeks]	[One child per adult.]
	0 [6 weeks] - 11 months	Four children per adult in a group with eight children.
	1 year	Four children per adult in a group of eight children.
	2 years	Four children per adult in a group of eight children.
	3 years	NINE [Five] children per adult in a group of 15 children.
	4 - 5 years	NINE [Seven] children per adult in a group of 20 children.

6 - 9 years

SIXTEEN [Fifteen] children per adult in a group of 25 children.

10 - 14 years

Twenty children per adult in a group of 25 children.

Under certain circumstances, these may be waived to the level of licensing requirement when a few Title XX related children are served.

Doc. No. 804288

Support Documents 326.53.99

The Department of Human Resources proposes to amend its rule regarding the purchase of day care services in the Family Services Program. These changes will increase the maximum rates that day care providers can charge the department for care of children of various ages. The maximums were last changed in July 1978, and changes are needed because the providers have experienced inflation-caused increases in the costs of goods and services they use in providing day care. The effect of inflation will be offset by lowering the number of staff required to care for the children in rate groups II and III. A large number of contracts and agreements are being renegotiated by the department during the summer and these changes are needed as a basis for

negotiation in order to prevent disruption of care arrangements for children.

The department has determined that these proposed rule amendments will have no fiscal implications for the state or for local units of government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—190, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769 within 30 days of publication in this Register.

The following rule amendments are proposed under the authority of Title 2 of the Human Resources Code.

.200. Maximum Rates of Payments for Day Care in Contract Agencies.

(a) Rates are categorized by the ages of the children served because the ratio of children to caregivers and other related costs vary greatly from one age group to another. The following are the maximum rates which the department will pay for each day of enrollment for the age group shown and are effective as of July 1980:

RATE GROUP	AGE GROUP	FULL-DAY MAXIMUM	HALF-DAY MAXIMUM
I	0 THROUGH 2 YEARS	\$14.21	\$ 9.24
II	3 YEARS TO SCHOOL AGE	\$10.28	\$ 5.14
III	SCHOOL AGE THROUGH 14 YEARS	\$ 7.28	\$ 3.64
IV	0 TO SCHOOL AGE	\$12.91	\$ 8.39
V	0 THROUGH 14 YEARS	\$10.67	\$ 6.94
VI	0 THROUGH 17 YEARS	\$26.64	\$17.32

Rate Group	Age Group	Full-Day Maximum	Half-Day Maximum
I	0 through 2 years	\$12.92	\$ 6.46
II	3 years to school age	\$10.28	\$ 5.14
III	School age through 14 years	\$ 7.28	\$ 3.64
IV	0 to school age	\$11.74	\$ 5.87
V	0 through 14 years	\$ 9.70	\$4.85
VI	0 through 17 years	\$24.22	\$12.11

(b) Group VI programs are programs which serve only handicapped children who cannot be mainstreamed. The rate group selected must encompass the ages of all the children in that particular program.

(c) Rates for service to handicapped. Maximum rates may be adjusted by the Texas Department of Human Resources to reflect the increase or decrease in minimum wage rates and the consumer price index, as published by the United States Bureau of Labor Statistics. These adjustments will be effective on January 1 of each year. Extraordinary circumstances, such as changes in state or federal regulations, may require changes in the maximum rates at times other than January 1. Any changes in the rates will be disseminated by the Texas Department of Human Resources at least 90 days prior to the effective date of the change in order to be available during the negotiation period for contracts and provider agreements.

(1) The formula used by the department to adjust maximum rates on January 1 will be as follows:

$$R \text{ plus } [(xy)(R)] \text{ plus } [(1-y)(Z)(R)] \cdot R_1$$

where:

x equals percentage increases in minimum wage.

y equals percentage that minimum wage-related items occupy in the budgets used for the statistical base (40% sample).

1-y equals percentage that nonminimum wage-related items occupy in the budgets used for the statistical base.

R equals current rate for the age group.

R₁ equals new rate.

Z equals percentage increase in the consumer price index for the most recent 12-month period.

(2) Handicapped children may receive services in either programs that serve handicapped children exclusively or in programs that mainstream some handicapped children. When all handicapped children are served in a program, children through 17 years of age may be served. When individual handicapped children are mainstreamed into a program with nonhandicapped children, ages zero-14 may be served. The provider must secure a signed statement from a physician that the child needs special attention in the regular day care program in order to consider the child handicapped.

The statement will be included in the child's folder. In all contracts which mainstream handicapped children (except cost reimbursement payment basis) services to the handicapped children are to be billed at 190% of the contract rate for the program in which the child participates.

Issued in Austin, Texas, on June 3, 1980.

Doc. No. 804269

Jerome Chapman
Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: July 11, 1980

For further information, please call (512) 441-3355.

Texas Board of Polygraph Examiners Out-of-State Polygraph Examiners 397.05.00

The Texas Board of Polygraph Examiners proposes to adopt Rule 397.05.00.001 that relates to licensing of polygraph examiners in Texas from another state whose licensing laws are substantially equivalent to the requirements now in effect in this state but with the provision that that state grants similar licensure to Texas polygraph examiners upon application. This rule would cover Texas licensure for those examiners licensed by another state whose applications are approved, on an individual basis, by the Texas Board of Polygraph Examiners and whose states have been approved by the board for reciprocal licensing agreements with Texas.

The Texas board proposes this rule in order to enter into reciprocal polygraph licensure agreements with other states which have requested such agreements with Texas.

The Board of Polygraph Examiners has determined that there will be no fiscal implications involved in adopting this rule.

Public comment on proposed Rule .001 is invited. Comments may be submitted by telephone to the board office, (512) 227-6100, or by writing the Texas Board of Polygraph Examiners, 111 West Laurel, Suite 115, San Antonio, Texas 78212.

This rule is proposed under authority of Section 12, Article 4413(29cc), Vernon's Civil Statutes (Polygraph Examiners Act).

.001. *Reciprocity.* The following states, having been determined by the Texas Board of Polygraph Examiners to have polygraph licensing laws substantially equivalent to the requirements now in force in this state, are granted licensure for their polygraph examiners on an individual basis upon application and upon approval of that individual by the Texas board. These states have granted similar reciprocity to license holders of this state:

- (1) Arkansas;
- (2) Georgia;
- (3) Mississippi;
- (4) Oklahoma.

Issued in San Antonio, Texas, on May 28, 1980.

Doc. No. 804068 Ryerson D. Gates
System Administrator
Board of Polygraph Examiners

Proposed Date of Adoption: July 11, 1980
For further information, please call (512) 227-6100.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Credit Union Regulations

Capital Deposit Accounts

Section 91.95(b)(2)(C) (058.01.06.005)(b)(2)(C) is adopted under the authority of the Texas Credit Union Act, Article 2461, Chapter 1--et seq., Vernon's Texas Civil Statutes.

§91.95 (058.01.06.005). *Definitions and Limitations of Deposit Accounts.*

- (a) (No change.)
- (b) Certificates of deposit accounts (CD accounts).

- (1) (No change.)
- (2) Other provisions.
 - (A)-(B) (No change.)

(C) The board of directors shall establish a penalty to be imposed on the withdrawal of a certificate before maturity. Penalties may be waived by the board for good cause.

- (D)-(G) (No change.)
- (3) (No change.)

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804097 John P. Parsons
Commissioner
Credit Union Department

Effective Date: June 23, 1980
Proposal Publication Date: May 12, 1980
For further information, please call (512) 837-9236.

TITLE 13. CULTURAL RESOURCES

Part III. Texas Commission on the Arts

Chapter 37. Guide to Assistance for Arts Programs

Policies and Procedures

The Texas Commission on the Arts has amended §37.1 (353.04.01.001). The amendment changes subsection (i), Submitting an Application, by changing paragraph (7) to paragraph (8) and adding a new paragraph (7) which limits the number of applications an organization may submit (paragraphs (1)-(6) remain unchanged). The proposed amendment to §37.1 (.001) was adopted with one minor change in the text which deals with organizations acting as fiscal agents for others lacking nonprofit, tax-exempt status.

Section 37.1 (.001) is amended under the authority of Article 6144g as revised, Vernon's Texas Civil Statutes.

§37.1 (353.04.01.001). *General Information.*

- (a)-(h) (No change.)
- (i) Submitting an application.
 - (1)-(6) (No change.)
 - (7) Organizations submitting applications for assistance will be limited to one application in each of the following categories:
 - (A) major support;
 - (B) arts programs: organizations and activities (excluding major support); and
 - (C) touring.

Once funded in one of these categories, an organization may not receive another grant in that category during that fiscal year (Exception: organizations acting as fiscal agents for others lacking nonprofit, tax-exempt status will be limited to one additional application in each of the following categories—touring and general support. This exception applies only if the additional application is on behalf of someone other than the applicant organization).

(8) Applications and detailed supporting information should be submitted to Texas Commission on the Arts, P.O. Box 13406, Capitol Station, Austin, Texas 78711.

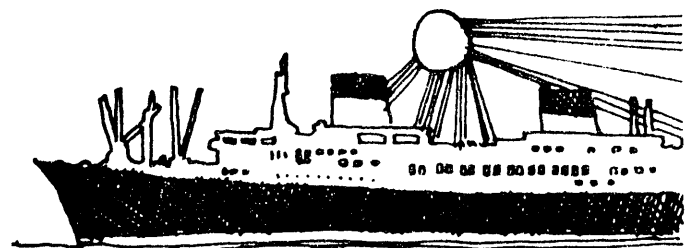
Issued in Austin, Texas, on May 30, 1980.

Doc. No. 804296 Allan K. Longacre
Executive Director
Texas Commission on the Arts

Effective Date: June 25, 1980

Proposal Publication Date: April 22, 1980

For further information, please call (512) 475-6563.



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Sales Tax Division—State Taxes

Under the authority of Texas Taxation—General Annotated, Article 20.11(A), the Comptroller of Public Accounts has adopted §3.315 (026.02.20.035) to read as follows:

§3.315 (026.02.20.035). *Yearly Filing of Reports.*

(a) A taxpayer having less than \$500 state sales and use tax to report during a calendar year may request authorization from the Comptroller's Office to file returns on a yearly basis.

(b) Authorization to file returns on a yearly basis will be conditional upon the correct filing of prior returns.

(c) Authorization to file returns on a yearly basis will be denied if a taxpayer's liability exceeded \$500 in the prior calendar year.

(d) A taxpayer filing on a yearly basis without authorization will be liable for applicable penalty and interest on any previously unreported quarter.

(e) Authority to file on a yearly basis is automatically revoked if a taxpayer's state sales and use tax liability exceeds \$500 during a calendar year and the taxpayer must file a return for all previously unreported quarters of that year.

(f) Once each year all accounts will be reviewed to confirm yearly filing status and to authorize permit holders who meet the filing requirements to begin filing yearly returns.

Doc. No. 804290

Under the authority of Texas Taxation—General Annotated, Article 20.11(A), the Comptroller of Public Accounts has adopted §3.327 (026.02.20.047) to read as follows:

§3.327 (026.02.20.047). *Retailer's Bond or Other Security (Texas Taxation—General Annotated, Articles 20.021(N), 20.031(M)).*

(a) Who must post bond or security. Every person who applies for a tax permit or who becomes delinquent in the payment of any taxes, penalties, or interest must furnish security in the amount determined by the comptroller to be sufficient to protect the state against a failure to pay any amounts or costs which may become due under the state, city, and metropolitan transit authority sales and use tax laws.

(b) Conditional permit. An applicant may be issued a conditional permit to do business for a period of time not to exceed 14 days in order to furnish the security required.

(c) The amount of bond or security required.

(1) Monthly filers. Retailers reporting on a monthly basis shall post bond or security in an amount equal to two times the amount of such person's average monthly tax liability.

(2) Quarterly and yearly filers. Retailers reporting on a quarterly or yearly basis shall post bond or security in an amount equal to 1 1/2 times the amount of such person's average quarterly tax liability.

(3) If a bond amount is calculated to be less than \$100, an initial bond will not be required.

(4) If it is determined at any time that the amount of bond on file is inadequate or that a retailer is delinquent in

the payment of any amount due, the comptroller may redetermine the amount of security and require new or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.

(d) Types of security.

(1) Acceptable types of security.

(A) Irrevocable assignments of accounts in banks, savings and loan institutions, and credit unions, whose deposits are insured by an agency of the U.S. Government,

(B) cash (personal checks are acceptable),

(C) bank letters of credit,

(D) U.S. Treasury bonds, readily convertible to cash, or

(E) surety bonds.

(2) Unacceptable types of security:

(A) corporate stocks and bonds, or

(B) personal guarantees.

(e) Assignments. An assignment of either a savings account or a certificate of deposit in an institution insured by an agency of the U.S. Government must be irrevocable and must be executed on an assignment form approved by the comptroller.

(f) Surety bonds. A surety bond must be executed on a form approved by the comptroller and can be issued only by a surety company chartered or authorized to do business in the State of Texas. The bond shall constitute a new and separate obligation in the penal sum named therein for each calendar year or a portion thereof while such bond is in force. The bond must be executed by an attorney-in-fact appointed by the surety. The appointing instrument must be properly notarized and physically attached to the bond.

(g) Forfeiture. In the event of forfeiture, the comptroller will notify the person holding the security and demand payment. The comptroller will also notify the retailer and demand that another or additional bond or security be furnished within 10 days of the date of such notice. The amount of bond or security specified in the notice shall be fixed by the comptroller subject only to the limitations stated in subsection (c)(4). This notice shall become final at the expiration of 10 days. Failure to comply with the requirements of the notice within the 10 day period will result in the suspension of the retailer's tax permit.

(h) Retailer's bond or security when ownership is changed.

(1) Article 20.021(D) requires a retailer holding a tax permit to apply for a new permit when the legal structure of the retailer's business changes; for example, a change from a sole ownership to a partnership, a partnership to a corporation, etc.

(2) When a retailer applies for a new permit because of a change in legal structure, the retailer must comply with the provisions of this section. The comptroller will review all records and such other information as the comptroller may require regarding the prior taxpaying performance of the retailer.

(3) If, after such review it appears that the interests of the state will not be endangered by the new ownership, the comptroller may determine that no new or additional bond is required.

(4) If, however, it appears that there has been a substantial change in ownership or that security is required to

guarantee payment of taxes by the new entity, the comptroller may require security in accordance with the provisions of this section.

Doc. No. 804291

Under the authority of Texas Taxation—General Annotated, Article 20.11(A), the Comptroller of Public Accounts has adopted §3.340 (026.02.20.060) to read as follows:

§3.340 (026.02.20.060). Multistate Tax Credits (Texas Taxation—General Annotated, Article 20.04(J), Texas Revised Civil Statutes Annotated, Article 7359a).

(a) Definitions.

(1) **Multistate Tax Compact.** The **Multistate Compact** is an agreement between member states to promote uniform tax treatment and to avoid double taxation of multistate taxpayers.

(2) **Sales tax.** A tax imposed on the transfer for a consideration of title, ownership, or possession of tangible personal property. See Texas Taxation—General Annotated, Article 20.01(K).

(3) **Use tax.** For the definition of use tax, see §3.346 (.066). Use tax is complementary to the sales tax and is imposed on the storage, use, or other consumption of taxable items.

(b) Credits.

(1) As a member of the Multistate Compact, Texas will allow as a credit against Texas use tax due any combined amounts of legally imposed sales or use taxes paid on the same property to another state or any subdivision of another state. Credit will be allowed even though the other state may not be a member of the Multistate Compact.

(2) The credit shall be applied first against the amount of any use tax due the state. Any remaining credit shall then be applied against MTA use tax due, if any, and then against the amount of any city use tax due. Example: John Doe purchases a taxable item in another state. He takes possession of the item there and pays a 5.0% sales tax to that state. The item is brought directly into the City of Houston for use there. The 5.0% sales tax paid to the other state is credited against the 4.0% Texas use tax and 1.0% Houston MTA use tax and liquidates those liabilities. The taxpayer owes the additional 1.0% use tax, which remained after credit was exhausted, to the City of Houston.

(3) Sales tax legally imposed by the State of Texas will not be refunded because of subsequent payment of a use tax imposed by another state.

(4) Use tax paid to the State of Texas will not be refunded because of a subsequent payment of use tax imposed by and paid to another state.

(5) Credit against the Texas use tax will not be allowed for sales tax paid to another state which was not legally due and paid to another state.

(6) Credit against the Texas use tax will not be allowed for any gross receipts tax imposed on retailers in another state which is not considered a "like tax."

Issued in Austin, Texas, on June 6, 1980.

Doc. No. 804292 Bob Bullock
Comptroller of Public Accounts

Effective Date: June 25, 1980
Proposal Publication Date: May 6, 1980
For further information, please call (512) 475-6872.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 3. Traffic Law Enforcement

Traffic Supervision

Pursuant to the authority of Vernon's Civil Statutes, Article 6701d, Section 139 and Code of Federal Regulations, Part 177.804 amended, the Texas Department of Public Safety is adopting the amendment to §3.59 (201.02.04.009) with no changes from the text proposed in the April 22, 1980, issue of the *Texas Register* (5 TexReg 1523).

§3.59 (201.02.04.009). Transportation of Hazardous Materials.

(a) (No change).

(b) Explanations and exceptions.

(1)-(8) (No change).

(9) The provisions of Part 177.804 of Title 49, Code of Federal Regulations, relating to compliance with federal motor carrier safety regulations, are not adopted as a regulation by the Texas Department of Public Safety.

Issued in Austin, Texas, on May 27, 1980.

Doc. No. 804265 James B. Adams
Director
Texas Department of Public Safety

Effective Date: June 24, 1980
Proposal Publication Date: April 22, 1980
For further information, please call (512) 452-0331.

Part III. Texas Youth Council

Chapter 81. General Provisions

Standards of Care

Section 81.21 (203.01.03.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc No 804115

Training and Rehabilitation Program

Section 81.31 (203.01.04.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804117

Discipline

Section 81.41 (203.01.05.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc No 804118

Religious Training

Section 81.51 (203.01.06.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804119

General Policy Statement

This amendment is adopted under authority of Chapter 61, Vernon's Texas Code Annotated.

§81.1 (203.01.01.001). *Responsibility.* The following are the agency's major duties and functions:

(1) to carry on a continuing study of the problem of juvenile delinquency in this state and to focus public attention on special solutions to this problem;

(2) to cooperate with all existing agencies, and to encourage the establishment of new agencies, both local and statewide, if their object is services to delinquent and pre-delinquent youth of this state;

(3) to assist local authorities of any county or municipality when requested by the governing body thereof in the developing, strengthening, and coordinating educational, welfare, health, recreational, or law enforcement programs which have as their object the prevention of juvenile delinquency and crime;

(4) to administer the diagnostic treatment, training, and supervisory facilities and services of the state for delinquent children committed to the state, and manage and direct all institutions and facilities under its jurisdiction;

(5) to assist local communities by providing services and funding for programs for the pre-delinquent and delinquent through contracts with local public and private non-profit entities which volunteer for such assistance when funds are available for this purpose.

Doc. No. 804113

Student Rights

This amendment is adopted under the authority of Chapter 61, Human Resources Code.

§81.11 (203.01.02.001). *Student Rights.* Each youth committed to the care and custody of TYC shall be accorded certain basic rights. If a student feels that TYC, in the administration of its programs, has violated one or more of his basic rights, or in some way has treated him unfairly, abusively, or neglectfully, he may initiate action to remedy his situation and may expect staff assistance in doing so. The basic rights accorded each TYC student are not absolute, but may be limited to the extent reasonably necessary for TYC to discharge its statutory responsibilities with respect to public protection, treatment, and care and supervision

(1) Equal treatment.

(A) Right. Students have the right not to be discriminated against because of race, sex, language, national origin, physical or other handicaps, religion, or personal opinions.

(B) Discussion. The law requires that all citizens be treated equally, and not discriminated against because of their status. This does not mean that programmatic decisions cannot be made based on the particular needs of the individual.

(2) Free speech and expression.

(A) Right. Students have the right to express themselves freely, so long as their expressions do not interfere with the safe and orderly operation of the program, or except where totally free expression would be inappropriate due to the unique vulnerability of children to improper influences.

(B) Discussion.

(i) Foreign languages. Spanish-speaking students should be allowed to speak their own language at any occasion where English is allowed, except during classroom discussion, organized activities such as group, or in answer to a staff member who does not understand Spanish.

(ii) Symbolic expression. This relates to nonverbal expression, such as the display of posters, wearing of slogans, mottoes, or emblems on clothing. Such nonverbal expressions are permissible so long as they do not advocate illegal or immoral conduct, hold individuals or groups up to ridicule, or reinforce delinquent subcultural values.

(iii) Criticism. As TYC has recognized through its student remedies system, students have the right to engage in responsible criticism of agency policies or practices. Students do not have the right to engage in personal abuse of others, disrupt program activities, or incite others to do so.

(3) Religious freedom.

(A) Right. Students have the right to participate in religious activities of their choice, subject to the availability of such activities. The Texas Youth Council shall not compel students to participate in any religious activity.

(B) Discussion. TYC will make reasonable efforts to provide religious activities consistent with the religious beliefs and preferences of its students.

(4) Personal possessions.

(A) Right. Students have the right to keep and use personal possessions so long as these possessions do not endanger the safety of staff and students, disrupt programs and activities, encourage delinquent subcultural values, or appeal to the unique vulnerability of children to improper influences.

(B) Discussion.

(i) Contraband includes:

(I) anything whose possession is a crime under municipal ordinances or state or federal law, including solvent inhalants, drugs, and alcohol;

(II) narcotics paraphernalia;

(III) items which can be used, made, or adapted to use as weapons;

(IV) pictures which depict sexually explicit male or female nudity or sexual acts, including magazines or periodicals which routinely publish such pictures;

(V) items such as posters which convey prohibited expressions. See free speech and expression, above.

(ii) Searches. Routine searches to detect contraband within a residential program may be conducted without probable cause, so long as the search is conducted at a reasonable time and in a reasonable manner. The presence of the student whose property is being searched is preferable when routine searches are conducted. However, contraband which is in plain view may be confiscated at any time. Strip searches may be conducted when a student arrives at a residential program following initial commitment, an unauthorized absence, or transfer to a more secure facility. Students may otherwise be strip-searched only when there is probable cause to believe the student is in possession of contraband. Strip searches shall be conducted by staff members of the same sex as the student being searched, in a manner which causes a minimum of embarrassment to the student. Body cavity searches are permissible only on probable cause, and must be conducted by medical personnel.

(iii) **Seizures and disposition of seized contraband.** Seized contraband which consists of property which is prohibited by law must promptly be either turned over to law enforcement authorities or destroyed in the presence of at least two staff members, with documentation of the disposition placed in the student's file. Seized contraband consisting of sexually explicit pictures, narcotics paraphernalia, or items which advocate delinquent subcultural values shall be either destroyed or forwarded to the student's parent or managing conservator when the property is seized, at the student's option. Other items seized may be returned to the student upon release from the residential program.

(iv) **Student locks.** Students may keep locks on their personal lockers, suitcases, etc., only if staff members have a key or combination to the lock.

(v) **Stereos, radios, TVs, musical instruments, bicycles, and other large, expensive, or potentially disruptive items may be restricted based on considerations of facility safety (space limitation, fire hazards) or order (liability for loss or destruction, cost of return transportation, disturbance to other residents).**

(5) **Visitors.**

(A) **Right.** Students have the right to receive visitors, limited only by considerations of facility security and order. Students have a corresponding right to refuse to receive visitors.

(B) **Discussion.** Residential programs may place reasonable restrictions on the number of visitors and time and place of visits as necessary to ensure the safe and orderly operation of the program. Limitations on the right to receive visitors shall not be imposed for disciplinary reasons. Visitors may be searched for contraband only where probable cause exists to suspect the presence of contraband, and only to the extent necessary to assure that no contraband is present. Visitors who are disorderly, intoxicated, or create disturbances may be prohibited from visiting or asked to leave the premises.

(6) **Mail and telephone right.** Students have the right to correspond freely through the mail. Staff may not read incoming or outgoing mail, but may open mail in the student's presence to inspect it for contraband. Students will be provided access to telephones to the extent possible within physical plant limitations, with equal opportunities for telephone use being provided to all residents within a facility. Students will have access to a telephone in the event of an emergency. The Youth Council does not have a responsibility to pay for incoming or outgoing long distance calls, except in an emergency.

(7) **Earnings and monetary gifts.**

(A) **Right.** The Youth Council may limit the amount of money in a student's personal possession, but may not withdraw money from a trust fund without the student's consent.

(B) **Discussion.** When students damage or destroy property belonging to the state, other students, or staff, it is tempting to make restitution by withdrawing money from the student's trust fund. However, only the student can withdraw money from the trust fund, for anyone else to do so without the student's consent constitutes theft. If a student consents to pay for damage which he has caused to property, he may do so, but he cannot be forced to do so. A student may be required to perform work restitution by doing work reasonably comparable in value to the damage caused by the student's conduct.

(8) **Protection from physical and psychological harm.**

(A) **Right.** Students have the right to be protected from physical and psychological harm. They have the right to adequate food, clothing, and shelter, and shall not be deprived of food or sleep in the interests of treatment of discipline. Students shall not be administered tranquilizers and other drugs in the interest of discipline or order. Repetitive purposeless, degrading make-work is prohibited. Corporal punishment is prohibited.

(B) **Discussion.** Every TYC staff member has an affirmative obligation to take every reasonable precaution to protect students from harm. This obligation may take many forms, from ensuring adequate coverage on the dorm to providing a qualified lifeguard at poolside. Some children will suffer injury: that is an inevitable part of growing up. The agency's obligation is to ensure that it does nothing which contributes to or causes such injury.

(9) **Medical and dental care.**

(A) **Right.** Students have the right to basic and necessary medical and dental care, both routine and emergency.

(B) **Discussion.** Students have the right to receive prompt treatment of their legitimate medical and dental needs.

(10) **Access to attorneys.**

(A) **Right.** Students have the right to confer with their attorneys in privacy, with appropriate restrictions on the time and place of meetings except in legitimate emergencies.

(B) **Discussion.** The principal difference between attorneys and other visitors is the student's right to confer in absolute privacy with the attorney. Thus, it is permissible to require visitors who assert that they are attorneys to produce some evidence of the fact, such as a State Bar membership card.

(11) **Right to be informed.**

(A) **Right.** Students have the right to be informed of all rights, policies, procedures, and rules affecting them as TYC students and as participants in specific TYC programs.

(B) **Discussion.** A basic principle of law holds that it is unfair to punish a person for conduct which the person did not know was prohibited. Of course, the law presumes that everyone knows that certain conduct is prohibited—that it is wrong to hit another person or take someone's property, for example. Within TYC programs there are many rules which a student cannot be expected to know without being told: when and where smoking is permitted, what to do with dirty clothes, levels systems, behavior in group, criteria for placement in security, eligibility for release. Students have a right to be informed of all the "rules of the game" by which they will be affected.

(12) **Accuracy and fairness in decision making.**

(A) **Right.** Students have the right to expect accuracy and fairness in all decisions made concerning them. The degree of procedural protection afforded a student shall be consistent with the requirements of due process of law.

(B) **Discussion.** Students have the right to be free from decisions which are merely arbitrary or based on an erroneous idea of the facts. The more a decision affects a student's rights, the greater the degree of safeguards which are required to ensure that the decisions were made fairly, based on accurate facts.

(13) Confidentiality of records.

(A) Right. Students have the right to expect that their records will not be released to anyone other than:

- (i) the staff and professional consultants of the Youth Council;
- (ii) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (iii) an attorney for the student;
- (iv) with leave of the juvenile court or any other person, agency, or institution having a legitimate interest in the work of the Texas Youth Council.

(B) Discussion. Confidentiality of records is an important concept in juvenile law. Any information which could directly or indirectly identify an individual as a TYC student, should be disclosed only to authorized persons or agencies.

(14) Right to express grievances and appeal decisions: right. Students have the right to have access to a method of resolving grievances which is prompt and fair, without fear of reprisal. Students have the right to appeal to the executive director from any decision made regarding them.

Doc. No. 804114

Standards for Service Delivery

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.21 (203.01.03.002). Skills-Based Treatment Program. The primary goal of the Texas Youth Council's treatment program is to deliver basic academic, career development, and interpersonal skills to TYC students.

§81.22 (203.01.03.003). Basic Skills. It is the policy of the Texas Youth Council to establish standard definitions of the basic skills to be delivered to students. Skills one to five are academic skills, six to eight are career development skills, and nine to 15 are interpersonal skills.

(1) Learning to learn. The ability to acquire, study, and digest new learning material.

(2) Reading. The ability to decipher and comprehend printed material.

(3) Spelling. The ability to form words from alphabetic letters according to accepted usage.

(4) Writing. The ability to represent verbal communications graphically in either cursive or print fashion according to accepted usage.

(5) Math. The ability to solve numerical problems. This skill includes that ability to apply mathematical knowledge in everyday situations.

(6) Career exploration. The ability to comprehend the various career opportunities available in contemporary society and to increase the number of job opportunities that are available to the student. This skill includes an orientation to the student's future role as a paid employee.

(7) Job selection. The ability to prioritize personal values and to make job choices that are most related to those values as well as to the student's interests and skills.

(8) Job preparation. The ability to prepare for the job of the student's choice and to acquire the necessary vocational skills to perform that job. This skill includes the ability to prepare for and participate in a job interview and to

complete a job application form. This skill also includes the ability to function effectively on the job.

(9) Greeting. The ability to communicate interest and attentiveness in greeting another person. This skill includes the abilities to say hello in a friendly manner and to shake hands firmly with another person.

(10) Politeness. The ability to say thank you to another person when another person does something for or gives something to the student. The skill also includes the ability to say you're welcome when thanked by another person and the ability to say please when making a request.

(11) Attending. The ability to pay attention to the verbal communication and behavior of others and to convey attentiveness.

(12) Responding to self. The ability to explore and understand personal feelings and behavior and the reasons for such feelings and behavior. This skill also includes the ability to recognize and describe one's own role in a problem situation.

(13) Responding to others. The ability to explore and understand others' feelings and behavior and the reasons for such feelings and behavior. This skill also includes the ability to recognize and describe to another person his role in a problem situation.

(14) Initiating with self. The ability to act on personal understanding by developing an appropriate course of action through systematic problem solving techniques. This skill also includes the ability to develop a plan to implement that course of action.

(15) Initiating with others. The ability to act on personal understanding by helping others develop an appropriate course of action through systematic problem solving techniques. This skill also includes the ability to assist in the development of a plan to implement that course of action.

§81.23 (203.01.03.004). Academic Education. The Texas Youth Council shall deliver basic academic skills to its students. The following requirements shall be met:

(1) Within 30 days following admission to TYC, each student will have an individualized program plan (IPP), such plan to include an academic education section (individual education plan), which will be regularly updated until the student's discharge from TYC.

(2) Each student enrolled in an academic program will receive an initial orientation to the program.

(3) All staff will provide students with appropriate reinforcement and recognition for academic accomplishments and improvement in academic performance.

(4) All staff will work with students on the application of skills acquired in the academic program to other program areas and to everyday situations.

(5) Academic programs will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.24 (203.01.03.005). Career Development. The Texas Youth Council shall deliver basic career development skills to its students. The following requirements and criteria shall be met:

(1) Within 30 days following admission to TYC, each student will have an individualized program plan (IPP), such plan to include a career development section, which will be regularly updated until the student's discharge from TYC.

(2) Students 15-1/2 years of age and older will be given opportunities to participate in vocational training pro-

grams and to receive payment for work performed within the facility or in the community.

(3) Each student enrolled in a career development program will receive an initial orientation to the program. Special provisions will be made for youth in TYC halfway houses, or parole, or in residential contract placement.

(4) All staff will provide students with appropriate reinforcement and recognition for accomplishments and improvements in performance in career development activities.

(5) All staff will work with students on the application of skills acquired in the career development program to other program areas and to everyday situations.

(6) Career development staff and employers of TYC students will share relevant information and will coordinate their efforts with appropriate noncareer development child care staff.

(7) Career development programs will be operated in compliance with standards of appropriate external regulatory agencies.

§81.25 (203.01.03.006). Counseling. The Texas Youth Council shall provide its students with basic interpersonal skills through a balanced program of individual and group counseling. The following requirements shall be met:

(1) Within 30 days following admission to TYC, each student will have an individualized program plan (IPP), such plan to include a counseling section, which will be regularly updated until the student's discharge from TYC.

(2) Each student will participate in individual and/or group counseling consistent with his personal needs.

(3) Each student will receive an initial orientation to the counseling program in which he is involved.

(4) All staff will provide students with appropriate reinforcement and recognition for improved performance in interpersonal skills as they pertain to oneself and to others.

(5) All staff will work with students on the application of interpersonal skills acquired in the counseling program to other program areas and to everyday situations.

(6) Counseling programs will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.26 (203.01.03.007). Physical Education. Within its academic educational programs, the Texas Youth Council shall provide physical educational programs which foster the physical well-being and growth of its students. The following requirements shall be met:

(1) Within 30 days following admission to TYC, each student will have an individualized program plan (IPP), such plan to include a physical education section, which will be regularly updated until the student's discharge from TYC.

(2) Each student enrolled in a physical education program will receive an initial orientation to the program.

(3) All staff will provide students with appropriate reinforcement and recognition for physical education accomplishments and improvements in physical education performance.

(4) All staff will work with students on the application of skills acquired in the physical education program to other program areas and to everyday situations.

(5) Physical education programs will be operated in compliance with the same external standards as academic programs.

§81.27 (203.01.03.008). Recreation. The Texas Youth Council shall provide programs which foster the constructive use

of leisure time among its students. The following requirements shall be met.

(1) Students will have opportunities to participate in hobbies, crafts, games, organized sports, and other activities which foster the constructive use of leisure time.

(2) Students will have opportunities to participate in the planning and development of recreational programs.

(3) All staff will provide students with appropriate reinforcement and recognition for recreational accomplishments.

(4) Recreational programs will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.28 (203.01.03.009). Daily Living. Texas Youth Council programs shall be operated so as to ensure the practice of effective personal hygiene and proper grooming among students and the cleanly and orderly maintenance of all living areas. The following requirements shall be met:

(1) Each student will receive an initial orientation to the daily living program and to staff expectations with respect to proper daily living practices.

(2) Daily living staff will instruct students in proper daily living practices and will enforce staff expectations with respect to those practices.

(3) All staff will provide students with appropriate reinforcement and recognition for improved performance in daily living practices.

(4) All staff will work with students on the application of proper daily living practices in other program areas and in everyday situations.

(5) Daily living programs will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.29 (203.01.03.010). Family Involvement. The Texas Youth Council shall provide for the involvement of students' families in its treatment programs. The following requirements shall be met:

(1) Students' families will be involved in the agencies' institutional and community-based treatment programs.

(2) Family involvement will be encouraged by prompt notification of the student's placement location.

(3) Family involvement will be encouraged by notifying families of their visitation rights.

(4) Family involvement will be encouraged through off-campus visiting privileges.

(5) Family involvement will be provided through student furlough programs.

(6) Family involvement will be encouraged by providing non-English speaking families with all necessary information in their native language.

§81.30 (203.01.03.011). Community Involvement. The Texas Youth Council shall provide for the involvement of residents of surrounding communities including youth in all its programs.

(1) A community advisory committee shall be established in each community having a TYC institution or community-based treatment program.

(2) Volunteers shall be sought in each community to provide positive interaction between TYC students and community residents.

§81.31 (203.01.03.012). Discipline. The Texas Youth Council recognizes responsibly administered discipline as an integral part of its treatment programs and will so discipline its students when appropriate. The following requirements shall be met:

(1) All rules and regulations regarding student behavior will be specific and concise and will clearly identify expectations.

(2) During the initial orientation to any TYC program in which he is involved, each student will be thoroughly familiarized with all rules and regulations so that he can understand the reasons for the rules and regulations and is able to behave in accordance with them.

(3) In all instances, disciplinary action will be appropriate for the individual student and the particular situation involved.

(4) Corporal punishment is prohibited.

(5) All staff will be trained in those skills necessary for them to effectively and responsibly discipline TYC students.

(6) All disciplinary policies and procedures will be in compliance with the standards of appropriate external regulatory agencies.

§81.32 (203.01.03.013). Security. The Texas Youth Council, in administering its programs, shall provide for the safety and security of students, staff, and residents of surrounding communities. The following requirements shall be met:

(1) Physical force will be used when necessary for the purpose of restraining students from harming themselves, from harming others, from destroying or damaging property, or from escaping, but not for the purpose of punishment.

(2) Acceptable and unacceptable uses of physical restraint will be clearly identified and defined in writing for all staff.

(3) All instances in which physical restraint is utilized will be reported and thoroughly documented.

(4) For each TYC security unit, there will exist documentation which addresses all matters relating to the operations and programs of the unit, such matters to include:

(A) clearly defined criteria for admission;

(B) personnel eligible to admit;

(C) professional staff involved in a student's stay in the unit;

(D) behavioral expectations and criteria for release;

(E) well-defined monitoring system and line of authority which assures that security operations and programs are carried out in accordance with the document;

(F) security staff specifically trained to work in the unit;

(G) release procedures;

(H) ongoing logging system for behavior and security; and

(I) complete description of the student's daily routine during his stay in the unit.

(5) In all TYC-operated residential programs, visitation policies and procedures will provide for the selective screening of visitors for weapons, drugs, and other contraband.

(6) In all TYC-operated residential programs, policies and procedures for monitoring mail will provide for the selective screening of mail for weapons, drugs, and other contraband. Mail may be opened in the presence of the stu-

dent to screen for contraband, but reading of student mail by staff is prohibited.

(7) TYC security staff will be trained in those skills necessary for them to function effectively with TYC students. Training of TYC security staff will be delivered in accordance with TYC's minimum training requirements for staff.

(8) Use of local detention and jail facilities shall be governed by policies and procedures in the TYC manuals system.

(9) TYC security units will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.33 (203.01.03.014). Moral Values and Religious Worship. The Texas Youth Council shall provide students with opportunities to develop and internalize a set of personal moral values, and, if they should so desire, to reinforce those values through participation in formalized religious worship.

(1) Each student will have the opportunity to explore and clarify his personal moral values as they pertain to matters of concern to contemporary youth. This requirement does not apply to the parole program.

(2) To the extent feasible, each student will have the opportunity to attend worship services of his choice. This requirement does not apply to the parole program.

(3) To the extent feasible, each student will have the opportunity to relate to a clergyman who represents the religion of his choice. This requirement does not apply to the parole program.

(4) Students will have opportunities to participate in the planning and development of religious programs and activities. This requirement does not apply to the parole program.

§81.34 (203.01.03.015). Nutrition. The Texas Youth Council shall provide for the complete nutritional needs of the students in its care and custody. The following requirements shall be met:

(1) To the extent feasible, students will participate in the planning of menus. This requirement does not apply to the parole program.

(2) To the extent feasible, family-style serving will be implemented in all dining areas. This requirement does not apply to the parole or Crockett Wilderness programs.

(3) To the extent feasible, feeding in the dining area will be limited to no more than six places per table. This requirement does not apply to the parole or Crockett Wilderness programs.

(4) To the extent feasible, tablecloths, place mats, centerpieces, and other similar items which reflect and encourage a family-style dining atmosphere will be used in dining areas. This requirement does not apply to the parole or Crockett Wilderness programs.

(5) TYC food service staff will be trained in those skills necessary for them to function effectively with TYC students.

(6) Food service programs will be operated in compliance with the standards of appropriate external regulatory agencies.

§81.35 (203.01.03.016). Clothing. The Texas Youth Council shall provide adequate and appropriate clothing for its students. The following requirements will be met.

(1) Each student will have at least three complete changes of outer clothing and five complete changes of under clothing at all times. This requirement does not apply to the

parole program, although parole students will be provided clothing if needed.

(2) At any given time, clothes worn by youth will be appropriate to the particular season of the year. This requirement applies to the parole program only when clothing is purchased by parole.

(3) To the extent feasible, each student's clothing will reflect present fashion trends and personal style preferences. This requirement applies to the parole program only when clothing is purchased by parole.

(4) All policies and procedures pertaining to the provision of student clothing shall be in compliance with the standards of appropriate external regulatory agencies.

§81.36 (203.01.03.017). *Shelter.* The Texas Youth Council shall provide for the adequate and appropriate shelter and living space of its students. The following requirements will be met:

(1) All living areas will be made as homelike as possible through the use of pictures, hanging lamps, plants, homelike furniture, and other similar items. This requirement does not apply to the parole or Crockett Wilderness program.

(2) To the extent feasible, student input will be sought and considered when painting or other improvements are being planned for a given living area. This requirement does not apply to the parole program.

(3) The living area for each student will be as private and as individualized as is structurally possible. This requirement does not apply to the parole program.

(4) Within reasonable guidelines, students will be allowed to personalize their rooms or living areas. This requirement does not apply to the parole program.

(5) All living areas will be maintained in accordance with the standards of appropriate external regulatory agencies.

§81.37 (203.01.03.018). *Medical and Dental Services.* The Texas Youth Council shall provide basic professional medical and dental care for its students. The following requirements shall be met:

(1) Each student will receive thorough medical and dental examinations upon admission to TYC.

(2) Each student will receive an initial orientation to the medical and dental program and the procedure for gaining access to medical services.

(3) Deficiencies found through medical and dental examinations administered upon admission to TYC will receive immediate follow-up attention upon the student's arrival at the facility of placement.

(4) Each student will receive appropriate medical and dental services throughout his stay in any TYC program or facility.

(5) Emergency first aid services will be available for all students. This requirement does not apply to the parole program.

(6) Arrangements will be made with community hospitals and related community medical facilities to provide major medical care on a 24-hour basis. This requirement does not apply to the parole program.

(7) Psychotropic drugs will not be administered for the purpose of program management or control. The use of psychotropic drugs will be monitored.

(8) Family planning services will be available to all students by referral to an appropriate community organization.

(9) Medical services either at the facility or by referral to an appropriate community organization shall be provided to meet health care needs of female students.

(10) TYC facilities shall comply with federal and state laws pertaining to the acquisition, storage, and administration of prescription drugs.

(11) Within 30 days following admission to TYC, each student will have an individualized program plan (IPP), such plan to include a medical and dental section, which will be regularly updated until the student's discharge from TYC.

(A) The medical and dental section of the IPP will reflect deficiencies found through admission physical and dental examinations.

(B) The medical and dental section of the IPP will include specific objectives to meet the needs.

(12) Medical and dental programs will be operated in compliance with the standards of appropriate external regulatory agencies.

Doc. No. 804116

Case Management System for Delinquent Youth

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§81.111 (203.01.10.001). *Purpose.*

(a) The purpose of the case management system for delinquents is to ensure and support the planned management of individual student cases. The case management system for delinquents does not apply to federal offenders housed within Texas Youth Council training schools. The case management system provides definitions of terms, identifies three criteria to be used in the management of individual student cases, and delineates policy for managing cases from program assignment through discharge.

(b) Requests by institution superintendents to make exceptions to the case management system for individual students shall be made to the Department of Institutions. Requests by halfway house superintendents and area parole supervisors shall be made to the Department of Community Services. Final approval for all exceptions rests with the assistant executive director for child care.

§81.112 (203.01.10.002). *Definitions.*

(a) Violent offenders. Violent offenders are those students who have been committed, recommitted, reclassified, or revoked for the commission or attempted commission of one or more of the following crimes against persons:

- (1) murder;
- (2) voluntary manslaughter;
- (3) kidnapping;
- (4) aggravated kidnapping;
- (5) sexual abuse;
- (6) aggravated sexual abuse;
- (7) sexual abuse of a child;
- (8) aggravated assault;
- (9) deadly assault on a peace officer;
- (10) robbery;
- (11) aggravated robbery;
- (12) rape;
- (13) aggravated rape;
- (14) rape of a child;
- (15) arson;
- (16) the commission of an assault on a TYC staff member which causes bodily injury.

Items (1) through (15) of the offenses listed above are defined in Titles 5 and 7, Texas Penal Code.

(b) Nonviolent offenders. Nonviolent offenders are all students who are committed, recommitted, or revoked, except violators of CINS probation and violent offenders. A student who is adjudicated delinquent for a violent or nonviolent offense, placed on probation, and subsequently has his probation revoked for a CINS offense shall be classified as a nonviolent offender.

(c) Violators of CINS probation. Violators of CINS probation are those students committed to the Texas Youth Council for violating the terms of probation by engaging in conduct indicating a need for supervision (as defined in Article 51.03(b), Title 3, Texas Family Code), after having been placed on probation for conduct indicating a need for supervision.

§81.114 (203.01.10.004). Program Assignment.

(a) (No change.)

(b) Guidelines.

(1) Violent offenders. Violent offenders shall be assigned to TYC training schools.

(2) Nonviolent offenders.

(A) A nonviolent offender who is a threat to the public safety or who is highly likely to attempt an escape from an open setting shall be assigned to a TYC training school.

(B) A nonviolent offender who is not a threat to the public safety and who is not highly likely to attempt an escape from an open setting shall be assigned to a program other than a TYC training school.

(3) Violators of CINS probation. Violators of CINS probation shall not be assigned to a program other than a TYC training school.

§81.115 (203.01.10.005). Transfer.

(a) (No change.)

(b) Guidelines.

(1) Transfers between training schools. No student shall be transferred from one training school to another except for clearly defined programmatic reasons.

(2) Transfers into training schools. No student shall be transferred from the Wilderness Program, TYC halfway house, or residential contract program into training school unless:

(A) the student has committed a crime against persons or property;

(B) the student has refused to cooperate with program expectations as defined in the IPP; or

(C) there are clearly defined programmatic reasons for the transfer. Transfers into training schools always require a transfer hearing.

(3) Transfers out of training schools. A student shall be transferred from training school into the TYC Wilderness Program, TYC halfway house, or residential contract program if programmatic concerns dictate an intermediate step prior to release home on parole.

(4) Transfers between nontraining school residential programs. No student shall be transferred from one nontraining school residential program (e.g., the TYC Wilderness Program, TYC halfway houses, residential contract programs) to another except for clearly defined programmatic reasons.

(5) Transfers from parole to TYC halfway houses and residential contract programs. A student living at home on

parole may be transferred into TYC halfway house or residential contract program if bedspace is available and, in the opinion of parole staff, such a transfer is programmatically appropriate.

(6) Transfers to facilities of other state agencies. A student may be transferred to facilities of other state agencies (e.g., Vernon Drug Center, state hospitals) if such a transfer is programmatically appropriate.

§81.116 (203.01.10.006). Reclassification.

(a) (No change.)

(b) Guidelines.

(1) (No change.)

(2) Fact-finding phase. The fact-finding phase of reclassification hearings shall be conducted in accordance with procedural rules promulgated in §§97.111-97.126 (203.42.09.001-.016). If the formal finding-of-fact does not substantiate the commission of a violent offense, the case shall be dismissed. Dismissal of a case does not preclude the initiation of transfer procedures as defined in §81.115 (.005) of this title.

(3) Dispositional phase. If the formal finding-of-fact substantiates the commission of a violent offense, dispositional options are:

(A) If the student is currently assigned to a TYC training school, and if there are no mitigating circumstances related to the student's commission of the violent offense, the hearings examiner shall reclassify the student as a violent offender and direct that the student remain in the training school for at least an additional 12 months (see parole release policy for violent offenders in §81.119(b)(1) (.009(b)(1)) of this title). If clearly defined mitigating circumstances are present, the hearings examiner may elect not to reclassify the student as a violent offender, but shall report his findings to the training school superintendent who may initiate other appropriate disciplinary action.

(B) If the student has previously been in a TYC training school, is currently assigned to the TYC Wilderness Program, a TYC halfway house, or a residential contract program, and there are no mitigating circumstances related to the student's commission of the violent offense, the hearings examiner shall reclassify the student as a violent offender and direct that the student be returned to the TYC training school from which he was most recently released, where the student shall remain for at least an additional 12 months (see parole release policy for violent offenders in §81.119(b)(1) (.009(b)(1)) of this title). If clearly defined mitigating circumstances are present, the hearings examiner may elect not to reclassify the student as a violent offender, but shall report his findings to the program administrator (or to the area parole supervisor in cases involving students assigned to residential contract programs) who may initiate other appropriate disciplinary action, including transfer procedures as defined in §81.115 (.005) of this title.

(C) If the student has not previously been in a TYC training school, is currently assigned to the TYC Wilderness Program, a TYC halfway house, or a residential contract program, and there are no mitigating circumstances related to the student's commission of the violent offense, the hearings examiner shall reclassify the student as a violent offender and direct that the student be transported to a TYC training school for at least an additional 12 months (see parole release policy for violent offenders in §81.119 (.009) of this title). The administrator of the program in which the student is currently residing (or the area parole supervisor in cases involv-

ing students assigned to residential contract programs) shall contact the Department of Institutions for directions about the specific TYC training school to which the student should be transported. If clearly defined mitigating circumstances are present, the hearings examiner may elect not to reclassify the student as a violent offender, but shall report his findings to the program administrator (or to the area parole supervisor in cases involving students assigned to residential contract programs) who may initiate other appropriate disciplinary action including transfer procedures as defined in §81.115 (.005) of this title.

§81.118 (203.01.10.008). Furloughs.

(a) Policy. Students in residential programs operated by the Texas Youth Council may be granted home furloughs, emergency furloughs, administrative furloughs, and precontract furloughs.

(b) Guidelines.

(1) Home furloughs.

(A) Purpose. The home furlough is used to enable a student to maintain his ties with his family and home community and to facilitate gradual and supervised preparation for parole release. The furloughs shall be used as part of the staff's evaluation of the student for parole.

(B) Residential program responsibilities.

(i) A home furlough may be given if the student meets the following criteria:

(I) the student has been in residential care for a minimum of three months or a minimum of 10 months if he is a violent offender;

(II) the student has made satisfactory progress in accordance with his IPP goals;

(III) a favorable 30-day home evaluation has been received from parole.

(ii) A decision to give a student a home furlough shall be made by the superintendent or his designee.

(iii) The superintendent shall contact the student's parole officer to inform him of the intended furlough and to obtain any further information the parole office may have which might affect the furlough decision.

(iv) The superintendent or his designee shall notify the student's family in writing of the plans for the home furlough, including transportation plans, place and time of the student's arrival, and length of the visit (not to exceed seven days).

(v) The superintendent or his designee shall consult with the student's parole officer following the student's return to discuss the student's behavior, his relationship with his family, and any other important information about the furlough.

(C) Parole responsibilities.

(i) The student's parole officer, upon being informed of an impending home furlough, shall furnish any information on the student's family or community which might affect the furlough decision.

(ii) The parole officer shall notify the student's family and county authorities of the furlough plans.

(iii) Following the student's return to the institution or halfway house, the parole officer shall contact the student's family to discuss the visit and shall provide relevant information to the superintendent or his designee.

(2) Emergency furlough.

(A) In an emergency, the student's caseworker shall contact the student's parole officer or other local authorities to verify the emergency.

(B) The superintendent shall approve the furlough.

(C) The student's family shall assume responsibility for transportation either by sending bus or plane fare or transporting him in their personal automobile.

(D) If the student needs more time than originally approved, the student shall be instructed to contact his parole officer who shall make arrangements with institution or halfway house staff. The superintendent must approve extended emergency furloughs.

(3) Administrative furloughs include but are not limited to the following.

(A) Medical furloughs.

(i) The medical consultant shall send recommendations for medical furlough to the student's caseworker.

(ii) The caseworker shall seek the superintendent's approval of the furlough.

(iii) The superintendent shall seek approval of the central office department of institutions before the furlough is granted.

(iv) Upon completion of medical treatment, the student must return to the TYC facility.

(B) Maternity furlough.

(i) Placement plans for a pregnant student will be finalized and she will be placed before her seventh month of pregnancy.

(ii) Delinquents must return to the TYC facility following the birth of the baby.

(iii) The length of the furlough is indefinite and shall be determined by the parole officer.

(4) Precontract furloughs.

(A) Purpose. The precontract furlough is used as a trial visit of a student to a proposed residential contract placement. The visit is used to determine whether the placement is acceptable and appropriate for the student and the receiving program.

(B) The student's caseworker shall coordinate the precontract furlough with the community resource specialist who works with the proposed contract placement.

(C) The furlough may not exceed seven days; three days is the usual length.

§81.119 (203.01.10.009). Parole Release.

(a) (No change.)

(b) Guidelines.

(1) Violent offenders.

(A) Length of stay. Violent offenders are to serve at least 12 months in a TYC training school. Each violent offender must be evaluated for release on parole at the 12-month IPP review.

(B)-(D) (No change.)

(2) Nonviolent offenders.

(A) Length of stay. Each nonviolent offender must be evaluated for release on parole no later than the six-month IPP review.

(B)-(C) (No change.)

(3) Violators of CINS probation.

(A) Length of stay. Each violator of CINS probation must be evaluated no later than the six-month IPP review.

(B)-(C) (No change.)

§81.120 (203.01.10.010). Parole Revocation.

(a) (No change.)

(b) Guidelines.

(1) (No change.)

(2) Fact-finding phase. The fact-finding phase of parole revocation hearings shall be conducted in accordance with procedural rules promulgated in §97.111-97.126 (203.42.09.001-.016). If the formal finding-of-fact does not substantiate the commission of the alleged violation(s), the case shall be dismissed and the student shall remain on parole.

(3) Dispositional phase. If the formal finding-of-fact substantiates the commission of the alleged violation(s), dispositional options are as follows:

(A) Violent offenses.

(i) If the parolee has previously been in a TYC training school, has committed a violent offense, and there are no mitigating circumstances related to the student's commission of the violent offense, the hearings examiner shall revoke the student's parole and direct that the student be returned to the TYC training school from which he was most recently released, where the student shall remain for at least an additional 12 months (see parole release policy for violent offenders in §81.119(b)(1) (.009(b)(1)) of this title). If clearly defined mitigating circumstances are present, the hearings examiner may elect to return the student to the training school from which he was most recently released, but not under conditions pursuant to the commission of a violent offense. In such instances, the staff of the receiving TYC training school shall evaluate the student for release on parole within six months (refer to parole release policy for nonviolent offenders and violators of CINS probation in §81.119 (.009) of this title). In the presence of clearly defined mitigating circumstances, the hearings examiner may also elect not to revoke the student's parole.

(ii) If the parolee has not previously been in a TYC training school, has committed a violent offense, and there are no mitigating circumstances related to the student's commission of the violent offense, the hearings examiner shall revoke the student's parole and direct that the student be transported to a TYC training school for at least an additional 12 months (see parole release policy for violent offenders in §81.119 (.009) of this title). The administrator of the program in which the student is currently residing (or the area parole supervisor in cases involving students assigned to residential contract programs) shall contact the Department of Institutions for directions about the specific TYC training school to which the student should be transported. If clearly defined mitigating circumstances are present, the hearings examiner may elect to have the student transported to a TYC training school, but not under conditions pursuant to the commission of a violent offense. In such instances, the staff of the receiving TYC training school shall evaluate the student for release on parole within six months (refer to parole release policy for nonviolent offenders and violators of CINS probation in §81.119 (.009) of this title). In the presence of clearly defined mitigating circumstances, the hearings examiner may also elect not to revoke the student's parole.

(B) Nonviolent offenses.

(i) If the parolee has previously been in a TYC training school, has committed a nonviolent offense, and there are no mitigating circumstances related to the student's commission of the offense, and if, in the opinion of the hearings examiner, the student represents a threat to the public safety, the hearings examiner shall revoke the student's parole and direct that the student be returned to the TYC training school from which he was most recently released. The staff of the receiving training school shall

evaluate the student for release on parole within six months (see parole release policy for nonviolent offenders in §81.119 (.009) of this title). If clearly mitigating circumstances are present, or if, in the opinion of the hearings examiner, the student does not represent a threat to the public safety, the hearings examiner may elect not to revoke the student's parole.

(ii) If the parolee has not previously been in a TYC training school, has committed a nonviolent offense, and there are no mitigating circumstances related to the student's commission of the offense, and if, in the opinion of the hearings examiner, the student represents a threat to the public safety, the hearings examiner shall direct that the student be transported to a TYC training school. The administrator of the program in which the student is currently residing (or the area parole supervisor in cases involving students assigned to residential contract programs) shall contact the Department of Institutions for directions about the specific TYC training school to which the student should be transported. The staff of the receiving TYC training school shall evaluate the student for release on parole within six months (see parole release policy for nonviolent offenders in §81.119 (.009) of this title). If clearly defined mitigating circumstances are present, or if, in the opinion of the hearings examiner, the student does not represent a threat to the public safety, the hearings examiner may elect not to revoke the student's parole.

(C) CINS offenses, victimless criminal offenses, violation of TYC parole rules, or noncooperation with IPP.

(i) If the parolee has previously been in a TYC training school, and has committed a CINS offense, a victimless criminal offense, has violated TYC parole rules, or has repeatedly refused to cooperate with program expectations as defined on his IPP; if, in the opinion of the hearings examiner, the student represents a threat to the public safety; and if, in the opinion of the hearings examiner, the parole officer has exhausted all appropriate and available resources (e.g., TYC halfway houses, residential contract programs, nonresidential services), the hearings examiner shall revoke the student's parole and direct that the student be returned to the TYC training school from which he was most recently released. The staff of the receiving TYC training school shall evaluate the student for release on parole within six months (see parole release policy for violators of CINS probation in §81.119 (.009) of this title). If, in the opinion of the hearings examiner, the student does not represent a threat to the public safety; and if, in the opinion of the hearings examiner, parole staff have not exhausted all appropriate and available resources, the hearings examiner may elect not to revoke the student's parole.

(ii) If the parolee has not previously been in a TYC training school, and has committed a CINS offense, a victimless criminal offense, has violated TYC parole rules, or has repeatedly refused to cooperate with program expectations as defined on his IPP; if, in the opinion of the hearings examiner, the student represents a threat to the public safety; and if, in the opinion of the hearings examiner, the parole officer has exhausted all appropriate and available resources (e.g., TYC halfway houses, residential contract programs, nonresidential services), the hearings examiner shall revoke the student's parole and direct that the student be transported to a TYC training school. The administrator of the program in which the student is currently residing (or the area parole supervisor in cases involving students assigned to

residential contract programs) shall contact the Department of Institutions for directions about the specific TYC training school to which the student should be transported. The staff of the receiving TYC training school shall evaluate the student for release on parole within six months (see parole release policy for violators of CINS probation in §81.119 (.009) of this title). If, in the opinion of the hearing's examiner, the student does not represent a threat to the public safety; and if, in the opinion of the hearing's examiner, parole staff have not exhausted all appropriate and available resources, the hearing's examiner may elect not to revoke the student's parole.

(D) Offenses governing disposition. If there is more than one reason for parole revocation, the most serious reason shall govern disposition. If the student whose parole is being revoked is already classified as a violent offender, the reason for which his parole is being revoked shall govern disposition (e.g., a violent offender whose parole is being revoked for the commission of a nonviolent offense shall be returned to the TYC training school from which he was most recently released, where he shall be evaluated for release on parole within six months.)

(4) (No change.)

Doc. No. 804120

Case Management System for Dependent and Neglected Youth

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.141 (203.01.11.001). *Purpose.* The purpose of the case management system for dependent and neglected children is to ensure and support the planned management of individual student cases within the child care system of the Texas Youth Council. The case management system for dependent and neglected children provides definitions of terms and contains policies, procedures, and guidelines for the management of student cases for reception to the agency, program assignment, administrative transfer, home visits; and discharge from the agency.

§81.142 (203.01.11.002). *Definition—Dependent and Neglected Child.* A dependent and neglected child (hereinafter referred to as D&N) is a child for whom the court has designated a managing or possessory conservator pursuant to a suit affecting the parent-child relationship under Title 2 of the Texas Family Code. (See §81.61 (203.01.07.001) of this title.)

§81.143 (203.01.11.003). *Program Assignment.*

(a) Policy.

(1) The Texas Youth Council shall assign dependent and neglected youths to programs that will serve their best interests.

(2) The goal of program assignment is to provide an environment conducive to the maximum physical, social, emotional, and intellectual adjustment and growth of the individual youth.

(3) The appropriateness of institutional care or foster care shall be considered in making the assignments.

(b) Guidelines.

(1) All D&N youth under age 12 shall be considered for foster home placement by automatic referral to the foster care unit located in Waco.

(2) All D&N youth, age 12 and older, can be considered for foster care if the caseworker believes such a placement to be appropriate and makes a referral to the foster care unit.

(3) D&N youth may be considered for D&N residential contract placement in cases where both foster care and TYC institutional care are unavailable or unsuitable.

(4) All D&Ns not assigned to foster care shall be assigned to the Corsicana State Home or the Parrie Haynes Youth Ranch.

§81.144 (203.01.11.004). *Admission/Orientation.*

(a) Policy. Dependent and neglected youths shall be admitted to the Texas Youth Council in a manner that is as calm, orderly, and efficient as possible. Youths shall be oriented to facilities, programs, activities, and expectations upon admission. The following procedure will govern the admission process.

(b) Procedure—admission prerequisites.

(1) The managing conservator must contact the D&N Intake Unit in Corsicana to obtain the application packet.

(2) The managing conservator returns the completed package which must include:

(A) a copy of all court orders and legal proceedings involving the youth;

(B) a social history;

(C) educational records;

(D) a psychological evaluation;

(E) the D&N application form.

(3) The intake unit will:

(A) compile the case information in an intake file;

(B) select an appropriate D&N program for the youth following §81.143 (.003), Program Assignment (above), of this title.

(C) send the file to the selected D&N program.

(Note: The youth may be referred directly to the foster care unit in Waco. For admission requirements, see the Foster Care Manual.

(4) The D&N program shall:

(A) decide whether to accept the youth in its program;

(B) notify the D&N intake unit and the managing conservator of its decision;

(C) request additional information needed for admission (e.g., medical and dental records, birth certificate);

(D) assign a caseworker for the youth.

(5) The caseworker shall:

(A) set up the student's master file;

(B) assign the youth to a cottage;

(C) prepare the staff to receive the youth;

(D) arrange with the managing conservator a preadmission visit.

(6) Following the preadmission visit, the caseworker shall:

(A) ensure that the court orders are correct and legal;

(B) design a service plan for the youth (IPP);

(C) confer with the managing conservator and the youth about the service plan and make changes as needed;

(D) determine an admission date and notify the managing conservator and the D&N program staff.

(7) The managing conservator has the responsibility to:

- (A) prepare the youth for admission;
 - (B) present the youth's case to the local court if necessary;
 - (C) confer with TYC staff and the youth about the service plan;
 - (D) notify parents or other appropriate persons of the pending admission;
 - (E) transport the youth to the TYC placement.
- (c) The admission process. Generally, the orientation and admission process for D&Ns follows the child care program requirements.

§81.145 (203.01.11.005). Transfer Policy.

(a) A dependent and neglected youth may be transferred from one D&N program to another one if TYC child care staff believe it to be in his best interest.

(b) A transfer request may be submitted by an individual youth.

(c) If circumstances (e.g., change in family situation, change in legal status) make it necessary or desirable to transfer a D&N youth from Corsicana to his home, an alternative placement, or residential contract placement, TYC shall either:

(1) contact the managing conservator if someone other than TYC (e.g., DHR) and request a home study and placement supervision; or

(2) make a home or placement study using TYC staff and provide TYC placement supervision if the managing conservator cannot do so or if TYC is the managing conservator.

(d) A D&N youth may be transferred to an out-of-state placement if this would be the most appropriate placement. Such a placement must comply with the Interstate Compact on the Placement of Children (See Chapter 101 (203.50)).

(e) A D&N youth may not be transferred to a delinquent institution. However, if a D&N youth engages in delinquent conduct, the court of jurisdiction may be petitioned to have him committed to TYC as a delinquent under Title 3, Texas Family Code.

§81.146 (203.01.11.006). Home Visits—Policy.

(a) Dependent and neglected youths may be granted temporary leave for off-campus visits at the discretion of the child care staff. These visits shall be only for specific purposes that serve to meet specific goals of service plans.

(b) D&N youths shall be encouraged to make home visits to their families where possible, especially for holidays and during summer.

(c) These visits will be arranged by caseworkers and managing conservators to provide the opportunities for work toward resolving the problems that led to TYC placement. (See §91.201-91.203 (203.30.20.001-.003)).

§81.147 (203.01.11.007). Discharge.

(a) Policy.

(1) A D&N youth may be discharged at any time if it is determined the youth has received maximum benefit from the program or if the court has so ordered.

(2) When a youth under conservatorship of the Texas Youth Council reaches age 18, he is discharged from the responsibility of the agency as he is legally an adult at this time.

(3) The youth may choose to remain at the Corsicana State Home until age 21 under the following circumstances:

(A) if he is a student (full or part-time) at an accredited or licensed college, university or college, vocational

or technical school, business school, or any institution of secondary education;

(B) if the Corsicana State Home has the available space for him; and

(C) if he agrees to follow the rules of the Corsicana State Home.

(4) A youth who chooses to leave the Corsicana State Home after age 18 and before age 21 cannot return there to live.

(b) Procedure.

(1) The caseworker shall write a discharge plan and review it with the youth, the managing conservator, and appropriate resources that will have contact with the youth upon his discharge.

(2) The caseworker shall approve the plan, update the IPP and the student's master file, and determine whether a change in the youth's court order is necessary.

(3) If a change in court order is required, TYC shall request that the managing conservator petition the court for release of conservatorship. If TYC is the managing conservator, TYC shall petition the court for release of conservatorship.

(4) Upon receipt of the needed change in the court order, the youth will be discharged and the necessary forms will be filed in the student's master file, the caseworker's file, the DHR file, and the Central Office file.

Doc. No. 804121

Relationships with Other Agencies

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.171 (203.01.12.001). Commitment to Mental Health Facilities. The Texas Youth Council shall seek admission to the Texas Department of Mental Health and Mental Retardation (TDMH/MR) for TYC students who are in need of treatment for mental illness.

§81.72 (203.01.12.002). Commitment to Vernon Drug Treatment Center. The Texas Youth Council shall seek admission to the Vernon Drug Treatment Center operated by TDMH/MR for TYC students who are in need of the specialized treatment provided there.

§81.173 (203.01.12.003). Referral of the Mentally Retarded Delinquent to MH/MR.

(a) TYC shall provide information to judges or probation officers upon request regarding appropriate disposition of youth who are found to have engaged in delinquent conduct and who may be mentally retarded.

(b) TYC shall refer to TDMH/MR through the committing court mentally retarded student committed to TYC.

Doc. No. 804122

Control of Youth

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.191 (203.01.13.001). Escapes.

(a) Policy. When a youth in the custody of the Texas Youth Council leaves TYC property, contract placement, or any designated location without staff permission, he shall be

defined as an escaped student. TYC staff shall notify appropriate persons of escapes and take appropriate action to apprehend escapees.

(b) Procedures.

(1) Definitions. See §81.61 (203.01.07.001) of this title for definitions of escape and attempted escape.

(2) Notification of escape.

(A) Police and other law enforcement agencies.

(i) When it is determined that a student has escaped, the local authorities shall be notified immediately.

(ii) If the student has not been apprehended by the following day, the standard directive form shall be issued to alert police and other appropriate law enforcement agencies (i.e., sheriffs departments, constables, etc.) of the escape.

(iii) In addition to the directive, the local sheriff's department shall be requested to register the notice statewide on the National Crime and Information Center (NCIC) computer to which all levels of law enforcement have access.

(B) Appropriate persons other than law enforcement. Within 24 hours of the student's escape or apprehension following escape, the student's family, the student's parole officer(s), the student's probation department, the student's managing and/or possessory conservator (if D&N), and the community resource specialist (if residential contract program) shall be notified as outlined in the special notification procedures for incident reporting, §81.221 (203.01.14.001) of this title.

(3) Use of facility staff and vehicles to search for escapees. Each TYC facility will have written procedures, for the use of staff, vehicles, and time during a search for escapees.

(4) Liaison to family and authorities. The parole officer or the DHR caseworker (if DHR is the managing conservator for a D&N student) shall work with the authorities and family in order to apprehend and return the student.

(5) Place of return

(A) TYC institutional programs. When a student is apprehended following an escape, that student is to be returned to the institutional program from which he escaped.

(B) TYC halfway house. When a student is apprehended following an escape, that student may be either:

(i) returned to the halfway house from which he escaped; or

(ii) placed in a juvenile detention facility if a transfer board hearing is scheduled and criteria in §81.85 (203.01.09.005) of this title are followed.

(C) Residential contract placement. When a student is apprehended following an escape from a residential contract placement, that student is to be returned to the placement from which he escaped unless the student committed a crime against persons or property while on escape or the contract facility refuses to accept the student back in the program. In such cases, the student may be reassigned as arranged by community resource specialist following apprehension.

(6) Return transportation and supervision. Once the student is apprehended, it is the responsibility of the program from which he escaped to provide return transportation and supervision.

(7) Return examinations at institutions.

(A) Delinquent institutions. Upon the student's return, he may be given a medical examination and/or placed in security, if it is deemed necessary.

(B) D&N institutions. Upon the student's return he may be given a medical examination if it is deemed necessary, and shall be returned to cottage as soon as possible.

§81.192 (203.01.13.002). *Use of Restraints.* Restraint, physical and/or mechanical, shall be used only within established guidelines. Restraint may never be used as punishment. The following guidelines shall be used:

(1) Physical restraint/force of a TYC student by a TYC staff member is justified only to the extent reasonably necessary:

(A) to defend oneself.

(B) to protect the student from harming himself.

(C) to defend third persons.

(D) to prevent a student from escaping, or

(E) to prevent substantial destruction of property.

In defending persons or property, the threat to persons or property must be imminent and substantial.

(2) Mechanical restraint of a TYC student by TYC staff is justified only:

(A) when the youth is being transported by TYC staff and:

(i) he has a history of escapes.

(ii) a history of violent behavior, or

(iii) actions of the youth prior to or during transportation lead staff to believe that the youth will attempt to escape and/or engage in violent behavior;

(B) to prevent:

(i) student self injury.

(ii) injury to third parties, or

(iii) damage to property.

(3) When mechanical restraint is applied, there must be constant visual supervision of the youth by a TYC staff member.

(4) When circumstances permit, assistance from law enforcement agents may be requested in effecting restraint.

(5) Restraint, physical and/or mechanical, may be used only for the period of time necessary to prevent escape and/or violent behavior.

(6) All situations requiring the use of physical and/or mechanical restraint shall be thoroughly documented.

(7) All field staff will receive training in the appropriate use of physical and mechanical restraint.

(8) Only approved mechanical restraint equipment provided by TYC will be used by staff members.

§81.193 (203.01.13.003). *Search.*

(a) Policy. Designated staff may conduct the physical inspection (search) of a TYC student or a student's room in a TYC residential facility for the purpose of exposure and seizure of any concealed weapon, any item that may be used as a weapon, or any other article that the student is not authorized to possess.

(b) Procedures.

(1) Search of youth. Search of a TYC youth by a staff member is justified for the protection of the youth, staff member, and third parties in the following circumstances:

(A) a youth is being transported by TYC staff;

(B) there is probable cause to believe that the youth has in his possession any article that he is not authorized to possess, including weapons or any item that may be used as a weapon;

(C) a youth is being admitted to a detention facility or any designated placement.

(2) **Removal of clothing.** Strip searches may be conducted when a student arrives at a residential program following initial commitment, an unauthorized absence, or transfer to a more secure facility. Also, when a search of outer clothing is not sufficient to discern possession of a weapon or any other unauthorized articles and there is probable cause to believe that possession of such articles poses imminent danger, the clothing of the youth may be removed to facilitate the search. Such removal of clothing shall take place in a private setting that aids in the avoidance of unnecessary force, embarrassment, or indignity to the youth. Body cavity searches are permissible only on probable cause and shall be conducted only by medical personnel.

(3) **Authorized staff.** Searches are to be conducted with respect to gender in that male TYC staff may only search male TYC students and female staff may only search female students. Police, other law enforcement officers, detention workers, and duly designated agents of the court may assist TYC staff in such a search if necessary.

(4) **Room searches in residential facilities.** TYC residential facilities staff may conduct unannounced room searches.

(A) Upon arrival/orientation to the facility, the resident shall be informed that room searches will be held.

(B) Two staff members must be in attendance for all room searches.

(C) Searches are to be conducted no more frequently than necessary to control possession by youth of unauthorized items or to recover missing or stolen property.

(5) **Approval.** When circumstances permit, staff shall review need and gain approval for a search from immediate supervisors (e.g., prior to transportation).

(6) **Documentation.** Room searches, searches of students being admitted to facilities, and searches of youths after visitation which are routinely conducted at facilities do not require documentation unless unauthorized items are seized from a youth. Searches under any other circumstances shall be documented. Any time unauthorized items are seized from a student, the search and disposition of items shall be documented.

(7) **Disposition of unauthorized items seized.** Unauthorized items seized by TYC staff members during search of youth or residential facilities shall be disposed of as follows.

Unauthorized items seized by TYC staff members during search of youth or residential facilities shall be promptly turned over to law enforcement authorities or destroyed in the presence of at least two staff members, with documentation of the disposition placed in the student's file. Seized contraband consisting of sexually explicit pictures, narcotics paraphernalia or items which advocate delinquent sub-cultural values shall be either destroyed or forwarded to the student's parents or managing conservator, at the student's option. Other items seized may be returned to the student upon release from the residential program (see *Student Rights*, §81.11 (203.01.02.001) of this title).

§81.194 (203.01.13.004) *Rules of Conduct.*

(a) **Policy.**

(1) Discipline shall be maintained in all Texas Youth Council facilities and programs to the extent necessary to maintain order and to provide a safe and constructive environment for youth in the care and custody of TYC.

(2) **Discipline shall be used for instruction and training and not simply for regimentation or punishment.**

(3) **Each TYC institution or program shall maintain rules of conduct for the youth in their care in accordance with the standards for service delivery about discipline and security (see §§81.30 and 81.31 (203.01.03.011 and .012) of this title).**

(b) **Guidelines.**

(1) Rules of conduct will be written and distributed to all students and staff.

(2) Where feasible, students shall participate in the setting of rules of conduct.

(3) Rules of conduct will provide for limitations on the following student behaviors.

(A) physically harming one another;

(B) using abusive language;

(C) destroying property;

(D) escaping from the facility or program;

(E) disrupting significantly any TYC program;

(F) possessing or using contraband items.

(4) The range of consequences to a delinquent violating the rules of conduct shall be from temporary loss of privileges to confinement in a security cottage. For D&N students, the consequences shall range from temporary loss of privileges to cottage restriction.

(5) The student shall have the right to appeal any disciplinary action he believes to have been unjust. Procedures for appeal are §§103.21 and 103.22 (203.03.02.001 and .002) of this title.

§81.195 (203.01.13.005) *Student's Use of the Telephone.*

(a) **Policy.** The Texas Youth Council shall encourage youths to maintain contact with their families by affording them reasonable access to telephone usage.

(b) **Guidelines.** Each TYC facility shall maintain procedures for student's use of the telephone in compliance with the following guidelines.

(1) Students shall be entitled to two collect telephone calls per month.

(2) Students may make calls during hours that do not conflict with required student activities (e.g., school, group meetings).

(3) Students may receive all their incoming calls when they do not interfere with required student activities. In instances when students are unable to come to the telephone, messages shall be taken for them.

(4) TYC staff may limit or restrict students' use of the telephone as necessary for programmatic reasons. Restrictions may include staff placing the calls on the students' behalf but may not include denying them their two monthly calls.

(5) Students shall be afforded privacy when talking on the telephone.

§81.196 (203.01.13.006) *Confinement of Delinquents.*

(a) **Policy.**

(1) Youths in facilities of the Texas Youth Council shall be confined only when necessary to prevent escape or restrain behavior that cannot otherwise be controlled in daily living programs.

(2) Youths shall not be confined for the purpose of punishment.

(3) Placements include confinement in the dorm or cottage, confinement in a security cottage, and solitary confinement in a security cottage.

(4) Each facility will establish its confinement procedures in compliance with the following guidelines.

(b) Guidelines.

(1) Behavior justifying confinement:

(A) intentionally or knowingly causing physical harm to oneself or others;

(B) sexually abusing another person;

(C) intentionally or knowingly causing substantial damage or destruction of property;

(D) substantially or totally disrupting institutional programs;

(E) escaping or attempting to escape.

(2) Conditions of dormitory or cottage confinement.

(A) As an alternative to security placement, a TYC student may be confined to his room in his living quarters following criteria of (b)(1)(A-E) of this section

(B) The student's houseparent is responsible for confining the youth, supervising him, and releasing him.

(C) Room confinement shall not exceed 50 minutes.

(3) Conditions of security confinements.

(A) A student may be referred to security by any staff member (following criteria in (b)(1) above) but can be formally admitted only by his caseworker or another caseworker. The student must be formally admitted within 50 minutes of the time he is referred to security or returned to his regular campus activities.

(B) The student shall be visited at least once a day by his caseworker (or in his absence, another caseworker).

(C) The student shall be visited daily by a licensed nurse.

(D) If confined for more than one day, the student shall be visited daily by a psychiatrist or psychologist beginning no later than the second day.

(E) If confined more than three days, the student's caseworker must write a report containing the reasons for confinement and send it to the executive director. This must be repeated after six days of confinement. After 10 days of confinement, a telephone report must be submitted to the executive director. If executive review of the situation does not result in the student's release, the caseworker shall notify the executive director's office when the student is released.

(F) A bed, mattress, appropriate bedding, and access to a toilet shall be provided.

(G) Students shall have at least one hour daily of large-muscle exercise or recreation unless exempted in writing by physician or psychiatrist.

(H) Students shall have daily academic instruction consistent with their regular educational programs unless exempted in writing by a psychiatrist.

(I) Students shall be visually checked every 15 minutes.

(J) Release from security shall be authorized by the student's caseworker (or in his absence, another caseworker).

(4) Special conditions of solitary confinement.

(A) A student shall be placed in solitary confinement only when necessary to prevent substantial and imminent physical harm or property damage.

(B) The student shall be visited by his caseworker (or, in his absence, another caseworker) for 10 minutes each hour between 7 a.m. and 10 p.m.

(C) An employee with a key to the isolation room will be within calling distance of the student at all times.

(D) The student will be visually checked every five minutes.

§81.197 (203.01.13.007). Approval of Security Placements for Periods Exceeding 10 Days. The following procedures will be followed if the staff of the facility deem it necessary to extend a youth's placement in security.

(1) On the 10th day of the child's confinement in security, the child's caseworker shall notify the superintendent who shall call the executive director's office requesting approval.

(2) Information about the request will be forwarded to the hearings department. The administrator of hearings department will review the six-day letter submitted earlier regarding the placement and will attach it to his recommendation regarding approval.

(3) The administrator of the hearings department will forward the letter submitted on the sixth day with his recommendations to the director of institutions who will likewise review the placement and attach his recommendation. If the director of institutions does not recommend approval of the extended placement, he will direct the child's immediate release and indicate that action in his attachment.

(4) The director of institutions will forward the six-day letter with the two recommendations to the executive director who will indicate his approval or disapproval of the extended placement and return it with the sixth-day letter and attachments to the director of institutions for follow-up action, if required, and filing. The executive director may delegate his final approval or disapproval to the assistant executive director of child care.

Doc. No. 804123

Records and Reports

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.221 (203.01.14.001). Incident Reporting.

(a) Policy. Serious incidents shall be reported to ensure that the agency meets its legal and moral responsibilities. The following incidents must be reported: escape, assault, death, attempted suicide, critical injury, destruction of property, use of force or restraints, alleged abuse or neglect, and arrest (see §81.61 (203.01.07.001) of this title for definitions).

(b) Special notification.

(1) Executive director. In the event of a student's death, the executive director is to be immediately notified.

(2) Law enforcement. Respective program administrators shall contact local law enforcement authorities when necessary for investigation of incidents which may be of a criminal nature.

(3) Parents or legal guardians, TYC liaison staff, probation departments, managing and/or possessory conservators. The student's family, the student's parole officer(s), the student's committing probation department, the student's managing and/or possessory conservator, and the community resource specialist (if residential contract program) are to be notified of a student's escape or apprehension following escape from a TYC-authorized placement, serious injury, or death.

(4) Department of Human Resources. The Licensing Division of DHR must be notified within 24 hours or the next working day when any child in TYC's conservatorship, any child placed in a residential contract placement, or any child in a TYC delinquent institution or camping program is involved in a life-threatening accident, suicide attempt, incident of cruel or abusive treatment, death, disasters, or emergency situations. Any case of suspected abuse or neglect involving a child in TYC's conservatorship, a child in a residential contract placement, or a child in a TYC delinquent institution or camping program must be reported to DHR immediately.

§81.222 (203.01.14.002). Death of a Student.

(a) Policy. The Texas Youth Council shall notify authorities immediately in compliance with Section 6, Article 49.25, Code of Criminal Procedure, in the event of the death of a youth in the care and custody of the agency.

(b) Funeral arrangements. TYC shall assume responsibility for funeral arrangements if the family is unable or unwilling to handle funeral arrangements.

§81.223 (203.01.14.003). Student Records—Access. The Texas Youth Council shall respect the constitutional right to privacy of every person presently or formerly in TYC's care by limiting access to student master files. All student master files shall be marked "confidential" and kept in locked facilities for access by TYC professional staff or professional consultants only, except with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution.

§81.224 (203.01.14.004). Control of Identifying Information. The Texas Youth Council shall respect the constitutional right to privacy of each youth in TYC's care by controlling all identifying information, consistent with the necessities of treatment programs and any reporting requirements imposed by law.

§81.225 (203.01.14.005). Student Records—Location and Security. Each youth in TYC's care shall have a student master file, which shall contain accurate and complete information, and shall be stored and transported so as to ensure security and confidentiality. Student master files must remain in the custody and control of authorized TYC personnel at all times.

Doc. No. 804124

Federal Offenders

These sections are adopted under authority of Chapter 61, Human Resources Code.

§81.251 (203.01.15.001). Federal Offenders. TYC may accept custody of federal offenders per contract with the Bureau of Prisons. Contracts must be developed in accordance with provisions of Title 18, United States Code, Sections 4002, 4082, 5013, 5040. Acceptance of a federal offender is not mandatory.

§81.252 (203.01.15.002). Definition. A federal offender is a youth committed to the custody of the Attorney General of the United States by a federal court pursuant to 18 United States Code 5031-5042 as a juvenile delinquent.

§81.253 (203.01.15.003). Referral to TYC. The respective federal court must send information about the youth, including the federal court order and a social history, to the Statewide Reception Center.

§81.254 (203.01.15.004). Acceptance. The superintendent of the reception center has the authority to review the information, decide whether TYC would have an appropriate program for the youth, and notify the court of his decision.

§81.255 (203.01.15.005). Transportation to TYC. If accepted, the youth must be transported to the Statewide Reception Center by the federal court.

§81.256 (203.01.15.006). Diagnostic Evaluation. Federal offenders receive the same diagnostic evaluation as delinquents committed to TYC under Title 3 of the Texas Family Code.

§81.257 (203.01.15.007). Program Assignment and Transportation. The reception center assumes responsibility for making an appropriate program assignment to a TYC training school and transporting the youth to the assignment.

§81.258 (203.01.15.008). Services. Services to federal offenders must be in compliance with the contract terms. Generally, federal offenders receive the same services as other delinquents in TYC institutions. Federal offenders, however, are not subject to the provisions of the case management system, §§81.111-81.121, (203.01.10.001-.011) of this title.

§81.259 (203.01.15.009). Parole Review. Release on federal parole is decided by federal parole personnel with input from TYC staff.

Doc. No. 804125

Chapter 83. Appeals to the Executive Director

Contents of Appeal

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§83.21 (203.02.03.001). Guidelines for Appeal Content. Staff members making a decision which is subsequently appealed by a student (or by staff contacted by the student to assist with his appeal) will submit the following information and documentation to the executive director to assist in his consideration of the appeal. This documentation shall be submitted within two days of the staff member's receiving notice of the appeal. If more time is required, the assistant executive director for child care must be advised by phone of the delay. The information submitted shall include at least the following:

(1) Identifying information and prior TYC history. The student's full name and TYC number; a brief statement including the date of the student's commitment, dates of subsequent placements, transfers, or revocations.

(2) Reasons for appeal. A statement of the student's contentions and the requested relief.

(3) Decision makers. Indicate the names of committee members or persons making the decision being appealed; the date the decision was made; and the type of proceeding which was conducted (e.g., revocation hearing, classification hearing, disciplinary hearing, fact-finding hearing).

(4) Evidence relied upon. If the student is appealing the decision because of factual contest, include a statement of evidence relied upon by the fact finder in deciding that the incident occurred or that the situation existed; include the reasons for the factual conclusion.

(5) Assessment findings and conclusions. Indicate the reasons for the decision and the factors taken into consideration in making the decision. If psychological or psychiatric studies were completed as a part of this assessment and were important in the decision, include copies of them.

(6) Other information and comments. Summarize other information which may be pertinent to the complete understanding of the appeal and the surrounding circumstances. If the appeal raises issues of TYC policy and procedure which are absent or unclear, include an analysis of the problem and a proposed remedy.

Doc. No. 804126

Notice of Appeal to Respondent and Interested Persons

This amendment is adopted under the authority of Chapter 61, Human Resources Code.

§83.31 (203.02.04.001). Distribution. Within two days of submission of the appeal, notice of the appeal shall be given to the respondent and interested persons. It is the executive director's responsibility to see that such notice is given, and an appeal shall not be rejected by the executive director on the basis that the respondent or interested persons did not receive notice of the appeal. The term "respondent" means the person who made a decision being appealed to the executive director or the chairman of the committee or panel which made a decision being appealed to the executive director. The term "interested person" means the general counsel of the Texas Youth Council or any other person specifically designated by the executive director.

Doc. No. 804127

Time of Decision on the Appeal by the Executive Director

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§83.41 (203.02.05.001). Time of Decision, Delays, Notification.

(a) Within 25 days of submission of the appeal, the executive director shall make his decision on the appeal.

(b) In the event the executive director determines a delay of his decision beyond the 25-day period is necessary, he shall notify the child's representative of the reason for the delay and of the expected date of his decision.

Doc. No. 804128

Written Statement of Respondent and Interested Persons

This section is amended under authority of Chapter 61, Human Resources Code.

§83.51 (203.02.06.001). Written Responses. The respondent and interested persons may submit to the executive director a written response to the appeal including such documents of record as are relevant and material to the contentions raised on appeal. Copies of all written responses to the appeal shall be delivered to the child's representative prior to a decision on the appeal by the executive director and prior to oral argument before the Appeals Committee.

Doc. No. 804129

Duplicate Tape Recording of Proceeding

This section is amended under the authority of Chapter 61, Human Resources Code.

§83.61 (203.02.07.001). Request for Duplicate Tape Recording. In the event the decision being appealed followed a proceeding which was tape recorded, the child's representative may request from the assistant executive director for child care a duplicate tape recording of that proceeding. Should such a request be made, the Texas Youth Council shall provide the duplicate tape recording to the child's representative at no cost to him or to the child.

Doc. No. 804130

Evaluation by the Appeals Committee

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§83.81 (203.02.09.001). Referral to Appeals Committee. The executive director may refer an appeal and written responses to the Appeals Committee. The Appeals Committee shall then evaluate the merits of contentions on appeal and shall advise the executive director of the results of its evaluation.

§83.82 (203.02.09.002). Membership.

(a) The members of the Appeals Committee shall be the assistant executive director for child care, the administrator of Hearings Section, and the director of community services or the director of institutional services according to the program from which the appeal originated.

(b) The assistant executive director for child care shall be chairman of the Appeals Committee. In the absence of the assistant executive director for child care, one of the two remaining members shall be chairman.

(c) The Appeals Committee shall not meet to consider an appeal unless all three members are present. However, should one member be unavoidably absent, the executive director may appoint a person to serve in that member's place; otherwise the chairman shall postpone the committee's consideration of the appeal until that member can be present.

(d) In the event a member of the Appeals Committee is a respondent or an interested person in an appeal, the executive director shall not refer the appeal to the Appeals Committee unless he directs that member be replaced.

§83.83 (203.02.09.003). Time of Meeting. The Appeals Committee shall meet within the time period suggested by the executive director. The specific time and place of the meeting shall be determined by the chairman of the committee. Prior to the meeting, the chairman shall distribute to the members copies of the appeal and written responses.

§83.84 (203.02.09.004) Oral Argument before the Appeals Committee.

(a) At the request of the child's representative, the respondent, or an interested person, the Appeals Committee shall hear oral arguments on the appeal. Should such a request be made, the chairman of the committee shall notify the child's representative, the respondent, and interested persons of the time and place the arguments will be presented.

(b)-(c) (No change.)

(d) Members of the Appeals Committee may question persons presenting oral argument.

(e) (No change.)

(f) Attendance during the presentations may be limited at the discretion of the chairman to the members of the committee, the child's representative, the legal counsel of the Texas Youth Council, and the person presenting oral argument.

(g) (No change.)

§83.85 (203.02.09.005) Report of Evaluation. The Appeals Committee shall meet in closed session to evaluate the contentions on appeal. The report of the committee to the executive director shall be in writing and shall be based upon the opinion of the majority. If a member does not concur with the evaluation of the majority of the committee, he may append his minority report to the majority report and state explicitly the parts of the majority report with which he disagrees and the reasons therefor.

Doc. No. 804131

Chapter 85. Practice and Procedure

General

This amendment is adopted under the provisions of Chapter 61, Human Resources Code.

§85.1 (203.05.01.001) Object and Scope of Rules.

(a) (No change.)

(b) These sections shall govern the procedure for the institution, conduct, and determination of all causes and proceedings before the agency, except revocation of field service procedures which are covered by §§97.111-97.126 (203.42.09.001-.016) of this title (relating to field revocation procedure); appeals to the executive director which are covered by Chapter 83 of this title; student grievances, §§103.61 and 103.62 (203.03.04.001 and .002), and employee grievances. They shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the agency or the substantive rights of any person.

Doc. No. 804132

Chapter 87. Reception and Regional Receiving Centers

Clinical Services

Section 87.36 (203.10.03.006) is repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804137

Placement Alternatives

Sections 87.41 and 87.42 (203.10.04.001 and .002) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804138

Procedure for Decision of Placement

Sections 87.51-87.53 (203.10.05.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804139

Rules of Conduct—Range of Penalties

Sections 87.61 and 87.62 (203.10.06.001 and .002) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804142

Clothing

Sections 87.121-87.123 (203.10.12.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804148

Emergency Notification Procedures

Sections 87.131-87.133 (203.10.13.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804149

Placement in Intensive Care or Security

Sections 87.141 and 87.142 (203.10.14.001 and .002) are repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804150

Vocational Rehabilitation

Sections 87.151-87.153 (203.10.15.001-.003) are repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804151

Purpose and Philosophy

These amendments are adopted under the authority of Chapter 61, Human Resources Code.

§87.1 (203.10.01.001) Purpose. The purpose of the Texas Youth Council's reception and regional receiving centers is to diagnose, evaluate, and place students found to have engaged in delinquent conduct by the court system of the State of Texas.

§87.2 (203.10.01.002). Philosophy. The philosophy of the reception and regional receiving centers is that each student is entitled to placement in an environment which will be most conducive to his maximum social and intellectual growth and adjustment.

Doc. No. 804133

Admissions

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§87.11 (203.10.02.001). Place of Admission. Each child found by a court to have engaged in delinquent conduct and committed to the Texas Youth Council shall be initially received by one of the admissions programs operated by the Texas Youth Council. An "admissions program" shall be the Statewide Reception Center at Brownwood, Texas, or one of the regional receiving programs operated by the TYC. Each committing court shall be kept advised by the TYC of the program to which its admissions should be made.

§87.12 (203.10.02.002). Responsibility for Transportation. The student's committing county shall be responsible for his or her transportation to the Texas Youth Council admissions program.

§87.13 (203.10.02.003). Required Commitment Information and Form

(a) All youth adjudicated as delinquents or status offenders and remanded to the Texas Youth Council for care and custody shall be committed in accordance with this section and the requirements prescribed herein.

(b) The committing officer must provide a valid court order committing the youth to TYC. The committing county shall also provide the following information:

- (1) the TYC commitment summary;
- (2) a birth certificate or certified copy;
- (3) a social history;
- (4) school records;
- (5) medical and dental records.

Doc. No. 804134

Section 87.19 (203.10.02.009) is adopted under authority of Chapter 61, Human Resources Code.

§87.19 (203.10.02.009). Federal Offenders. The policy and procedures governing the admission and placement of federal offenders are contained in §§81.251-81.259 (203.01.15.001-.009).

Doc. No. 804135

Clinical Services

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§87.31 (203.10.03.001). Psychological Evaluation. A psychological evaluation will constitute a section of the final diagnostic evaluation of each child admitted to the reception and regional receiving centers. If the child has not under-

gone psychological evaluation in the past year, or if the current psychological evaluation does not contain at least a recognized intelligence assessment, the child shall undergo a psychological evaluation.

§87.33 (203.10.03.003). Psychiatric Interview.

(a) Students admitted to the Statewide Reception Center shall have a psychiatric interview if:

- (1) the youth committed a violent offense;
- (2) the child care or nursing staff makes a referral;
- (3) a residential contract placement is anticipated

and the facility requires psychiatric information.

(b) Recommendations by the psychiatrist shall be duly noted and forwarded to the receiving facility.

§87.34 (203.10.03.004). Educational Assessment. An educational assessment shall be completed on each student in the Statewide Reception Center utilizing at least one of the recognized achievement tests.

§87.35 (203.10.03.005). Medical and Dental.

(a) A complete medical and dental evaluation will constitute part of the total diagnostic assessment on each student admitted to the Statewide Reception Center.

(b) Each student will receive appropriate emergency medical and dental services throughout his reception center stay.

(c) Current medical and dental records shall be maintained for each child to include medical history, physical examination, dental assessment, laboratory reports, vision and hearing screening, immunization records, TB screening.

(d) Medical services either at the facility or by referral off facility shall be provided to meet health care needs of female students.

(e) The use of psychotropic drugs shall be monitored. Psychotropic drugs will not be administered for the purpose of program management or control.

Doc. No. 804136

Procedure for Decision of Placement

This amendment is adopted under the authority of Chapter 61, Human Resources Code.

§87.54 (203.10.05.004). Student Right to Appeal. Any student who objects to a placement decision shall appeal this decision by the process prescribed in Student Remedies, Chapter 103 (203.03).

Doc. No. 804140

Section 87.55 (203.10.05.005) is adopted under authority of Chapter 61, Human Resources Code.

§87.55 (203.10.05.005). Procedure for Decision of Placement. Upon completion of the student's evaluation by the various assessment divisions, the caseworker will review all diagnostic information and consult with the diagnostic personnel to produce a general consensus as to the appropriate child placement recommendation. The community resource specialist makes a final determination on all students recommended for residential programs.

Doc. No. 804141

Recreation

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§87.71 (203.10.07.001). *Design of Recreation Program.* The recreation program of the Statewide Reception Center shall be designed to provide a wide variety of large and small muscle exercises as well as emotional and social development. The main goals of the program will be to provide activities for leisure time and provide interaction with other students and adults. Students will have opportunities to participate in hobbies, crafts, games, organized sports, and other activities which foster the constructive use of leisure time. Students will have opportunities to participate in the planning and development of recreational programs. All staff will provide students with appropriate reinforcement and recognition for recreational accomplishments.

Doc. No. 804143

Volunteers

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§87.81 (203.10.08.001). *Purpose of Volunteers.* Volunteers shall be utilized at the Reception Center to provide program enrichment and adult role models for the students in TYC's care.

Doc. No. 804144

Student Funds

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§87.92 (203.10.09.002). *Student Cash on Hand.* While in the Reception Center, each student may have no more than \$5.00 cash in his personal possession.

Doc. No. 804145

Mail Procedures

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§87.101 (203.10.10.001). *Privacy of Mail; Provisions for Contraband Control.* Students have the right to correspond freely through the mails. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband. Contraband includes:

- (1) anything whose possession is a crime under municipal ordinances or state or federal law, including solvent inhalants, drugs, and alcohol;
- (2) narcotics paraphernalia;
- (3) items which can be used, made, or adapted to use as weapons;
- (4) pictures which depict sexually explicit male or female nudity or sex acts, including magazines or periodicals which routinely publish such pictures;
- (5) items such as posters which convey prohibited expressions.

Doc. No. 804146

Visitation

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§87.111 (203.10.11.001). *Authorization of Visitors.* Relatives of the student are encouraged and shall be allowed to visit the student during his stay at the Reception Center. Visitation by parties other than the student's immediate family or other relatives must be authorized by the student's caseworker. Visitors are asked to read and sign visitation rules while visiting the Reception Center campus.

§87.113 (203.10.11.003). *Place of Visits.* Students and families are encouraged to visit in the Reception Center building. Exception to this must be approved by the administration.

Doc. No. 804147

Chapter 89. Institutional Services for Children Committed for Delinquent Behavior

Admission

Sections 89.11-89.15 (203.20.02.001-.005), are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804153

Rehabilitation

Sections 89.21-89.24 (203.20.03.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804154

Education

Sections 89.31-89.33 (203.20.04.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804156

Daily Living

Sections 89.41 and 89.42 (203.20.05.001 and .002) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804157

Recreation

Sections 89.51-89.53 (203.20.06.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804159

Food Service

Sections 89.71-89.74 (203.20.08.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804160

Clothing

Sections 89.121-89.123 (203.20.13.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804166

Rules of Conduct

Sections 89.141-89.144 (203.20.15.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804168

Discipline

Sections 89.151-89.155 (203.20.16.001-.005) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804169

Physical Force

Section 89.171 (203.20.18.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804170

Unauthorized Absence or Escape

Sections 89.181-89.185 (203.20.19.001-.005) are repealed by the authority of Chapter 61, Human Resources Code.

Doc. No. 804171

Student Furlough

Sections 89.191-89.194 (203.20.20.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804173

Transfers between Institutions

Sections 89.201-89.203 (203.20.21.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804174

Release from the Institution

Sections 89.211-89.215 (203.20.22.001-.005) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804175

Purpose and Philosophy

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§89.2 (203.20.01.002). *Philosophy.* All institutional child care programs shall be designed to provide opportunity for the student to acquire and apply academic, career development, and interpersonal skills. Each program will be designed through the utilization of the most current knowledge in the field of child care, to provide for successful reintegration of youths into the community as constructive citizens.

Doc. No. 804152

Rehabilitation

This section is adopted under the authority of Chapter 61, Human Resources Code.

§89.25 (203.20.03.005). *Purpose.* The programs developed within institutions are designed to provide students with a range of opportunities for treatment.

(1) Students will be provided opportunities to receive individual and/or group counseling consistent with their needs.

(2) Staff will be aware of their primary responsibilities for student care, advocacy, and custody.

(3) Staff will use reasonable efforts to establish individualized treatment programs for special students not served by usual programs.

(4) Treatment will focus on basic academic, career development, and interpersonal skills.

Doc. No. 804155

Daily Living

This section is adopted under authority of Chapter 61, Human Resources Code.

§89.43 (203.20.05.003). *Daily Living Staff.* Daily living staff will:

(1) have responsibility for the care and supervision of students;

(2) contribute to the treatment of the students in their care;

(3) make it possible for the students to enjoy experiences and relationships similar to those which occur in family life;

(4) meet many of the child's dependency needs, such as the need to be cared for and the need to be protected; and they will assist the students in achieving the necessary independence which will enable them to assume appropriate responsibilities for themselves;

(5) be responsible for:

(A) physical care—serving food, meals, and snacks; creating a pleasant atmosphere at mealtime and eating with children; seeing that each child has enough sleep and rest; maintaining an orderly and clean place for the students to live;

(B) development of habits—helping students in their efforts to meet social expectations appropriate to their age and developmental level, such as cleanliness, eating habits, care of personal appearance, manners, accepted modes of social living, routines, adherence to rules, and procedures;

(C) care of clothing—seeing that each child wears suitable clothes, in good condition;

(D) assignment of daily and weekly chores—planning, discussing, and making work assignments;

(6) foster in each student the ability to perform the above responsibilities independent of supervision.

Doc. No. 804158

Medical, Psychological, and Psychiatric Services

This section is amended under authority of Chapter 61, Human Resources Code.

§89.83 (203.20.09.003). *Individual Medical Assessment.* A complete medical assessment will be performed for each child. It will include:

- (1) a medical history;
- (2) a physical examination performed by a physician including examination for venereal disease; for any correctable health defects; and signs of medical conditions which might influence behavior;
- (3) a dental assessment by a dentist;
- (4) laboratory studies to include a complete blood count, urinalysis, serology drawing, and culture for gonorrhea;
- (5) screening for tuberculosis;
- (6) immunizations in accordance with Texas law;
- (7) screening for hearing and vision abnormalities.

Doc. No. 804161

This section is adopted under authority of Chapter 61, Human Resources Code.

§89.84 (203.20.09.004). *Psychological and Psychiatric Services.* Each student will be provided with the necessary psychological and the psychiatric counseling services for his individual needs.

Doc. No. 804162

Student Funds

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§89.92 (203.20.10.002). *Student Cash on Hand.* While in the institution, each student may have no more than \$5.00 cash in his personal possession.

Doc. No. 804163

Mail Procedure

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§89.101 (203.20.11.001). *Privacy of Mail, Provisions for Contraband Control.* Students have the right to correspond freely through the mails. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband. Contraband includes:

- (1) anything whose possession is a crime under municipal ordinances or state or federal law, including solvent inhalants, drugs, and alcohol;

(2) narcotics paraphernalia;

(3) items which can be used, made, or adapted to use as weapons;

(4) pictures which depict sexually explicit male or female nudity or sex acts, including magazines or periodicals which routinely publish such pictures;

(5) items such as posters which convey prohibited expressions.

Doc. No. 804164

Visitation

These amendments are adopted under the authority of Chapter 61, Human Resources Code.

§89.111 (203.20.12.001). *Visitation Provisions.*

(a) Visitation by family and friends of students is permitted and encouraged.

(b) Visitation may take place at a time and place designated by the institution. Visitation policies and schedules will be made available to parents and guardians.

(c) All visitors must register in the manner prescribed by the institutions and agree to abide by the established visitation rules.

(d) Extended and overnight visitation may be arranged for students by staff within the immediate geographical area.

Doc. No. 804165

Student Council

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§89.131 (203.20.14.001). *Student Representation.* Each institution will have at least one student per cottage on the Student Council. The students are to be elected from each cottage by democratic vote.

§89.132 (203.20.14.002). *Frequency of Meetings.* The Student Council will meet at least once a month with the superintendent or his appointee.

Doc. No. 804167

Solitary Confinement, Security, and Dormitory Confinement

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§89.161 (203.20.17.001). *Solitary Confinement.*

(a) No student shall be placed in solitary confinement as defined in §81.61 (203.01.07.001) unless such confinement is clearly necessary to prevent imminent bodily injury to another or to self, sexual abuse of another student, or threats of imminent bodily injury to self or another; intentional or knowing cause of substantial damage to property or damaging property; escape or attempted to escape; total disruption of normal institutional procedures.

(b) While confined in solitary confinement, the student shall be visited by a professional staff for a period of 10 minutes each hour until his release from solitary confinement, except the hours between 9 p.m. and 7 a.m. The stu-

dent shall be visited by a licensed nurse at least once a day; if he is confined for longer than one day, administratively approved professional staff shall consult with the student and afford him such treatment as is indicated on a daily basis, beginning no later than the second day of such confinement.

(c) No student shall be placed in solitary confinement unless a person within calling distance of the student is at all times in possession of a key to the isolation room.

§89.162 (203.20.17.002). Security.

(a) No student shall be confined in security unless such confinement is clearly necessary to prevent bodily injury to another or to self, sexual abuse of another student, or threats of imminent bodily injury to self or another; intentionally or knowingly cause substantial damage to property or damaging property; escape or attempted escape; total disruption of normal institutional programs.

(b) Requirements. For each TYC security unit, there will exist documentation which addresses all matters relating to the operations and programs of the unit, such matters to include:

- (1) clearly defined criteria for admission;
 - (2) personnel eligible to admit;
 - (3) professional staff involved in a student's stay in the unit;
 - (4) behavioral expectations and criteria for release;
 - (5) well-defined monitoring system and line of authority which assures that security operations and programs are carried out in accordance with the document;
 - (6) security staff specifically trained to work in the unit;
 - (7) release procedures;
 - (8) ongoing logging system for behavior and security;
- and
- (9) complete description of the student's daily routine during his stay in the unit.

§89.164 (203.20.17.004). Conditions of Solitary Confinement, Security, and Dormitory Confinement.

(a) A bed, mattress, appropriate bedding, and access to a toilet shall be provided for all students in the place where they sleep.

(b) Students shall have the opportunity for large-muscle exercise or recreation on a daily basis.

(c) School books and daily lesson plans that reflect an amount of daily instruction consistent with the educational practices of the school program in the institution as a whole shall be provided all students, unless a psychiatrist otherwise directs in writing.

Doc. No. 804172

Use of Telephone

This section is adopted under authority of Chapter 61, Human Resources Code.

§89.231 (203.20.23.001). Policy. Students in institutions have the right to receive and place collect telephone calls to legal counsel, parents, and persons approved by parents or guardians.

(1) Institutions shall have operating procedures governing the time and frequent use of telephones.

(2) Students shall be afforded reasonable privacy in telephone conversations.

(3) Denial of telephone rights may not be used for punishment or disciplinary reasons.

Doc. No. 804176

Replacement of Damaged Property by Students

This section is adopted under authority of Chapter 61, Human Resources Code.

§89.251 (203.20.24.001). Policy. Students involved in the destruction of state or personal property may be required to repay damages by working or assigned duties at a rate established by the agency. Institutions shall have procedures governing the operation of this policy.

Doc. No. 804177

General Campus Security and Control

This section is adopted under authority of Chapter 61, Human Resources Code.

§89.271 (203.20.25.001). Policy. The institutions, in administering their programs, shall provide for the safety and security of students, staff, property, and equipment of the agency.

(1) In institutions, visitation policies and procedures shall provide for the screening of visitors for weapons, drugs, and other contraband.

(2) In institutions, policies shall exist for the patrol and monitoring of the campus to prevent vandalism, theft, unauthorized access to the campus area, and student escapes. Institution personnel will have the authority to remove individuals who jeopardize or appear to jeopardize these elements of campus security.

Doc. No. 804178

Student Employment and Work Responsibilities

These sections are adopted under authority of Chapter 61, Human Resources Code.

§89.291 (203.20.26.001). Purpose. The primary purpose of paid student employment in delinquent institutions is to provide an opportunity for students to experience and enjoy payment of a wage for constructive work properly performed by the student's own free choice and on his own personal free time. Such employment additionally provides an opportunity for students to earn a limited amount of money for their personal use.

§89.292 (203.20.26.002). Definition. Student employment, as used in this policy, refers to work activities performed by student under the following conditions:

(1) Funds used for student compensation come from money specifically designated for this purpose.

(2) Work is performed on the student's personal free time and is not part of his required treatment program.

(3) Work intended to result in the performance of a needed service or creation of a useful project not considered part of normal group living responsibility.

(4) Student employment should be a part of the student's treatment plan and designed to teach good work habits, punctuality, responsibility, and other qualities of a competent and dependable worker.

§89.293 (203.20.26.003). *Limitations.* A student is not entitled to be paid when:

(1) assisting with the cleanup of the immediate work area or play area, or at the conclusion of an instructional or recreational activity session;

(2) performing personal housekeeping chores;

(3) accomplishing duties expected to all students to fairly and routinely be performed as part of a cottage or dormitory unit. If all students routinely are responsible for communal tasks, then these jobs are part of the living duties and should not be paid.

§89.294 (203.20.26.004). *Implementation.* Institutions will maintain policies and procedures governing student employment practices and responsibilities.

Doc No 804179

Chapter 91. Programs for Dependent and Neglected Children

Admission

Sections 91.11-91.16 (203.30.02.001-.006) are repealed under authority of Chapter 61, Human Resources Code.

Doc No 804181

Foster Care

Sections 91.81-91.83 (203.30.08.001-.003) are repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804186

Food Service

Sections 91.92 and 91.93 (203.30.09.002 and .003) are repealed under authority of Chapter 61, Human Resources Code.

Doc No 804188

Visitation

Section 91.132 (203.30.13.002) is repealed under the authority of Chapter 61, Human Resources Code.

Doc No 804194

Rules of Conduct

Sections 91.161-91.164 (203.30.16.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804197

Physical Force

Section 91.181 (203.30.18.001) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804199

Unauthorized Absence or Escape

Sections 91.191-91.195 (203.30.19.001-.005) are repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804200

Student Furlough

Sections 91.201-91.203 (203.30.20.001-.003) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804201

Transfer between Institutions

Sections 91.211 and 91.212 (203.30.21.001 and .002) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804202

Release from the Institution

Sections 91.221-91.224 (203.30.22.001-.004) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804203

Purpose and Philosophy

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.1 (203.30.01.001). *Purpose.* The purpose of the Texas Youth Council's programs for dependent and neglected children is to provide constructive care, training, and a home-like atmosphere for those children placed with the Youth Council by the Courts of Texas on a conservatorship basis in accordance with Title 2 of the Texas Family Code. For educational purposes, these programs shall utilize local independent school districts and the campuses shall function in an open manner.

§91.2 (203.30.01.002). *Philosophy.* The philosophy of the system is a direct extension of the purpose. This philosophy is that all programs delivered to each youth, while he or she is in an individual program, will be designed to provide every opportunity for the youth's maximum physical, emotional, and intellectual growth. Each program will be designed through the utilization of the most current knowledge in the field of child care. The planned ultimate result is, that through this process, each youth will be successfully integrated into society as a constructive citizen.

Doc. No. 804180

Child Care

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.31 (203.30.03.001). *Individualized Program Plan.* Each child will have an individualized program plan which will assist the child in identifying problem areas and give direction for normal growth process. The plan will emphasize the child's developmental, emotional, and educational progress toward short- and long-term goals.

§91.32 (203.30.03.002). *Training Activities.* The child will be required to participate in the necessary moral, academic, vocational, physical, and training activities as designed by the program staff.

§91.33 (203.30.03.003). *Mode of Life and Conduct.* The child will be required to adapt such modes of life and conduct as may seem best adapted to integrate him into society as a fully participating member.

§91.35 (203.30.03.005). *Family Involvement in Program Plan.* Whenever feasible, the child's family is to be involved in the overall program plan and individualized goal-setting process.

Doc. No. 804182

Education

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.41 (203.30.04.001). *Educational Accreditation Standards.* The education program in which youth are placed will meet accreditation standards as set forth by the Texas Education Agency.

§91.43 (203.30.04.003). *Educational Program Scope.* The educational program will offer academic, career education, and prevocational courses.

§91.44 (203.30.04.004). *Use of Local School District.* Each program shall utilize local independent school districts for educational programming.

Doc. No. 804183

Daily Living in Residential Programs

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§91.53 (203.30.05.003). *Appropriate Living Atmosphere.* It is the responsibility of the daily living staff to provide an appropriate living atmosphere for the student while he is in the institution. The student's needs for privacy and individuality shall be met.

Doc. No. 804184

Volunteer Programs

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.71 (203.30.07.001). *Purpose of Volunteers.* Volunteers are to be utilized in each program to provide program enrichment and adult role models for the students.

§91.72 (203.30.07.002). *Volunteer Coordinator.* Volunteers are to be recruited and screened by the volunteer coordinator in each residential program. The coordinator is responsible for designing both individual and group volunteer programs.

§91.73 (203.30.07.003). *Volunteer Advisory Board.* Volunteer advisory boards are to be established for each residential program. These boards are to be made up of the community's citizenry. The board's purpose is to establish communication and support between the program and the community.

Doc. No. 804185

Food Service

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§91.91 (203.30.09.001). *Nutritional Standards.* The food prepared for each student will exceed the nutritional standards as set forth by the Texas Department of Human Resources Minimum Standards for Basic Child Care Institutions.

Doc. No. 804187

Medical Services

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.101 (203.30.10.001). *Medical Treatment.* The programs shall provide medical treatment for children in its custody. This treatment shall be designated to assess physical, dental, and psychiatric needs of each child committed to its care.

§91.102 (203.30.10.002). *Health Program.* Every program shall have a health program designed to protect and promote the physical and mental well-being of residents, discover those in need of short-term or long-term medical, dental, and psychiatric treatment, and to contribute to their rehabilitation by appropriate diagnosis and treatment and provisions of continuation of care following release.

§91.103 (203.30.10.003). *Medical Assessment.* Records of the following medical assessments will be retained in each child's folder:

- (1) a medical history;
- (2) a physical examination performed by a physician to include a search for signs of communicable disease, including venereal disease; for any correctable health defects and signs of medical conditions which might influence behavior;
- (3) a dental assessment to include examination of each tooth by a dentist;
- (4) laboratory studies to include a complete blood count, urinalysis, serology drawing, and culture for gonorrhea as appropriate for age;
- (5) screening for tuberculosis;
- (6) immunizations in accordance with Texas law;
- (7) screening for hearing and vision.

Doc. No. 804189

Sections 91.104 and 91.105 (203.30.10.004 and .005) are adopted under the authority of Chapter 61, Human Resources Code.

§91.104 (203.30.10.004). *Psychotropic Drugs.* The use of psychotropic drugs will be monitored. Psychotropic drugs will not be administered for the purpose of program management or control.

§91.105 (203.30.10.005). *Medical Services for Female Students.* Medical services either at the facility or by referral of the facility shall be provided to meet the gynecological needs of female students.

Doc. No. 804190

Student Funds

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§91.112 (203.30.11.002). *Individual Savings or Checking Account.* With approval of the program administrator, an individual child may establish his own savings and checking account.

Doc. No. 804191

Mail Procedure

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.121 (203.30.12.001). *Privacy of Mail, Provisions of Contraband Control.* Students have the right to correspond freely through the mail. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband. Contraband is defined in §81.61 (203.01.07.001).

Doc. No. 804192

Visitation

This amendment is adopted under authority of Chapter 61, Human Resources Code.

§91.131 (203.30.13.001). *Visitation by Family and Friends.* Visitation by family and friends of students is permitted and encouraged as appropriate.

(1) Visitation may take place for at least two hours a day on at least two separate days between Monday and Friday.

(2) On Saturdays, Sundays, and Holidays, visitation may take place at least between 9 a.m. and 5 p.m.

Doc. No. 804193

Clothing

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.141 (203.30.14.001). *Personal Clothing.* Each student is encouraged to wear his personal clothing. The parents and/or managing conservator of the student are also encouraged to supply the student with necessary clothing or the funds to purchase appropriate clothes.

§91.142 (203.30.14.002). *Safe Provision of Clothing.* If the student or his parents are unable to provide sufficient funds to purchase appropriate clothing, the program through appropriated funds or solicited donations will be responsible for purchasing clothing for the student on an individual basis.

§91.143 (203.30.14.003). *Dress Code.* While under the supervision of the program, the student will be expected to dress according to the established student dress code.

Doc. No. 804195

Student Council

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.151 (203.30.15.001). *Student Representation on Student Council.* Each institution will have at least one student per cottage on the Student Council. The students are to be elected from each cottage by democratic vote.

§91.152 (203.30.15.002). *Frequency of Meetings.* The Student Council will meet at least once a month with the superintendent or his appointee.

§91.153 (203.30.15.003). *Council Input.* The council will advise institutional staff as to current student issues at the institution, develop special student projects, and have input into institutional policy affecting the student body.

Doc. No. 804196

Discipline

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§91.171 (203.30.17.001). *Extent of Discipline.* Discipline shall be maintained in all TYC facilities and program to the extent necessary to maintain order and to provide a safe and constructive environment for the youth in the care and custody of TYC.

§91.172 (203.30.17.002). *Purpose of Discipline.* Discipline will be used for the purpose of instruction and training and not simply for the sake of regimentation.

§91.175 (203.30.17.005). *Limitations on Student Behavior.* Students will not be allowed to physically hurt one another, staff, destroy property, escape from the program, or significantly disrupt the program.

Doc. No. 804198

Chapter 93. Assistance to Community Programs

General Funding Requirements

Section 93.33 (203.40.04.003) is repealed under the authority of Chapter 61, Human Resources Code.

Doc. No. 804208

Contract Application Procedures

Section 93.83 (203.40.06.003) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804212

Section 93.86 (203.40.06.006) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804213

Youth Service System Development Projects

Sections 93.101-93.105 (203.40.07.001-.005) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804214

Philosophy and Purpose

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§93.2 (203.40.01.002). *Purpose.* The Texas Youth Council shall assist local communities in their efforts to reduce and prevent juvenile delinquency through contractual programs with local public and private, nonprofit agencies which provide services aimed at serving youthful offenders in the community, diverting youth from the juvenile justice system, and reducing commitments to the Texas Youth Council.

§93.3 (203.40.01.003). *Objectives.*

(a) Providing fiscal support to the juvenile justice system to allow increased use of community alternatives and thereby reduce commitments of delinquent youth to the Texas Youth Council.

(b) Improving local juvenile justice system's capability to provide community supervision for delinquent youth.

(c) Developing more comprehensive services and programs at the local level to better respond to the needs of pre-delinquent and delinquent youth.

Doc. No. 804204

Method of Contract Funds Availability

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§93.12 (203.40.02.002). *Fund Distribution.*

(a) Payment of funds for juvenile probation departments. The basic elements of the performance-based contract funding method are:

(1) Payment is based upon a county's performance in diverting commitments from TYC. When a county reduces commitments, contract funds are paid to the county. When a county does not reduce commitments or if commitments increase, funds are not paid to the county.

(2) Base commitment rates have been established for each county based upon the commitments from the county over the last 10 years and the juvenile population of that county, or actual commitments for a prior three-year period preceding the contract.

(3) On a monthly basis, for each commitment below the base rate, the county receives \$4,500.

(b) Fixed payment funding is calculated on the basis of diverted commitments from the base rate, but funding is received "after the fact" so that performance in a period preceding the actual contract year determines funding. This method provides fixed funding for the entire contract year that will remain constant despite performance. Performance during all or part of the contract year (based upon the time period utilized) determines funding for the next contract year.

(c) Probation services subsidy funding is granted on the basis of workloads exceeding nationally recognized standards in those counties or multicounty judicial districts. Funding of salaries for probation officers and other operating expenses will be compatible with those of other probation officers and professionals in similar occupations in the geographic area. Funding for other services, if provided, is based upon workload volume.

(d) Payment of funds for agencies other than juvenile probation departments.

(1) Since the above described method does not address community assistance contracts with other public or private agencies, and since the TYC is authorized to assist communities in delinquency prevention, a small portion of funds will be made available to agencies other than county juvenile probation departments for community assistance contractual funding.

(2) Performance requirements and achievement levels will also be incorporated into such contractual agreements. In most cases, these will not relate directly to the number of commitments and will vary depending upon the particular contract activity that is being conducted. In each case, however, the programs must address the method and manner in which the program will impact rates of predelinquent and delinquent activity.

Doc. No. 804205

Contract Priorities

These amendments are adopted under authority of Chapter 62, Human Resources Code.

§93.21 (203.40.03.001). *Agency Recipients.*

(a) The agency receiving highest priority for contract funds from the Texas Youth Council is the county juvenile probation department. The rationale for this decision is that probation is the local correction agency that has the greatest impact on commitments to Texas Youth Council.

(b) Private sector nonprofit agency services and programs shall also be utilized where indicated by county probation departments. Private sector organizations shall be encouraged to subcontract with county probation for the purposes of direct delivery of service to the local juvenile justice system.

§93.22 (203.40.03.022). *Target Population Groups.* Target population elected by Texas Youth Council to receive services authorized under the Community Assistance Program are prioritized as:

- (1) the adjudicated delinquent youth;
- (2) the adjudicated child in need of supervision; and
- (3) the predelinquent youth.

§93.23 (203.40.03.003). Program Type.

(a) The program type receiving highest priority for funding is one aimed at using community services for the population with which juvenile probation departments work. Program methods include:

(1) developing departmental resources and staff capability to identify, organize, and procure services and care at the local level;

(2) establishing the departmental procedures necessary to enter into working agreements and facilitate the delivery of services to the target population by private sector agencies; and

(3) utilizing fees to purchase residential and nonresidential services and care for the target population.

(b) Cooperative, jointly sponsored, and regional programs are encouraged.

Doc. No. 804206

General Funding Requirements

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§93.31 (203.40.04.001). Target Population.

(a) Programs to be funded will be secondary prevention efforts.

(b) The target population will be:

(1) youth under the jurisdiction of county juvenile authorities;

(2) youth who come into contact with juvenile authorities or law enforcement officials for delinquent behavior or behavior indicating a need for supervision.

§93.32 (203.40.04.002). Service Types. Funded programs will provide nonresidential and residential services such as:

(1) diagnosis, evaluation, and assessment;

(2) counseling, guidance, and supervision;

(3) treatment and training;

(4) crisis intervention;

(5) probation services.

§93.34 (203.40.04.004). Matching Funds.

(a) Matching funds in the amount of 20% shall be required of each applicant agency unless it is a juvenile probation department. The match may consist of direct service and operating expenses directly related to support of the program for which contract funding is being requested.

(b)-(c) (No change.)

§93.39 (203.40.04.009). Board Approval. Private sector programs must be approved for funding by the Texas Youth Council board.

Doc. No. 804207

Programs Funded through Community Assistance

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§93.51 (203.40.05.001). Administrative and Operation Procedures.

(a) The service agency shall have a written statement that clearly defines its role and function within the community and a description of its services.

(b) The service agency shall have a written description of its goals and objectives.

(c) The service agency shall identify the category of youth that will be served, the services that will be provided, and the methods that will be employed in providing the services.

(d) The service agency shall have evidence of its operating authority. A public agency shall have evidence of its legal authority. A private agency shall have evidence that includes its charter, constitution, and bylaws.

(e) The service agency shall have a sufficient number of appropriately qualified staff to provide its services.

(f) The service agency shall have written job descriptions for all positions.

(g) The staff shall be licensed, certified, or registered as required by Texas laws.

(h) If the service agency provides food services, the agency must comply with all state and local regulations.

(i) Where appropriate, there shall be a written procedure familiar to all staff for handling potential emergencies and disasters such as fire, severe weather, and missing persons.

§93.54 (203.40.05.004). Case Reporting. Each program shall provide the Texas Youth Council with such descriptive case information on youth as requested on forms provided by the Texas Youth Council.

§93.55 (203.40.05.005). Case Records. Each program shall maintain current youth service records which shall include diagnosis (when applicable), problem assessment and treatment; and training and rehabilitation programs being provided to the youth. Texas Youth Council shall be permitted to review all individual case records maintained by a service agency.

§93.56 (203.40.05.006). Program Audits. Texas Youth Council shall make periodic on-site visitations and reviews of service agencies to assure the provision of quality services; to determine compliance with the Texas Youth Council rules, regulations, and standards; and to ensure that the program is providing the quantity and quality of services for which Texas Youth Council funding is being provided. These visits may include examination of youth records, observation of programs in operation, interviews and meetings with program staff, youth and family interviews, and meetings with appropriate community officials, agencies, and organizations.

§93.58 (203.40.05.008). Services Rendered. Each service agency shall specify the numbers of youth to be served, the types of services to be rendered, and the objectives being sought in the rendering of the services.

§93.59 (203.40.05.009). Conflict of Interest. No officer, member, or employee of the service agency or the Texas Youth Council and no member of their governing bodies, and no other public official of the governing body of the locality or localities in which the service agency is located or rendering services who exercises any functions or responsibilities in the review or approval of the funding of the service agency shall participate in any decision relating to the funding which affects his personal interest or have any personal or pecuniary interest, direct or indirect, in the funded program or proceeds thereof.

§93.60 (203.40.05.010). Program Standards.

(a) (No change.)

(b) Each youth served in a residential private sector service agency's program shall have a written individualized program plan containing the specific reasons how the youth will benefit from the service agency's program. The individualized program plan specifies behavioral objectives to be achieved. The individualized program plan shall be reviewed at regular intervals by the service agency staff for assessment of the youth's progress and modification of the plan as indicated.

(c) The youth's program plan shall be based upon individual assessment of the youth. Individual assessment is a process that determines what interventions and services are needed to enable the youth to move toward increasingly mature, responsible, and normal functioning.

(d)-(g) (No change.)

(h) Service agencies shall make efforts to ensure maximum availability of services to the service population.

(i) The service agencies and service delivery unit shall be as convenient to the youth who will be served as feasible.

(j) Each service agency shall ensure that the public is aware of the existence of the program and its services.

(k) Service agencies shall make maximum utilization of other community resources which can provide support to the youth and the youth's family.

(l) Service agencies shall observe and protect the confidential nature of case files and records.

(m) The service agency shall have a written policy about the conduct of any research involving youth served by the agency. This policy must contain assurances that youth and their families or conservator must provide informed consent prior to their involvement in research.

(n) The service agency shall have a written statement of the agency's policies and procedures in cases of alleged abuse of youth being served.

§93.62 (203.40.05.012). Client Fees. The service agency shall not charge the child or child's parents for services if such services are being paid for by the contract agency unless such fees are a part of the placement agreement or treatment plan.

§93.63 (203.40.05.013). Fiscal Auditing.

(a) The service agency shall maintain a record of pertinent books, documents, papers, and records involving transactions relating to Texas Youth Council funding. Duplicate copies and intermediate data will be retained if they contain significant information not found on the record copy. The service agency shall maintain financial and cost accounting data to include accounts receivable, invoices, transportation records, purchase and transfer of material, cash ledgers, checks for salaries, records of accounts payable, labor distribution records, pay administration records, and petty cash records. The service agency shall maintain pay administration records to include payroll sheets and registers, tax withholding statements, time cards, and payroll checks. The service agency also shall maintain procurement and supply records to include store requisitions for material, maintenance work orders, equipment use and status reports, expendable property records, purchase order production records of quality control, and inspection. Juvenile probation departments must maintain the above unless county fiscal administration procedures maintain such information by other means.

(b) Each service agency shall submit to Texas Youth Council copies of its audits made by a certified or public accountant licensed by the Texas State Board of Public Accountancy upon request by TYC. The audit shall be conducted in accordance with the generally accepted auditing standards and shall include as a minimum the following:

(1) a detailed report of the financial condition of the program;

(2) a detailed report of all revenue received and expenditures made by source of funds;

(3) a verification of all expenditures;

(4) a verification of compliance with conditions upon which the program was funded.

(c) The service agency shall allow the Texas Youth Council or any of its duly authorized representatives access to and the right to examine, audit, excerpt, and transcribe any directly pertinent books, documents, papers, and records involving transactions related to Texas Youth Council funding. Such material must be retained for three years. The retention time shall be calculated from the end of the state fiscal year in which the final entry was made in the records retained.

(d) Texas Youth Council will conduct regular audits by Texas Youth Council personnel on a selected basis during the funding period of a program.

§93.65 (203.40.05.015). Maintenance of Effort.

(a) Maintenance of local fiscal effort is required as a condition of TYC funding of a program. This is to assure that state funds do not replace local funds supporting a program resulting in no increase in services. Violation of this maintenance of local fiscal effort requirement may result in refunding of TYC money and/or termination of future TYC funding.

(b) TYC defines local fiscal effort as the total local county funds expended for direct support of the county juvenile probation department including the juvenile detention center and any activities or programs related to direct child care funded through these departments.

(c) Evidence of the level of county fiscal effort shall consist of either independently audited financial statements, if available, or statements issued by the county auditor as public information detailing expenditures for the fiscal year to be measured.

§93.66 (203.40.05.016). Rule Enforcement.

(a) Enforcement and compliance with rules, regulations, and standards. Texas Youth Council funding shall be contingent upon compliance with these rules, regulations, and standards, and the Texas Youth Council shall have the right to inspect, examine, investigate, audit, and evaluate the administrative practices and the program of services provided by the service agency and for this purpose may require such information and statistical data as it deems necessary.

(b) (No change.)

Doc. No. 804209

This section is adopted under authority of Chapter 61, Human Resources Code.

§93.68 (203.40.05.018). Probation Service Standards.

(a) Organization.

(1) The juvenile board or the judge of the regular court who has been designated as the juvenile court should assume jurisdiction and administrative responsibility for the provision of juvenile probation services within respective county or district geographic boundaries.

(2) When juvenile probation services are organized as a separate department, the juvenile board or the judge of the regular court who has been designated as the juvenile court should assure that the department is headed by a single administrative officer.

(3) When probation services for adult and juvenile offenders are provided by a joint probation office, juvenile department policy, philosophy, program, and procedures should clearly differentiate between the Penal Code and Title 3 of the Family Code.

(b) Management and administration.

(1) The juvenile probation department should have a current organizational chart depicting structure, lines of authority, and responsibility.

(2) The chief juvenile probation officer should develop and maintain an administrative manual which includes policies, procedures, and regulations of juvenile probation services.

(3) All employees engaged in juvenile probation services should come under the supervision of the administrative officer designated by the juvenile board or juvenile judge.

(4) All field operations and programs should be routinely monitored and reviewed by the administrative officer of the juvenile department.

(5) When practical, field offices should be conveniently accessible to youth's place of residence and other community agencies.

(6) The juvenile probation department should collaborate with other local and state juvenile justice agencies on a continuing basis to coordinate programs, undertake joint planning, and implement and evaluate such plans.

(7) The juvenile probation department shall prepare an annual report depicting statistical and financial data on workload, programs, and services, including major developments, problems, and plans, for public distribution in compliance with Article 5139, Section 5b, of Vernon's Annotated Civil Statutes.

(c) Fiscal management.

(1) The juvenile board or the judge of the regular court who has been designated as the juvenile court should assign accounting responsibility for fiscal affairs to the appropriate county or district fiscal officer.

(2) An annual operating budget should be prepared and maintained in a manner consistent with standard accounting procedures.

(3) Texas Youth Council funds should be retained in a bank account to allow for separate accountability.

(4) Fiscal audits should be conducted on an annual basis by the county or district auditor and a copy of the audit furnished to the Texas Youth Council.

(5) The chief administrative officer should be responsible for budget preparation, submission to appropriate authorities, and management.

(d) Personnel.

(1) There is no statutory requirement specifying the education and background experience qualifications of the chief juvenile probation officer; however, TYC recommends that they include at a minimum a baccalaureate degree in one of the social or behavioral sciences or a related field, five

years of experience in juvenile justice or a related field, and demonstrated administrative ability. New employees must meet the above requirements unless written approval is obtained from TYC.

(2) Juvenile probation departments shall comply with the applicable provisions of the Civil Rights Act of 1964, the Education Amendments of 1972, and the Rehabilitation Act of 1973.

(3) TYC recommends that entry-level juvenile probation officers possess a baccalaureate degree in one of the social or behavioral sciences or a related field. New employees must meet the above requirements unless written approval is obtained from TYC.

(4) Unless contrary to local personnel policy, all entry-level personnel will be employed for a probationary term of not less than six months nor more than one year with unsatisfactory performance during the probation resulting in dismissal.

(5) Confidential personnel records should be retained for each employee.

(6) Salary levels should be comparable to those of local adult probation officers. If such salaried employees are not locally present, salaries shall be competitive with prevailing salaries for local employees in similar operational groups in the public and private sector.

(7) Provisions for vacation, sick leave, disability, retirement, and other benefits should be commensurate with those of adult probation or other human service agencies in the public and private sector and consistent with those afforded local personnel.

(8) All full-time juvenile probation department employees should receive at least 40 hours of orientation prior to job assignment and at least 40 hours of training for each year of employment.

(e) Probation services.

(1) Intake.

(A) The intake process should be available for operation on a 24-hour per day basis.

(B) Written policy and procedure should govern intake actions made by personnel.

(C) If used, unofficial or administrative or informal adjustments probation should be on a voluntary basis with written acknowledgement by juveniles and their families.

(2) Detention.

(A) Detention admissions screening shall be held promptly but not later than the second working day after the child is taken into custody. If the child is taken into custody on a Friday or Saturday, the detention hearing shall be held on the first working day after the child was taken into custody.

(B) Written policy should assure that any juvenile placed in detention or shelter care be brought before the juvenile court for a detention hearing 48 hours after admission or the next working day of the court.

(C) Written policy and procedure should limit the use of detention to cases involving protection of the public, prevention of self injury, the need to assure the presence of the juvenile at subsequent court hearings, the need to prevent future offenses (if the child has previously been found delinquent or committed an offense punishable by imprisonment or jail), and the need for suitable care, supervision, and protection of the child if it is not being provided by parents, guardian, custodian, or other persons.

(3) Predisposition study.

(A) Written policy and procedure should provide guidelines and the format for preparation and submission to the court of predisposition studies.

(B) The predisposition hearing of each juvenile should contain a recommendation for one of the dispositional alternatives.

(C) Where confinement and/or residential placement of the adjudicated juvenile is ordered, the predisposition study or information as required should be transmitted to the receiving agency.

(4) Probation supervision.

(A) Initial contact with the court-ordered juvenile probation should occur not later than 24 hours after placement on probation.

(B) The juvenile and his or her parents should acknowledge in writing their receipt and understanding of the conditions of probation.

(C) A written supervision plan containing individualized objectives should be developed with the juvenile and his or her parents.

(D) Written policy and procedure should call for a periodic review of each juvenile's adjustment or progress. The recommended interval for review is 90 days.

(E) Community resources should be developed and utilized to assure the provision of needed services to juveniles.

(F) The juvenile probation department should maintain cooperative working relationships with public and private agencies to assure that service delivery to juveniles is maximized.

(G) Juvenile probation department staff should cooperate fully with law enforcement in efforts to apprehend juveniles who are known to be or allegedly involved in criminal activity.

(5) Residential placement.

(A) Juvenile probation departments should receive budget allocations and encouragement to purchase residential services from private vendors for juveniles' cases requiring such services.

(B) Each residential placement agency, from which the department purchases services, should be licensed by the Texas Department of Human Resources.

(C) Each purchase of residential placement service should be governed by an agreement specifying conditions of placement and payment of fees.

(D) Juvenile probation staff should monitor each residential service agency at least once each three months to ensure compliance with the conditions of the agreement.

(E) Each juvenile placed in residence with a service agency should be contacted at least once monthly by probation staff.

(6) Volunteer involvement. The utilization of volunteers is encouraged; however, when volunteers are used, juvenile probation policy should provide procedures for selection, training, and definition of tasks and responsibilities.

(7) Commitment.

(A) High priority should be given to the utilization of resources as an alternative to commitment to TYC with the exception of juveniles adjudicated for the commission of violent offenses who clearly are in need of institutional care.

(B) There shall be an ongoing review of these rules, regulations, and standards, and they may be amended by the Texas Youth Council board.

Doc. No. 804210

Contract Application Procedures

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§93.82 (203.40.06.002). Copies. The original completed contract application form must be submitted with original signatures of the officials legally responsible for the agency.

§93.85 (203.40.06.005). Submission Date. The contract application must be submitted to Texas Youth Council by posted notification dates to permit sufficient time for staff review.

§93.87 (203.40.06.007). Address for Submission. The completed contract application forms must be submitted/mailed to:

Texas Youth Council
Community Assistance Program
8900 Shoal Creek Boulevard
P.O. Box 9999
Austin, Texas 78766

Doc. No. 804211

Chapter 95. Residential Contract Service**Program Classification According to Characteristics**

Sections 95.15 and 95.16 (203.41.02.005 and .006) are repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804217

Securing and Evaluating Contract Placements

Section 95.38 (203.41.03.009) is repealed under authority of Chapter 61, Human Resources Code.

Doc. No. 804219

Standards Relating to Records and Reporting

Sections 95.112 and 95.113 (203.41.07.002 and .003) are repealed under the provisions of Chapter 61, Human Resource Code.

Doc. No. 804223

Standards on Physical Care

Sections 95.156-95.158, 95.162, and 95.164 (203.41.09.006-.008, .012, and .014) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804227

Philosophy and Purpose

The amendments are adopted under provisions of Chapter 61, Human Resources Code.

§95.1 (203.41.01.001). Philosophy. The philosophy of the Residential Contract Program is to use residential community-based programs for alternative placement for students placed in the care, custody, and control of the Texas Youth Council by the court.

§95.2 (203.41.01.002). Purpose. The purpose of the Residential Contract Program shall be the development of responsive and effective residential programs for students who normally would have been placed in Texas Youth Council-operated facilities. It shall provide program services and/or treatment and training which will facilitate adolescent growth. These services shall be provided as geographically close to the student's home as possible. Contract placement programs shall provide both short- and long-term placement for student's lacking familial structure and support for reintegration into the community.

Doc. No. 804215

Program Classification According to Characteristics

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.11 (203.41.02.001). Residential Treatment Facilities.

(a) These are programs designed primarily for intensive and specialized rehabilitation of emotionally disturbed, intellectually limited, and habitually aggressive students who may need either short- or long-term care.

(b) Students placed in these programs are felt to need a highly structured environment judged to be necessary for successful reintegration.

(c) When feasible, location of facilities should be within or near the student's community to afford maximum resource involvement.

(d) The ratio of treatment staff to students will be in accordance with DHR standards.

(e) Professional psychological, psychiatric, and social work consultation will be available.

(f) Only facilities designed to deal with specific emotional and/or behavioral problems shall be used.

(g) Age limitations and facility capacity will be determined by the contract agency.

§95.12 (203.41.02.002). Contract Halfway Houses.

(a) These facilities may be similar to residential treatment programs in that they do provide a structured program with counseling services, yet they may lack the intensity of psychiatric programming orientation.

(b) The emphasis is on the short-term treatment within a community setting while drawing upon available community resources.

(c) The halfway house may include career and/or vocational orientation and assessment.

(d) Students placed in these programs are determined to be responsible and mature enough to function with limited supervision in the community.

(e) The ratio of treatment staff to students will be in accordance with DHR standards.

(f) Age limitations are set by the contract agencies.
(g) Capacity of the facilities may vary from 12 to 24 students in accordance with DHR standards.

§95.13 (203.41.02.003). Group Homes.

(a) The emphasis of group home programming is reintegration within a neighborhood community setting.

(b) Length of stay shall be determined by TYC's case management system.

(c) The group home usually provides a flexible structure, which may include treatment, supervision, and guidance.

(d) Psychological, psychiatric, and educational consultation shall be used as needed.

(e) Age limitations are determined by the contract agencies.

(f) Capacity shall vary from six to 12 students in accordance with DHR standards.

(g) All group homes must be licensed by DHR.

§95.14 (203.41.02.004). Foster Homes.

(a) Foster homes will provide a family setting and home environment.

(b) Capacity of foster homes is up to six students.

(c) Age limitations are determined by existing agency.

(d) All foster homes are certified by TYC in accordance with agency foster home standards.

Doc. No. 804216

Securing and Evaluating Contract Placements

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.31 (203.41.03.001). Identification and Contract.

(a) When inquiries are received from private agencies about TYC contract services, an investigation will be conducted by TYC staff to determine the agency's suitability for serving TYC students.

(b) Should the organization or agency appear to meet DHR and TYC Standards it will be provided with a copy of the Application for Contractual Services.

§95.32 (203.41.03.002). Application for Contractual Services.

(a) The purpose of the application is to provide basic identifying and descriptive information about the existing or proposed program.

(b) The completed application should be submitted to the community resource specialist in the agency's area. Following approval, an on-site visit will be scheduled by a community resource specialist to complete the survey profile.

§95.33 (203.41.03.003). Standards and Guidelines Certification.

To ensure that the Texas Youth Council contracts only with acceptable programs, minimum standards and guidelines for placement resource programs have been developed by DHR and TYC. They address such issues as treatment programs, staffing patterns, administrative structure, child care services, and physical facilities. The survey profile questionnaire has been developed and will be applied to service agency programs to determine systematically whether the service does meet Texas Youth Council standards and guidelines. All residential care programs must be licensed by the Department of Human Resources or certified by the TYC in accordance with established DHR standards for licensing.

§95.34 (203.41.03.004). Fee Structure and Classification. Following completion of the survey profile and development of the program classification, an equitable fee will be established in accordance with the existing TYC fee scale. The fee scale will help to eliminate confusion and differential application of payments to different service agencies. Funding rate is subject to Texas Youth Council board approval.

§95.35 (203.41.03.005). Con rae Priorities and Terms.

(a) Types of students served. Priority is given to programs which provide services to students in need of community placement. The hard-to-place student is a priority client.

(b) Utility of program. Priority is given to the small capacity program offering more individualized programming.

(c) Program excellence (and objectives). Priority is assigned to those programs that have demonstrated effectiveness in serving and treating Texas Youth Council students.

(d) Location/community-based setting. Priority will be given to those programs located within the major metropolitan areas from which the majority of committed students' families reside.

(e) Actual cost. The actual cost of services rendered to Texas Youth Council student is considered when the per diem rate is determined for the contract agency. Agencies offering specialized services will be eligible for a higher per diem rate to offset the expenses incurred.

(f) Community support. Priority is given to those programs having a board of directors which is representative of the general citizenry in the community. This reflects the overall degree of community acceptance and involvement in volunteer and other support activities with the agency program.

(g) The contract ensures that the service agency will provide room, board, supervision, casework services, and an individualized program plan for each Texas Youth Council student admitted. The contract does ensure that the service agency has authority to screen all referrals made by Texas Youth Council. It establishes the fee and method of payment; it ensures that Texas Youth Council personnel will review each student's progress at reasonable intervals; and that Texas Youth Council will have the authority for monitoring and evaluation.

(h) Each contract must be signed by the director of the service agency, the Texas Youth Council assistant executive director for support services, Residential Contract Program administrator, and TYC legal counsel.

§95.36 (203.41.03.007). Specialized Residential Services. Specialized services for students may be contracted for in addition to the basic child care contract. The following conditions apply.

(1) The specialized service must be recommended to the administrator of Residential Contract Programs of the Texas Youth Council by the Texas Youth Council community resource specialist with approval of his parole supervisor.

(2) The specialized service must be in the individualized program plan before TYC can contract for services. Progress reports and recommendations must be provided by the contracted agency once service begins.

(3) Specialized residential services will be defined as only those services limited by law to be administered by an individual licensed or certified for that professional service (such as psychiatric or psychological services or social psychotherapy).

(4) Final authorization for the specialized residential service shall be the responsibility of the residential contract administrator.

(5) Payment for the service will be determined by the residential contract administrator in accordance with the residential contract fee scale.

§95.37 (203.41.03.008). Monitoring. Community resource specialists are required to monitor each contracted service agency program at least once every six months. The purpose of the monitoring activity is to ensure that the service agency is providing the contracted services and maintaining its adherence to Texas Youth Council standards and guidelines.

Doc. No. 804218

Standards Relating to Management and Administration

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.51 (203.41.04.001). Governing Body. A contracted agency should have a governing body of representatives from the local community; its purpose, philosophy, and plan of operation should be set forth as matter of official record in its charter, constitution, or other appropriate official document.

§95.52 (203.41.04.002). Philosophy and Policy.

(a) The governing body of a facility has the overall responsibility for the operation of the facility and shares with the administrative and treatment staff the responsibility for the implementation of philosophy and policy. The policy statement should include:

(1) The philosophy, purpose, and goals for which the agency was established and for which it shall operate.

(2) Specific procedures for meeting needs of the youth served.

(b) The governing body shall appoint a chief administrative officer or director to assure that policy is translated into administrative action.

(c) The administrative body shall endeavor to integrate the placement facility and its residents into the community and to develop community interest in the placement.

(d) The administrative body shall ensure that all Department of Human Resources and Texas Youth Council standards are met.

Doc. No. 804220

Personnel and Staffing

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.63 (203.41.05.003). Changes in Policies. Procedure shall be established for notifying staff, residents, and Texas Youth Council staff of changes in established policies.

§95.64 (203.41.05.004). Orientation, In-Service Training. The contracting facility shall have an orientation and an ongoing in-service training regarding program, personnel policies, procedures, and their respective duties as required by DHR standards.

§95.65 (203.41.05.005). *Progress Reports.* The contracting facility must keep accurate, current, and complete progress reports on students in accordance with DHR and TYC standards.

§95.66 (203.41.05.006). *Hiring Regulations.* The contracting facility shall follow all federal, state, and local laws and regulations regarding recruiting and hiring.

§95.67 (203.41.05.007). *Qualifications for Staff Composition.* Staff composition shall be consistent and determined by the facility in accordance with an assessment of its students, program goals, and all appropriate federal, state, and local laws and regulations. Appropriate qualifications to provide basic child care should reflect the following staff consideration.

(1) There should be a direct relationship between the size and scope of the program and the number and types of staff members as specified by DHR standards.

(2) Staff should have specialized knowledge and skills necessary to apply particular program methods specified in the treatment plan.

(3) Staff should be capable of providing a safe and secure group living atmosphere so that a student can live, grow, and develop appropriate social skills.

(4) Staff should promote individuality and independence of the students.

(5) All staff shall possess a willingness and ability to facilitate the growth and development of the students.

(6) Staff behavior should demonstrate respect for the dignity of each student.

(7) Staff should work harmoniously with the sponsoring agency to locate and use needed community resources.

(8) The ratio of total staff carrying responsibilities for the supervision of students shall be in accordance with the Department of Human Resources standards.

(9) A staff training program used by the placement facility shall have well-defined objectives.

Doc. No. 804221

Standards Relating to Treatment

These amendments are adopted under provisions of Chapter 61, Human Resources Code.

§95.81 (203.41.06.001). *Acceptance of a Student into a Residential Contract Program*

(a) Acceptance of a student for placement and treatment shall be based on the assessment of the student by clinical staff with appropriate participation of the student and family.

(b) Facility staff in conjunction with Texas Youth Council personnel shall assess the rationale for placement and treatment in relation to student's needs, facility services, and family and community resources.

(c) Facilities shall accept only those students who meet the conditions outlined in the program's admission policies and for whom the facility has an operating program.

(d) Acceptance of a student for placement and rehabilitation shall be based upon the determinations outlined in §§95.82-95.97 (.002-.017) of this title (relating to Standards Relating to Treatment Program).

§95.84 (203.41.06.004). *Explanation to Student and Family.* Facility staff shall explain to the student and his family the

nature and goals of the program and their expected participation and responsibilities.

§95.85 (203.41.06.005). *Participation of Student.* The student will participate in the decision that this treatment program is appropriate.

§95.86 (203.41.06.006). *Goals.* Placement facility shall provide a plan of service denoted through a treatment plan focusing on short- and long-term goals.

§95.87 (203.41.06.007). *Review of Student Adjustment.* Placement facility will allow the student, family, and the Texas Youth Council personnel to be involved in periodic reviews of the student's adjustment to program.

§95.88 (203.41.06.008). *Individualized Treatment.* Each student shall be provided an individual program plan to enable him to make positive movement toward personal and social growth.

§95.89 (203.41.06.009). *Program Content.* Program content shall include but shall not be limited to the following:

- (1) individual counseling services;
- (2) group counseling services;
- (3) family counseling services;
- (4) utilization of community resources;
- (5) consultative services;
- (6) education and/or vocational services;
- (7) recreation services; and
- (8) follow up of post placement adjustment.

§95.90 (203.41.06.010). *Program Profile.* Placement facility shall provide a program profile denoting population to be served, including:

- (1) age and sex;
- (2) types of behavior or problems for which students will be accepted;
- (3) number of students the program will serve at any one time;
- (4) special requirements, such as legal status, health, school attendance, medical, psychological testing, etc.

§95.91 (203.41.06.011). *Treatment Approach.* Statement of treatment methods, techniques, and services to be used must exist with specification of intensity, frequency, and duration of these methods.

§95.92 (203.41.06.012). *Explanation of Rights and Responsibilities.* The rights and responsibilities of the student and family shall be explained to them and documented in the student's records.

§95.93 (203.41.06.013). *Ramifications of Placement.* All ramifications of placement in the facility will be discussed with the student and family such as:

- (1) legal custody;
- (2) continued role and responsibility;
- (3) continued parental involvement and responsibility;
- (4) confidentiality;
- (5) visitation;
- (6) average length of stay;
- (7) short- and long-term goals of placements.

§95.94 (203.41.06.014). *Discharge.* Facility shall have a written plan delineating the criteria for discharge. The family and Texas Youth Council personnel will aid in preparing the student for the termination and transition experience.

§95.95 (203.41.06.015). *Pre-Release Report.* Prior to release, the student's counselor shall prepare a progress report outlining the essential elements in the resident's adjustment and the plan for continuity under Texas Youth Council supervision.

§95.96 (203.41.06.016). *Statement of Facility Regulations.* Each student and his family shall be given a written statement of the placement facility's rules and regulations.

§95.97 (203.41.06.017). *Plan of Orientation.* Each student shall receive a written plan of orientation to the placement facility. This will be documented in the youth's file.

Doc. No. 804222

Standards Relating to Records and Reporting

These amendments are adopted under provisions of Chapter 61, Human Resources Code.

§95.115 (203.41.07.005). *Notification of Emergency Situations.* Placement facility shall provide procedure for notifying authorities, family, and Texas Youth Council in case of an emergency in compliance with DHR and TYC standards.

§95.116 (203.41.07.006). *Discharge Planning.* Placement facility shall provide written outline of appropriate discharge planning and recorded in the student's folder.

§95.117 (203.41.07.007). *Retaining Records.* Placement facility shall maintain youth's case file for at least three years following release.

Doc. No. 804224

Physical Facility

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.131 (203.41.08.001). *Structure and Maintenance.* Facilities serving students shall be structurally constituted and maintained in a manner that protects the lives and enhances the physical safety of its residents, staff, and visitors.

§95.132 (203.41.08.002). *Applicable Laws and Requirements.* The facility shall comply with all applicable federal, state, and local construction, fire health laws, and requirements.

§95.134 (203.41.08.004). *Availability; Accessibility.* Facility should be available, accessible, and appropriately planned to give care to the students and families it serves.

§95.135 (203.41.08.005). *Location.* Facility should be conveniently located to enhance integration with other community institutions, such as schools, and recreation facilities, such as parks and playgrounds.

Doc. No. 804225

Standards on Physical Care

The amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.151 (203.41.09.001). *Responsibility.* Placement facilities shall acknowledge and assume responsibility for meeting the

basic human needs, physical care, and well-being of each resident.

§95.152 (203.41.09.002). *Medical and Dental Care.* Medical and dental care procedures shall be established and maintained to ensure medical and health needs of youth in residence. Provision for regular health maintenance and medical and dental services, as well as emergency services, shall be documented.

§95.153 (203.41.09.003). *Privacy, Leisure Time.* Privacy and/or leisure time shall be basic rights as well as therapeutic aspects for youths in residence. This is in accordance with DHR standards.

§95.154 (203.41.09.004). *Meals.* Food services shall be nutritional, varied, appetizing, and provide a pleasant experience. At least three meals should be provided daily at regular times with not more than 14 hours between the evening meal and breakfast. Menus should take into consideration the ages, dietary needs, and youth preferences. This is in compliance with DHR standards.

§95.155 (203.41.09.005). *Snacks.* Along with the well-balanced meals, there should be provisions for snacks. In certain cases, it is desirable that preparation of meals be linked to the youth's program. Youth involvement would include planning, shopping, cooking, and clean-up.

§95.159 (203.41.09.009). *Clothing.* Youth in residence shall be provided with adequate clothing and shall be allowed to bring their own appropriate personal clothing and property.

§95.160 (203.41.09.010). *Money.* Facility policy provisions shall permit the residents to receive allowances when appropriate. Allowances for youth may come from parent contributions or from the contract facility. If the student is employed, budget and banking assistance should be offered.

§95.161 (203.41.09.011). *Physical Restraint.* Physical restraint shall require special justification and shall be employed only to protect a resident from injury to himself or to others and shall not be employed as punishment. This must be in compliance with DHR standards.

§95.163 (203.41.09.013). *Discipline.*

(a) Placement facility shall not punish residents by manipulation of their rights to meals, mail, and/or family visits.

(b) When seclusion or confinement is used as discipline, the facility must have written policy for its use that delineates authorized staff, conditions for its use, and conditions for the youth's release.

(c) Corporal punishment is not allowed.

Doc. No. 804226

Resident's Rights

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§95.171 (203.41.10.001). *Written Acknowledgement of Rights.* The program will acknowledge the dignity and protect the rights of all its students and their families. The principles in §§95.172-95.179 (002-.009) shall be acknowledged in written policy.

§95.172 (203.41.10.002). *Program Goals and Planning.* Program goals and planning for students will take into account the nature of their relationship to their families, parents, and significant others.

§95.173 (203.41.10.003). *Legal and Civil Rights.* Every effort shall be made to safeguard the legal and civil rights of students and to make certain that they are kept informed of their rights. These rights are outlined in the Student Rights, General Provisions, §81.11 (203.01.02.001).

§95.174 (203.41.10.004). *Privacy.* Individual arrangements regarding a student's privacy shall be made explicit to the resident and his family.

§95.175 (203.41.10.005). *Family Involvement.* Opportunities for family involvement if feasible shall be frequent and flexible in order to meet the needs of students and their families. This shall not conflict with the ongoing functioning of the placement facility.

§95.176 (203.41.10.006). *Participation of the Student and Family in Planning.* The student and family shall be allowed to participate in plans for treatment.

§95.177 (203.41.10.007). *Confidentiality.* To enhance the well-being and protect the self-esteem and dignity of the students and families, the facility shall avoid the release of confidential information in accordance with DHR and TYC standards.

§95.178 (203.41.10.008). *Visitors, Mail, Telephone Calls.* Each facility shall have policies regarding visitors, mail, and telephone calls which are consistent with practical and clinical considerations and the rights or privacy of all students.

§95.179 (203.41.10.009). *Discipline.* Each facility shall have written policies regarding methods used for control and discipline of students. These shall be available to appropriate staff, the students, their families, and Texas Youth Council staff. Discipline must be in compliance the DHR and TYC standards.

Doc. No. 804228

Chapter 97. Parole Services

Philosophy and Purpose

Sections 97.2 and 97.3 (203.42.01.002 and .003) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804230

Transfer between Field Placements

Sections 97.62-97.63 (203.42.06.002-.008) is repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804235

Field Services to Dependent and Neglected Children

Section 97.81 (203.42.07.001) is repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804236

Philosophy and Purpose

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.1 (203.42.01.001). *Philosophy and Purpose.* The Texas Youth Council shall provide quality care and effective individualized parole planning for children under its jurisdiction to facilitate their re-entry into the community. The parole staff is responsible for:

- (1) serving as advocate for each child;
- (2) protecting his interests through supervision, guidance, and support;
- (3) providing resource brokerage for the child and his family from the time of his discharge, and public protection, care, supervision, and treatment as described in the case management system and child care program requirements.

Doc. No. 804229

Procedure for Release to Field Placement

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.11 (203.42.02.001). *Home Evaluation.* When a student is committed to TYC, the parole staff shall evaluate his home situation to determine the potential for successful reintegration into the home community upon release; and shall begin a program to strengthen the potential for return to the natural home. The frequency and intensity of further contact with the family shall be determined by the individual needs of the family and the student.

§97.12 (203.42.02.002). *Prerelease Evaluation.* When the TYC program notifies the parole officer that the student is ready for parole to a community placement, the parole officer shall evaluate the home and family to determine whether the home is suitable for placement, based on evaluation criteria.

§97.13 (203.42.02.003). *Seeking Alternate Placement.* If placement in the home is not possible, an alternate community placement that will meet the treatment and supervisory needs of the youth shall be located.

§97.14 (203.42.02.004). *Individual Program Plan.* A program plan designed to meet individual needs shall be developed for each student released to field placement, based on information from the student, the family institutional staff, and Texas Youth Council parole staff.

§97.15 (203.42.02.005). *Parole Agreement/Release Plan.* Prior to release, the student and his parent or guardian must sign a parole agreement/release plan. That plan will contain the following:

I know that I am being released on condition that I act as a responsible citizen and follow the rules below. I also know that if I violate these rules, my placement may be modified and I may be returned to an institution or I may be detained temporarily up to 30 days.

(1) I agree to follow all instructions of my parole officer and will not change my residence or leave the county of placement for more than 24 hours, or leave the State of Texas without my parole officer's permission.

(2) I agree to obey all rules established by my parents and report to my parole officer anything that they may request of me which I feel is unfair or not in my best interest.

(3) I agree to make use of my time by being involved in an education, employment, or training program as directed by my parole officer.

(4) I agree to submit to medical and psychiatric examinations or treatment as the Texas Youth Council directs.

(5) I agree to abide by the laws of the state and locale in which I reside and not violate the rights of any other individual.

(6) I agree not to own, use, possess, or sell any illegal narcotic, dangerous, or hypnotic drug, dangerous inhalant, or any paraphernalia used in administering such drugs; and further agree to participate in a drug-treatment program as deemed necessary by my parole officer.

(7) I agree not to own, possess, use, sell, or have in my control any deadly weapon or firearm.

(8) I agree to abstain from the use of alcoholic beverages.

(9) Special conditions: _____

Doc. No. 804231

Placement Criteria

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.21 (203.42.03.001). Individual Needs. Parole placement is made based on individual treatment needs of the student as determined by professional diagnosis.

§97.22 (203.42.03.002). Professional Recommendations. Parole placement shall comply with the youth's individual program plan written by TYC professional staff.

§97.23 (203.42.03.003). General Criteria for Placement in Home.

- (a) Parents must have legal custody of the youth.
- (b) Parents must want and agree to accept the youth.
- (c) Parents must agree to provide supervision.
- (d) The youth must desire to be placed with his family and agree to accept parental supervision.

(e) Parents must have a clear understanding of the youth's needs and agree to meet these needs to the best of their ability.

(f) The parent or parents and youth must be involved in the establishment of a program plan, commit their support to the program, and indicate a willingness to support necessary program changes that may arise.

§97.24 (203.42.03.004). Criteria for Placement in Alternate Care. It may be necessary to seek an alternate placement:

- (1) if further treatment needs cannot be immediately and adequately provided in the youth's home;
- (2) if parents or guardian do not for any reason want their child returned to the home;
- (3) if the youth does not wish to be placed with parents or guardian;
- (4) if parents of youth will not agree to support the program plan recommended by professional staff to meet the youth's needs in his or her own home;
- (5) if child and/or parent will not agree to the conditions of placement rules.

Doc. No. 804232

Community Residential Facility Placements

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.31 (203.42.04.001). Evaluating and Securing Community Residential Placements.

(a) Prior to placement of a youth in any community residential facility, an evaluation of the program services, personnel, and physical plant shall be made in accordance with TYC standards for service delivery and the specific treatment needs of the youth being placed in that facility. An individualized program plan and all appropriate referral information shall be submitted to the service agency and TYC parole officer or community resource specialist serving the area where the agency is located.

(b) The accepting parole officer/community resource specialist shall meet with the service agency's placement committee to evaluate the child's suitability for acceptance in their program.

(c) If the student is already on parole, parole officer shall interview the parents and the child, to explain the program completely and involve them in planning for the student.

(d) If the student is not currently on parole, his institutional caseworker shall complete the individualized program plan and the appropriate referral information. The receiving parole officer and/or the caseworker shall interview the student and explain the program and the purpose for the alternate placement. The parole officer with the original responsibility for placement shall interview the parents explaining the purpose of the alternate placement and program.

(e) Effective dates and arrangements shall be finalized and included in the placement plan.

(f) Visiting privileges of the natural parents or guardian shall be confirmed with all parties primarily concerned if such visits are appropriate.

§97.32 (203.42.04.002). Supervision of Community Residential Facility Youths. The responsibility for supervision of any youth placed in a non-TYC residential facility rests with the parole staff assigned to the area where the facility is located. During the period of placement, services to the natural parents or guardian shall be continued by the parole officer for the area where they reside.

§97.33 (203.42.04.003). Termination of Community Residential Placements. All placements shall be regularly evaluated to determine the student's progress and to ensure that continued placement is appropriate. Placement shall not be continued beyond the point that treatment is necessary and/or the home situation stabilized.

Doc. No. 804233

Purchase of Nonresidential Services

This amendment is adopted under the provisions of Chapter 61, Human Resources Code.

§97.43 (203.42.05.003). Medical Responsibility. The Texas Youth Council will be financially responsible in medical situations when services cannot be secured otherwise. Responsibility for long-term treatment shall be assessed on an individual basis.

Doc. No. 804234

Field Services to Dependent and Neglected Children

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.82 (203.42.07.002). *Parole Supervision of D&N Children.* Texas Youth Council parole staff shall provide a placement study and placement supervision for D&N children if requested to do so. TYC parole will coordinate supervision and placement with referring agency.

§97.83 (203.42.07.003). *Texas Youth Council Parole Services to Dependent and Neglected Youth.* Services to dependent and neglected youth supervised by Texas Youth Council parole staff may include:

- (1) referral to resources;
- (2) evaluation and progress reports regarding placements;
- (3) facilitation of community support;
- (4) liaison between child and Texas Youth Council children's home staff.

Doc. No. 804237

Discharge

These amendments are adopted under the provisions of Chapter 61, Human Resources Code.

§97.91 (203.42.08.001). *Authority.* The Texas Youth Council shall discharge a student when it is satisfied that such discharge shall best serve his welfare and the protection of the public.

§97.92 (203.42.08.002). *Age; Satisfactory Adjustment.* Discharge from parole may be considered when a youth reaches the age of 17 years and has been under supervision for at least one year with a satisfactory adjustment.

§97.93 (203.42.08.003). *Special Conditions.* A youth may be discharged prior to his 18th birthday under the following conditions:

- (1) enlistment in the military;
- (2) transfer to another state;
- (3) recommitment.

§97.94 (203.42.08.004). *Adult Criminal Charges.* A student may be discharged when he is placed on adult probation or sentenced to the Texas Department of Corrections.

§97.95 (203.42.08.005). *Transfer to Mental Health and Mental Retardation Facility.* A student who has been committed to the State School for the Mentally Retarded on an indefinite commitment may be discharged. A student who has been transferred for observation, temporary evaluation, or care shall not be discharged.

§97.96 (203.42.08.006). *Absconders.* Youth who are absconders from parole and under the age of 18 shall not be discharged. The file shall remain active until the youth reaches age 18.

§97.97 (203.42.08.007). *Death.* When a parole officer receives information that a student has died from natural causes, he shall immediately verify the information and advise Central Office on the appropriate form. When death is by other than natural causes, a thorough investigation shall

be made and a special incident report sent to the Central Office immediately.

§97.98 (203.42.08.008). *Requests for Discharge.* The parole officer shall submit all requests for discharges to the parole supervisor for approval prior to submission to Central Office for final approval.

Doc. No. 804238

Chapter 99. Halfway House Program

Resident's Rights

Sections 99.22-99.24 (203.43.03.002-.004) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804242

Discipline

Sections 99.41-99.48 (203.43.04.001-.008) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804243

Rehabilitation

Sections 99.61-99.68 (203.43.05.001-.008) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804244

Education, Work, and Training

Sections 99.81-99.83 (203.43.06.001-.003) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804245

Daily Living

Sections 99.91-99.96 (203.43.07.001-.006) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804246

Medical and Dental Care

Sections 99.111-99.115 (203.43.08.001-.005) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804247

Nutrition

Sections 99.121-99.126 (203.43.09.001-.006) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804248

Release or Transfer of Residents

Sections 99.141-99.144 (203.43.10.001-.004) are repealed under the provisions of Chapter 61, Human Resources Code.

Doc. No. 804249

Philosophy and Purpose

These amendments are adopted under the authority of Chapter 61, Human Resources Code.

§99.3 (203.43.01.003). *Objectives.* The Halfway House Program shall provide the following specific services to accomplish its objectives.

(1) The child care staff will conduct individualized and group counseling in the context of the Skills-Based Treatment Program of the Texas Youth Council.

(2) The staff, in cooperation with the Texas Rehabilitation Commission, will provide vocational counseling to the residents. Those youth who qualify will be afforded the opportunity to work in the community.

(3) Professional psychological and psychiatric counseling shall be made available to the residents as needed.

(4) A recreation and physical education program will be an integral part of the rehabilitation.

(5) In the area of education, some residents will be attending public schools while others will be involved in the General Equivalency Diploma (GED) Program or other appropriate educational programs. In these instances, the residents will have the benefit of a specialized tutoring program.

Doc. No. 804239

Placement Qualifications

These amendments are adopted under authority of Chapter 61, Human Resources Code.

§99.11 (203.43.02.001). *Eligibility.* Eligibility for placement in a halfway house facility will be limited to youths committed to the care and custody of the Texas Youth Council.

§99.12 (203.43.02.002). *Criteria.* A student must meet the following criteria to be accepted into a Halfway House Program:

- (1) potential for responsible community living;
- (2) ability and motivation for school and/or work;
- (3) recognition of his own needs and desire to change behavior;
- (4) concern for others;
- (5) ability to communicate.

§99.13 (203.43.02.003). *Age Limitations.* All youth accepted for placement in a halfway house shall be no younger than 15 and no older than 17.

§99.14 (203.43.02.004). *Emergency Placements.* There shall be no emergency placements in any halfway house facility.

Doc. No. 804240

Student's Rights

This amendment is adopted under the authority of Chapter 61, Human Resources Code.

§99.21 (203.43.03.001). *Student's Rights.* Resident's rights listed in this section are in addition to those outlined in "Student's Rights," §81.11 (203.01.02.001).

Doc. No. 804241

Chapter 101. Interstate Compact on Juveniles

Forms

This section is adopted under the provisions of Chapter 61, Human Resources Code.

§101.68 (203.50.05.008). *Application for Compact Services.* The form, ICJ Form IA, entitled Application for Compact Services, shall be used by each youth who seeks parole or probation services in another state. The youth shall read or have had the form read and explained to him to his understanding. The Texas Youth Council adopts ICJ Form IA by reference. Copies of this form are available from the Texas Youth Council, P.O. Box 9999, Austin, Texas 78766, or from local probation departments.

Doc. No. 804250

Chapter 103. Student Remedies

General Policy and Procedures

Sections 103.1 and 103.2 (203.03.01.001 and .002) are adopted under authority of Chapter 61, Human Resources Code.

§103.1 (203.03.01.001). *Policy.* If a student feels that the Texas Youth Council, in the administration of its programs, has violated one or more of his basic rights (see §81.11 (203.01.02.001)) or in some way has treated him unfairly, abusively, or neglectfully, he may initiate action to remedy his situation, and may expect staff assistance in doing so.

§103.2 (203.03.01.002). *Procedures.*

(a) Remedy procedures available to TYC students are:

(1) A student may file an appeal about a specific administrative decision affecting him individually.

(2) A student may file a complaint alleging abuse or neglect by his peers, TYC staff, or contract agency staff.

(3) A student may file a grievance about conditions, policies, and procedures which affect him and his peers collectively. Examples of conditions, policies, and procedures about which grievances may be filed are medical care, food services, rules regarding dress and appearance, or disciplinary procedures.

The three student remedy procedures identified above are contained in §§103.21-103.62 (203.03.02.001-203.03.04.002).

(b) Common to all three procedures is an opportunity for the student to appeal to the executive director (Chapter 83 (203.02)). In each instance, an appeal to the executive director exhausts a student's administrative remedies.

Doc. No. 804251

Appeal of Administrative Decision

Sections 103.21 and 103.22 (203.03.02.001 and .002) are adopted under authority of Chapter 61, Human Resources Code.

§103.21 (203.03.02.001). *Policy.* A student may file an appeal regarding a specific administrative decision affecting him individually.

§103.22 (203.03.02.002). Procedure.

(a) Submission of appeal. Except in cases where direct appeal to the executive director is available (program assignment, transfers, reclassification, parole release, and parole revocation), all administrative decisions may be appealed to the student's institutional/halfway house superintendent or area parole supervisor. The student's caseworker, parole officer, or other designated staff will assist the student in completing the Grievance Resolution form indicating the reasons for the student's appeal. The student's appeal will be forwarded directly to the institutional/halfway house superintendent or area parole supervisor.

(b) Decision of superintendent or area supervisor regarding appeal. Within one week of receipt of the student's appeal, the institutional/halfway house superintendent or area parole supervisor will review the student's appeal and make a decision regarding the student's contentions. The decision on the appeal will be indicated on the same Grievance Resolution form utilized by the student in submitting his appeal. The institutional/halfway house superintendent's or area parole supervisor's decision will include reasons for the decision and will indicate actions directed.

(c) Distribution of decision. The student will receive a copy of the decision.

(d) Appeal to the executive director. The institutional/halfway house superintendent's or area parole supervisor's decision regarding a student's appeal will include notice to the student of his right to subsequent appeal to the executive director. In the event the student indicates his dissatisfaction with the institutional/halfway house superintendent's or area parole supervisor's decision on his appeal, the student's caseworker, parole officer, or other designated staff will assist the student in filing his subsequent appeal in accordance with the procedure for appeals to the executive director, Chapter 83 (203.02). The Grievance Resolution form indicating the institutional/halfway house superintendent's or area parole supervisor's reasons for the decision will be included with the material submitted for the executive director's consideration.

Doc. No. 804252

Complaints regarding Abuse or Neglect

Section 103.41 (203.03.03.001) is adopted under authority of Chapter 61, Human Resources Code.

§103.41 (203.03.03.001). Procedure.

(a) Submission of complaint. Any person receiving information related to the suspected mistreatment of a student—the suspected abuse or serious neglect of a student by another student, TYC staff, or contract staff—will promptly report that information to the student's caseworker, parole officer, or other designated staff. In addition to other incident reporting requirements, within three days of receipt of that information, the student's caseworker, parole officer, or other designated staff will complete and distribute the Notification of Suspected Mistreatment form.

(b) Investigation of complaint. Promptly following initial receipt of information regarding the suspected mistreatment of a student, the student's caseworker, parole officer, or other designated staff will notify the student's institutional/halfway house superintendent or area parole super-

visor of the alleged incident. Promptly upon receipt of that notice, the institutional/halfway house superintendent or area parole supervisor will appoint TYC staff members to initiate an investigation of the allegation. Staff members appointed to conduct the investigation will continue to do so unless and until the Hearings Department assumes responsibility for its further conduct at the direction of the executive director, deputy executive director, assistant executive director for child care, or at its own motion.

(c) Conclusion of investigation. Within three days of conclusion of an investigation, staff members conducting the investigation will report and distribute their conclusions in accordance with procedures outlined in the TYC manuals system.

(d) Final action. Within three days of receipt of the student's appealed decision, the institutional/halfway house superintendent or area parole supervisor will take whatever remedial action he determines appropriate in light of the conclusions of the investigation. Report of final action taken will be distributed in accordance with the TYC central office alleged abuse or neglected investigation procedure. The student will be notified of the results of the investigation.

(e) Appeal to the executive director. The student will be notified of his right to appeal any matter pertaining to the conduct or outcome of the investigation regarding his complaint. In the event the student indicates his desire to do so, the student's caseworker, parole officer, or other designated staff will assist the student in filing his appeal to the executive director in accordance with the appeals to the executive director, Chapter 83 (203.02).

Doc. No. 804253

Grievances regarding Conditions, Policies, or Procedures

Sections 103.61 and 103.62 (203.03.04.001 and .002) are adopted under authority of Chapter 61, Human Resources Code.

§103.61 (203.03.04.001). Policy. A student may file a grievance regarding conditions, policies, and procedures which affect him and his peers collectively. To help ensure an effective student grievance system, participation is required of staff members and students on an equal basis and at the most decentralized level reasonably possible and feasible in the design and operation of the system. The staff and students of each program unit are, therefore, to establish at their particular facility or area parole office a fair and simple procedure for the resolution of student grievances regarding programs, conditions, or practices which are not otherwise included within the preceding two categories of student concerns (see §§103.21 and 103.22 (203.03.02.001 and .002) and §103.41 (203.03.03.001)).

§103.62 (203.03.04.002). Grievance Procedures. The established procedure should ensure the following:

(a) Access to system. The grievance procedures established at each program unit must provide for reasonable, but sure, access to the grievance system by all students at all times and ensure the priority processing of grievances which are of an emergency nature. The means selected for submission of grievances must include provision for prompt reporting of the grievance on Grievance Resolution form in accordance with the procedures.

(b) Determining "appeal" or "grievance." The grievance procedure established at each program unit must provide a method, within the grievance procedure itself, for determining whether to proceed with a grievance which might otherwise arguably constitute an appeal of an individual case decision. In the event it is determined that the grievance does concern only an administrative decision affecting a single student, the Grievance Resolution form will be forwarded immediately to the institutional/halfway house superintendent or area parole supervisor in accordance with the procedure for appeals or administrative decisions (see §§103.21 and 103.22 (203.03.02.001 and .002)).

(c) Informal resolution. The grievance procedure established at each program unit should encourage prompt and informal resolution of student grievances, particularly in cases where the need for immediate corrective action is apparent and readily possible to meet.

(d) Opportunity for hearing. When informal resolution of a grievance cannot be achieved to the satisfaction of all parties, the grievance procedure established at each program unit must provide the opportunity for a hearing of the grievance at which all parties have the opportunity to be present and to present their contentions and suggestions for resolving the grievance.

(e) Review by institutional/halfway house superintendent or area parole supervisor. The grievance procedure established at each program unit must provide for a written report of recommendations or of progress being made toward resolution of a student's grievance. The results of informal consideration or hearing on the grievance must be reported on Grievance Resolution form and must be submitted to the student's institutional/halfway house superintendent or area parole supervisor within 10 days of the initial submission of the student's grievance. Within three days, the institutional/halfway house superintendent or area parole supervisor will review the report and indicate on the prescribed form whether he adopts the recommendations or approves of the steps being taken to resolve the grievance and the reasons therefor. The institutional/halfway house superintendent or area parole supervisor will then immediately distribute copies of the Grievance Resolution form in accordance with the provisions prescribed by the agency.

(f) Appeal to the executive director. The student will be notified of his right to appeal the institutional/halfway house superintendent's or area parole supervisor's decision regarding the adoption of recommendations or the approval of steps being taken to resolve his grievance. In the event the student indicates his dissatisfaction with the decision, the student's caseworker, parole officer, or other designated staff will assist the student in filing his appeal to the executive director in accordance with appeals to the executive director (see Chapter 83 (203.02)). Appeal to the executive director is required whenever the institutional/halfway house superintendent or area parole supervisor determines that satisfactory resolution of a grievance requires consideration of a policy, procedural, or budgetary amendment which is beyond the institutional/halfway house superintendent's or area parole supervisor's authority to effect. The institutional/halfway house superintendent or area parole supervisor will file such appeal on the student's behalf in accordance with the TYC procedure for appeals to the executive director. The Grievance Resolution form indicating recommendations resulting from consideration of the grievance at the student's program

unit will be included with the material submitted for the executive director's consideration.

(g) Safeguards against reprisals. The grievance procedure established at each program unit must provide for safeguards to prevent reprisals against any grievant or participant in the resolution or investigation of a grievance. The fact that a student may have filed a grievance shall not be considered in any administrative decision made concerning him, nor shall a copy of the Grievance Resolution form be included in his case folder unless it pertains to his appeal of an administrative decision. However, where there is clear and convincing proof that a student utilized the grievance system with the clear intent and sole purpose to cause harm to another student or staff member through deceit, disciplinary action against the student may be taken.

(h) Monthly evaluation. The grievance procedure established at each program unit must provide specific measures by which the system's effectiveness at that program unit may be assessed on a monthly basis by a representative group of staff and students, participating in equal numbers, and chaired by the grievance coordinator or other staff member of the Hearings Department. The grievance coordinator will prepare a monthly report of the assessment including a report of the steps being taken at that program unit to correct any assessed deficiencies. The report will be distributed to the institutional/halfway house superintendent or area parole supervisor, the directors of institutions and community services, the assistant executive director for child care, the deputy executive director, and the executive director.

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804254 Ron Jackson
Executive Director
Texas Youth Council

Effective Date: June 24, 1980

Proposal Publication Date: May 2, 6, 9, 13, and 16, 1980

For further information, please call (512) 452-8111.



NONCODIFIED

State Board of Insurance

Rating and Policy Forms

Standard Forms 059.05.36.001

The State Board of Insurance has amended Rule 059.05.36.001, which adopted by reference standard fire policy forms as follows:

(1) amending Form No. 29, Special Cancellation and Non-renewal provisions, to provide that written notice of non-renewal also be mailed to the mortgagee specifically named in the policy (see Attachment A);

(2) amending Form No. 224, Windstorm, Hurricane, and Hail Exclusion Agreement Endorsement, to clarify that loss resulting from rain or wind-driven rain which does not enter the insured building or structure through an opening created by the force of wind or hail, is not excluded from coverage by this endorsement (see Attachment B);

(3) amending Form No. 148, Physical Loss form, to clarify that loss to fences shall not be adjusted on a replacement cost basis (see Attachment C).

These amendments are attached hereto (Attachments A, B, and C) and incorporated herein by reference.

These amendments are adopted pursuant to the authority of Article 5.36 of the Texas Insurance Code.

.001. *Fire Policy Forms.* The State Board of Insurance adopts by reference the following fire policy forms (copies of which are attached) as amended in May 1980. These forms are published by and available from the Texas Insurance Advisory Association, 2801 S. Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 804261

059.05.36.002

The State Board of Insurance has amended Rule 059.05.36.002, which adopted by reference standard homeowners policy forms as follows:

(1) amending Forms HO-A, Homeowners Limited form; HO-B, Homeowners Broad form; HO-C, Homeowners All-Risk form; HO-B-T, Homeowners Broad form-Tenant; HO-C-T, Homeowners All-Risk form-Tenant; HO-B-CON-1, Homeowners Policy-Condominium Unit-Owner's form; HO-C-CON-1, Homeowners Policy-Condominium Unit-Owners All-Risk form, to provide that written notice for nonrenewal also be mailed to the mortgagee specifically named in the policy (see Attachment A);

(2) amending Forms HO-B, Homeowners Broad form, and HO-C, Homeowners All-Risk form, to provide that loss to fences shall not be adjusted on a replacement cost basis (included with Attachment A).

These amendments are attached hereto (Attachment A and B) and incorporated herein by reference.

These amendments are adopted pursuant to the authority of Article 5.36 of the Texas Insurance Code.

.002. *Homeowners Policy Forms.* The State Board of Insurance adopts by reference the attached Homeowners policy forms as amended in May 1980. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 804262

059.05.36.003

The State Board of Insurance has amended Rule 059.05.36.003, which adopted by reference farm and ranch owners policy forms as follows:

(1) amending Forms FRO-A, Farm and Ranch Owners Limited form; FRO-B, Farm and Ranch Owners Broad form; and FRO-C, Farm and Ranch Owners All-Risk form, to provide that written notice of nonrenewal also be mailed to the mortgagee specifically named in the policy (see Attachment A);

(2) amending Forms FRO-B, Farm and Ranch Owners Broad form, and FRO-C, Farm and Ranch Owners All-Risk form, to clarify that loss to fences shall not be adjusted on a replacement cost basis (included in Attachment A).

These amendments are attached hereto and incorporated herein by reference.

These amendments are adopted pursuant to the authority of Article 5.36 of the Texas Insurance Code.

.003. *Farm and Ranch Owners Policy Forms.* The State Board of Insurance adopts by reference the attached Farm and Ranch Owners Policy forms as amended in May 1980. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 804263

Multiperil Forms 059.05.81

The State Board of Insurance has amended Rule 059.05.81.001, which adopted by reference multiperil policy forms as follows:

(1) amending Form TxMP-178, TMP-Large Deductible Endorsement, to provide that such endorsement may be applied to either or both property damage coverage and time element coverage (see Attachment A);

(2) amending Forms TxMP-140, TMP-Gross Earnings Endorsement; TxMP-143, TMP-Loss of Earnings Endorsement; TxMP-144, TMP-Extra Expense Endorsement; TxMP-145, TMP-Tuition Fees Endorsement; TxMP-146, TMP-Loss of Rents Endorsement; and TxMP-147, TMP-Blanket Earnings and Extra Expense Endorsement, to provide that Form TxMP-178, TMP-Large Deductible Endorsement, can be applied to these forms (see Attachment B).

These amendments are attached hereto and incorporated herein by reference.

These amendments are adopted pursuant to the authority of Article 5.81 of the Texas Insurance Code.

.001. Multi-Peril Policy Forms. The State Board of Insurance adopts by reference the attached Texas Multi-Peril Policy Forms as amended in May 1980. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804264 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: June 24, 1980

Proposal Publication Date: April 22, 1980

For further information, please call (512) 475-6664.

Structural Pest Control Board

Introductory Provisions

The Board 406.01.01

The Structural Pest Control Board is adopting Rule 406.01.01.002 with no changes in the text. This rule establishes the number of board members required for a quorum, the minimum number of board meetings to be held each year, and establishes a procedure for calling board meetings.

Public comment was held and no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.002. Composition of the Board. The board is composed of nine members; six appointed by the governor, and three ex officio members (Texas Department of Agriculture, Texas Department of Health, and Texas A&M University, Department of Entomology). There shall be a majority of board members present at any board meeting in order to have a quorum to transact business. All decisions of the board will be by simple majority of board members present. The board shall hold at least four meetings each year and meetings shall be authorized by the chairman. A meeting shall be called when two or more members petition the chairman, in writing, to call such meeting.

Doc. No. 804086

Rules 406.01.02

The board is adopting Rule 406.01.02.005 with no changes in the text. This rule outlines the procedure for proposing changes to the rules.

Public comment was held but no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.005. Amending of Rules. These rules and regulations may be amended from time to time and new rules and regulations adopted by the board; provided, however, that notice of such amendment or new rule shall be given in the manner required by law. When there are proposed changes to regulations there shall be at least one public member and one ex officio member present at the board meeting when such proposed changes are made.

Doc. No. 804087

Records 406.01.03

The board is adopting Rule 406.01.03.002 with no changes in the text. This rule changes the name of the board officer from pro tem chairman to vice chairman.

Public comment was held and no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.002. Copies and Certification. Copies of official records may be made and certified by the chairman, vice chairman, or the executive director, the expense thereof to be borne by the person or party requesting same.

Doc. No. 804088

Definitions 406.01.04

The board is adopting Rule 406.01.04.001 with changes. The changes are minor and are done simply in an effort to improve the sentence structure. There are several words used in the regulations and the Act that needed to be defined and are hereby defined.

Public comment was held and no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.001. Definitions of Terms. For the purpose of these regulations, the following words, names, and terms shall be construed with the meaning and purpose of Sections 1 through 12, Structural Pest Control Act, as amended:

(1)-(3) (No change.)

(4) "Branch office" shall mean any place of business other than the primary office that has at least one employee during normal business hours who is capable of answering customers' normal questions, scheduling normal inspections or work, or performing structural pest control functions; provided, however, that a facility serving solely as a telephone answering service shall not be a branch office. (Refer to Rule 406.01.05.001 for requirements.)

(5) (No change.)

(6) "Category" shall mean the type of service or services a person or business entity is authorized to perform. These categories are as follows:

(A) Pest control. That phase of inspection and/or control of pests other than wood-destroying organisms or pests and fumigation and shall include the application of remedial measures for the purpose of curbing, reducing, preventing, controlling, eradication, and repelling insect pests, rodents, birds, and mammals that occur in any type of structure of man and his immediate environs.

(B) Termite control. That phase of inspection and/or control of pests which includes the inspection or control of termites, beetles, other insects or fungi which may invade, inhabit, devour, or destroy wood or wood products and cellulose material found in, on, under, in contact with and around structures.

(C) Lawn and ornamental. That phase of inspection and/or control of pests which includes the application of remedial measures for the purpose of curbing, reducing, preventing, controlling, eradication and repelling insect and mite pests, plant diseases, nematodes, or pest animals of or

amental plants, shade trees (which may include fruit or nut trees if used as ornamental plants or shade trees), lawns, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street.

(D) Fumigation. That phase of inspection and/or control of pests which includes the application of fumigants to one or more rooms and their contents in a structure, a localized space or harborage within, on, under, outside of, or adjacent to a structure; or an enclosed space, or in, or under a structure, at the desired concentration and for the necessary length of time to control rodents, insects, or other pests.

(E) Weed. That phase of inspection and/or control of pests which includes the control of weeds or noxious plants around homes and industrial environs.

(F) Wood preservation. That phase of pest control that involves the addition of preservatives to wood to extend the life of wood products by protecting them from damage caused by insects, fungi, and marine borers. Such wood products will include but not be limited to crossties, poles, and posts. This category is intended only for use by those persons using wood preservatives that may be classified as restricted-use pesticides.

(7)-(11) (No change.)

(12) "Investigator" shall mean a structural pest control investigator employed by the board.

(13)-(19) (No change.)

(20) "Business entity" shall mean each primary office and each branch office of a pest control company.

(21) "Contract" shall mean a binding agreement between two or more persons or parties that spells out in writing the terms and conditions of such agreement, and will include, but not be limited to, warranties or guarantees for pest control work.

(22) "Endorsement of license" means an individual who establishes residence in Texas and who has been determined by the board to meet the qualifications of a certified applicator by taking the appropriate examination in a state other than Texas.

(23) "Revoke" shall mean to cancel a license issued under authority of the pest control act. When a business license is revoked, the holder of said license must acquire a new license by completing a new application and paying the required fee. In the case of the certified applicator, the holder of such certified applicators license must acquire a new license by completing a new application, paying the required fee and be re-examined in each category desired by said person.

(24) "Suspend" shall mean to cease operations for a period of time as specified by the board.

(25) "Vice chairman" shall mean an individual appointed board member elected by the board, who presides at the board meeting in the absence of the chairman.

Doc. No. 804089

Licenses 406.01.05

The board is adopting Rules 406.01.05.001-.004 with changes. The changes are minor and are done simply in an effort to improve the sentence structure. These rules set fees for licenses as allowed by the Act, define who needs a license, add a category of pest control, and establish an expiration date for licenses as allowed by the Act.

Public comment was held and no comments were received that justified changes in the rule by the board.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.001. *Persons Required to Secure License.* The owner or manager of a business entity, including each primary business office and branch business or branch office engaged in structural pest control operations must secure a business license and a certified applicators license from the board in accordance with the Act and the rules and regulations. Each business entity shall have a certified applicator who is not also serving as a certified applicator for another business entity. No person shall advertise in any manner to render services or solicit business within the meaning of the Act without first obtaining a license.

.002. *License Application.*

(a) Structural pest control business license.

(1) Application for a business license shall be submitted on a regular form furnished by the board.

(2) Each business license applicant, when applying for a renewal of said license must submit with the application an insurance policy or contract in the amount of not less than \$25,000 in bodily injury coverage and \$5,000 in property damage coverage insuring him against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control to premises or any other property under his care, custody, or control. No new business license will be issued until insurance requirements are met. This policy shall contain a cancellation provision whereby notification of cancellation is received by the board not less than 30 days prior to cancellation.

(3) An application for a license must contain an address where the licensee may be located. The address of an answering service will not meet the requirements of this section.

(b) Certified applicators license. Application for a certified applicators license shall be submitted on a regular form furnished by the board.

(c) Endorsement of license. The applications for this license will be the same as used for regular business license or regular certified applicators license and such applications shall be furnished by the board. In order to qualify for an endorsement of license, the test or tests taken in a state other than Texas must meet Texas standards. If the test or tests do not meet Texas standards, then the director is authorized to prepare an exam for said person. The exam or exams will be given by the director in the board office.

.003. *Requirements—Examinations for Certified Applicator Licenses.* Having previously qualified by written examination in a category, an individual shall receive a certified applicators license for the qualified category without re-examination, or without having to take another examination in that category. Each individual not previously examined is required to secure a certified applicators license in accordance with the Act as amended and when examined shall be examined as follows:

(1) A fee of \$25 shall be charged for each category in which an applicant is examined.

(2) All examination fees are payable by personal check or money order and payment should be submitted with the completed application.

(3) All examinations shall be maintained and administered by the board. Complete examinations shall be retained by the director for a period of two years.

(4) The applicant shall take an examination which shall be in written form, and in general, cover the subject of the services designated in the application, except those covered by endorsement of license.

(5) A grade of 70% will be the minimum grade required for passing. Examinations will be given at the discretion of the board at least once each quarter based on the calendar year.

(6) The applicant must be able to read and write the English language.

(7) All examinations will be given in Austin, Texas, unless otherwise designated by the board and the applicants so notified.

(8) An applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his results shall be voided.

(9) Categories in which examinations are to be given for which licenses will be issued are as follows:

(A) Inspection and/or control of termites and other wood-destroying organisms. This category includes persons engaged in the inspection and/or control of termites, beetles, or other wood-destroying organisms in buildings, including homes, warehouses, stores, docks, or any other structures.

(B) Inspection and/or control of pests in homes, businesses, and industries. This category shall include persons engaged in the inspection and/or control of insect pests or pest animals which may invade homes, restaurants, stores, and other buildings, attacking their contents or furnishings, or being a general nuisance, but do not normally attack the building itself, as for example, roaches, silverfish, ants, flies, mosquitoes, rats, mice, etc.

(C) Inspection and/or control of pest of ornamental plants, shade trees, and lawns. This category includes persons engaged in the inspection and/or control of pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street.

(D) Fumigation. This category includes persons engaged in pest inspection and/or control through fumigation of structures, food stuffs, warehouses, ships, railroad cars, etc.

(E) Weed control. This category includes persons engaged in the inspection and/or control of weeds around homes and industrial environs.

(F) Wood preservation. That phase of pest control that involves the addition of preservatives to wood to extend the life of wood products by protecting them from damage caused by insects, fungi, and marine borers. Such wood products will include but not be limited to crossties, poles, and posts. This category is intended only for use by those persons using wood preservatives that may be classified as restricted-use pesticides.

1004. License Expiration and Renewal. Licenses shall expire December 31 of each calendar year and must be renewed by submitting an application to the board and paying the required fee on or before December 31 of each calendar year. Licenses issued to expire on December 31, 1981, shall be prorated. The board may grant to an untimely applicant for renewal of a structural pest control business license or a certified applicators license if such applicant pays a late renewal fee of \$25 and if his or her application is filed with the board

not more than 30 days after the expiration of said license. If such application is received between 30- and 60-days after the expiration of the applicants' license, the board may grant the renewal of license when said application is accompanied by a late renewal fee of \$50. An applicant who applies for the renewal of a certified applicators license more than 60 days after the expiration of said license, must be re-examined by the board.

(1) Licenses and employee identification cards issued by the board are not transferable.

(2) A fee of \$75 will be charged for a business license or a renewal of a business license.

(3) A fee of \$20 will be charged for a certified applicators license or the renewal of a certified applicators license.

(4) A fee of \$10 will be charged for each employee of a business licensee.

(5) A fee of \$20 will be charged for the issuance of a duplicate license when the original has been lost or destroyed.

(6) A fee of \$20 will be charged for reissuing a business license or certified applicators license due to a name change in the license.

(7) In the event of disability, incapacity, or death, of the business owner or certified applicator, if they are the same person, upon application of heir or license holder wishing to continue the business, the board may require their presence at the next scheduled board meeting, for the purpose of allowing the prospective licensee the opportunity to show that the policies and services will continue substantially as before with due protection to the public and the environment and state or federal regulations. The board may issue a temporary hardship license to be valid for a period not to exceed six months. If a certified applicator for a business licensee leaves the employment of the business licensee, the business licensee may request the board to allow the company to continue the business and if approved by the board may continue until the next state examination date. The business licensee must notify the board on the date of the loss of his or her certified applicator.

(8) It shall be the duty of the business licensee to inform the board in writing of the employment of all employees, as the term employee is defined in 406.01.04.001 (10) of these rules and regulations. Such notice shall be furnished on date of employment, and shall include the full name and home address of the employee, the date of employment, and if applicable, the branch office at which he will be employed. Within 90 days of such employment, the business licensee shall obtain from the board an identification card for such employee. It shall be the responsibility of every business licensee who has requested employee identification cards to collect all cards from employees whose employment has terminated. Employee identification cards collected in this manner shall be mailed to the Structural Pest Control Board within 10 days after termination of employment for cancellation. If, for any reason, such cards cannot be collected, the Structural Pest Control Board shall be so notified in writing. Any registration fee paid for an employee shall not be refundable or transferred to another employee.

(9) The license number of each business licensee shall be prominently displayed on all vehicles of that business entity, but shall not be required on unmarked management vehicles. Vehicles of a company may have more than one licensee number, provided, however, notice is made in

writing to the board and the board approves the license number used in such cases. The numbers and letters must be permanently affixed to the vehicle in a prominent place on each front fender and/or front door panel in two-inch letters in a color which would contrast to the background color of the truck or vehicle and shall be designated as: Texas pest control license (number). This may be abbreviated to Texas PCL (number) or TPCL (number). Any numbers or letters that adhere to vehicle by way of magnetic device or magnets is not considered to be permanently affixed.

(10) All structural pest control licenses shall be displayed in a conspicuous place of the business of the license holder. In the case of a nonresident license holder, the license shall be displayed in a conspicuous place of the residence or place of business of the license holder's resident agent. All structural pest control licenses shall be presented for visual inspection upon request of a board investigator.

Doc. No. 804090

Procedure and Practice at Public Meetings

Hearings and Meetings 406.02.01

The board is adopting Rules 406.02.01.005 and .007 with no changes in the text. The rules establish the minimum number of board hearings to be held each year and state that all hearings or meetings shall be open to the public except when discussing personnel matters.

Public comment was held and no comments were received.

These rules are promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.005. *Regular Meetings.* At least four regular meetings per year will be held in order to allow disposition of such matters as may come before the board. Appropriate notice shall be given by the executive director to the board members of the date and place of meeting at least seven days prior to the meeting date. The vice chairman shall preside over the meeting in the absence of the chairman.

.007. *All Hearings Public.* Any and all hearings or meetings of the board shall be open to the public except when discussing personnel matters. The board will give due consideration to all matters properly presented by an interested party.

Doc. No. 804091

Evidence 406.02.05

The board is adopting Rule 406.02.05.002 with no changes in the text. This rule states that hearings shall be recorded and reduced to writing when requested and establishes the fee for such transcription.

Public comment was held and no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.002. *Reporting of Hearings.* All testimony given at any public hearing shall be recorded by some person appointed by the board. In those instances where any proper party at such hearing requests it, the testimony will be reduced to writing.

Copies of any hearing thus transcribed may be obtained from the Texas Structural Pest Control Board and paid for at the rate of \$1.00 per page.

Doc. No. 804092

Additional Provisions

Complaints 406.04.03

The board is adopting Rule 406.04.03.001 with changes. The changes are minor in that they simply clarify the need or time concerning when a person accused will be notified of an investigation.

Public comment was held and no comments were received that justified a change in the rule by the board.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes

.001. *Specific Complaint.* When there is an alleged violation of any statute of the State of Texas or the rules of the board, the board may take remedial action on its own initiative without any complaint or a complainant can seek relief as follows:

(1)-(2) (No change.)

(3) *Notice and hearing.* The board may send a notice of the complaint to the person accused of violating the terms of his license and may request from him a statement as to the merits of the complaint, or a field investigation may be ordered to get additional facts. If the complaint has merit on its face, notice will be sent to the accused. If these facts indicate that the the board has probable jurisdiction of the matter and that grounds for the complaint exist, a hearing will be called and a show cause order will be sent by certified mail to the party against whom the complaint is brought. Notice of this hearing will also be sent by first class mail to all interested parties of record at least 20 days prior to the date set for hearing.

(4) (No change.)

Doc No. 804093

Contracts 406.04.05

The board is adopting Rule 406.04.05.001 with changes. The changes are minor and involve the dropping of quotation marks in one sentence and correcting the grammar in one sentence. Because of the definition of contract the words "bid" and "proposal" were eliminated from the rule. This rule establishes the wording that is required on a pest control contract and the minimum size of said statement.

Public comment was held and no comments were received that justified changes in the meaning of the rule by the board.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.001. *Contracts.*

(a) In each written contract in which a licensee under the Act agrees to perform structural pest control services in this state, the licensee shall include the mailing address and telephone number of the board and the following statement: The Board has jurisdiction over individuals licensed under the Structural Pest Control Act.

(b) The requirement in (a) above shall be on the face of the contract, warranty, or guarantee issued by the pest control operator.

(c) The requirement in (a) above shall be legible and printing shall be in at least seven point type.

Doc. No. 804094

Grounds for Revocation 406.05.00

The board is adopting Rule 406.05.00.001 with changes. The changes involve the insertion of the word "the" in two places in one sentence in an effort to improve the sentence structure. The rule establishes five new grounds for revocation, suspension, reprimanding, refusal to examine, and refusal to issue or renew licenses.

Public comment was held and no comments were received.

This rule is promulgated under authority of Article 135b-6, Vernon's Annotated Civil Statutes.

.001. *Grounds for Revocation, Suspension, Reprimanding, Refusal to Examine, Refusal to Issue or Renew Licenses.* Any such action may be accomplished by a majority vote of the board, after notice and hearings, as provided for by Article 135b-6, Vernon's Annotated Civil Statutes, and the Administrative Procedure and Texas Register Act. No revocation, suspension, annulment, or withdrawal of any license is effective unless, prior to the institution of agency proceedings, the agency gave notice by personal service or by registered or cer-

tified mail to the licensee of facts or conduct alleged to warrant the intended action, and the licensee was given an opportunity to show compliance with all requirements of law for the retention of the license. The following are grounds for revocation, suspension, reprimanding, refusal to examine, refusal to issue or renew licenses:

- (1)-(12) (No change.)
- (13) failure of business licensee to notify the board when a certified applicator leaves their employment;
- (14) failure of business licensee to put identifying letters and numbers on vehicles as required by regulations;
- (15) failure to print in proper size type, the address and telephone number of the board and the statement that the board has jurisdiction over individuals licensed by the board and the Act;
- (16) failure of business licensee to notify the board of a change of address of their company;
- (17) failure of business licensee to give the board an address where licensee may be located.

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804095 Charlie Chapman
Executive Director
Structural Pest Control Board

Effective Date: June 23, 1980

Proposal Publication Date: May 2, 1980

For further information, please call (512) 454-3617.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

State Bar of Texas

Wednesday, June 11, 1980, 9 a.m. The Board of Directors of the State Bar of Texas will meet in Reunion Ball Room E of the Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. According to the agenda summary, the board will present new officers, directors, and public members; approve May 1980, board meeting minutes; hear reports from President Dougherty, and outside counsel Thomas Brorby, et al.; make appointments to Law Focused Education, Inc.; and ratify action of June 2, Executive Committee meeting. The board will also consider the following: report of president of Legal Services Corporation; report of president-elect on organization of the bar and committee appointments; creation of liaison assignments to grievance committees in urban bars; report of board chairman on Law Day film; report of executive director on personnel, magna carta in Texas, survey of CLE committee and other committees; report of general counsel on pending litigation, and Laird Palmer and Manuel Banales cases; report of PDP director; budget report on amendments to 1979-80, and 1980-81 budget (if any); report on assessments and pledges, report on permanent endowment fund for maintenance of Law Center; reappointment of executive director and general counsel, (and setting salaries of each); consideration of contract with judicial section regarding Texas Center for the Judiciary; Texas Legal Protection Plan, Inc., status; raising dues (reconsidered as discussed at May meeting); report of judicial section; report of Texas Young Lawyers Association; report on legislation; resolutions; reports of board committees on fact finding, federal legislative policy, policy manual revision, orientation of new directors information report, Committee of Texas Department of corrections matter, staff efficiency, Clients Security Fund Funding Committee, study grant programs funded by LEAA; reports of standing and special committees on citizens' legal education, bar rules changes, Committee on Assessment funds prepaid legal services and report of sections on free advertising space on annual basis to increase membership; report on TLIE; report on Advocacy, Inc; presentation of outgoing directors. The board will also meet in executive session.

Additional information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, telephone (512) 475-4746.

Filed: June 3, 1980, 4:05 p.m.
Doc. No. 804275

Saturday, June 14, 1980, 9 a.m. The Board of Directors of the State Bar of Texas will meet in Reunion Ball Room E of the Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. According to the agenda summary, the board will elect a chairman, and hear a statement and recommendations from the president. The board will also consider the following committee appointments made by the president—two board members to Budget Committee; board chairman—Audit, Fact Finding, Orientation of New Directors, Sites and Dates, and others; Standing and Special Committees; Grievance and Grievance Prosecuting Committees. Reports from the Lawyer Referral Committee and Committee on Plans to Improve Public Access to Lawyers will also be reviewed.

Additional information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, telephone (512) 475-4746.

Filed: June 3, 1980, 4:05 p.m.
Doc. No. 804276

State Board of Education

Thursday, June 12, 1980, 2 p.m. The Committee for Central Services of the State Board of Education will meet at Central Services Business Office, School for the Deaf, 1102 South Congress, Austin. The meeting includes the following: update on status of computer programming; discussion of operating budget for 1980-81; discussion of appropriations request for 1982-83; request for approval of budget revision for fiscal year 1980 for Texas School for the Blind.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:49 p.m.
Doc. No. 804300

Friday, June 13, 1980, 8:30 a.m. The Committee for Programs and Personnel Development of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin to discuss the following: paraprofessional certification; salary schedule; cancellation, revocation, and reinstatement of certificates; Advisory Committee for the Texas Personnel Interchange Program; eligibility for a vocational teacher unit; Texas certificates for aliens; Advisory Committee for Marketing and Distributive Education; the annual program plan for vocational education for fiscal year 1981 and accountability report for fiscal year 1979; report of commissioner of education on shortages of sample textbooks in regional education service centers; proposed changes and guidelines for adoption of textbooks in social studies (grades 1-6), art (grades 1-6), and kindergarten; proposed changes and guidelines for adoption of textbooks in Spanish language development programs for grades 1-3; recommendation for

appointment to the Commission on Standards for the Teaching Profession.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:50 p.m.
Doc. No. 804301

Friday, June 13, 1980, 8:30 a.m. The Committee for Policy, Budget, and Finance of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin, to consider the following items: policies of the board; administrative procedures; public comments regarding policies, administrative procedures, and state plans; transportation administration; student eligibility for transportation services; methods of administration for complying with civil rights requirements in vocational education programs; preliminary annual operating plan/budget—Texas Education Agency, 1980-81; preliminary biennial budget estimates for 1982-83; legislative recommendations.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:50 p.m.
Doc. No. 804302

Friday, June 13, 1980, 9 a.m. The Subcommittee on Presentation to the President's Commission on Pension Policy of the State Pension Review Board will meet in Room 100-E of the John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the subcommittee will hear a presentation by actuarial consultant Thomas Bleakney on further benefit comparisons and preliminary cost comparisons for Houston, Dallas, and San Antonio systems under study by the board.

Additional information may be obtained by Rita Horwitz, 105 West 15th Street, John H. Reagan Building, Room 200, Austin, Texas, telephone (512) 475-8332.

Filed: June 3, 1980, 3:25 p.m.
Doc. No. 804288

Friday, June 13, 1980, 1:30 p.m. The Committee for Special Schools and Athletics of the State Board of Education will meet in the second floor conference room, 150 East Riverside Drive, Austin. The committee will consider the following items: request for approval of budget revision, fiscal year 1980, Texas School for the Blind; approval of operating budget, school year 1980-81, Texas Schools for the Blind and for the Deaf; extracurricular activities—literary and music.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:50 p.m.
Doc. No. 804303

Friday, June 13, 1980, 2 p.m. The Committee for Priorities, Accountability, and Accreditation of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin, to consider the following items: state minimum sick leave; personnel accounting for state funding purposes; allocation of funds for supportive purposes; review of State Board of Education priorities; preliminary biennial budget estimates for 1982-83.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:50 p.m.
Doc. No. 804304

Friday, June 13, 1980, 2 p.m. The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin, to consider the following items: investment of available funds; discussion and explanation of concerns addressed in the state auditor's letter of May 23, 1980, regarding investment of the Permanent School Fund; review of purchases, sales, and exchanges; review of investment program for June; estimated funds available for June program; report on negotiations for banking services; report of investment officer.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:51 p.m.
Doc. No. 804305

Saturday, June 14, 1980, 8:30 a.m. The State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the board will consider: appeals on decisions of the commissioner of education; agency administration; Good Neighbor scholarships; appointment of trustee, Randolph Field Independent School District; paraprofessional certification; salary schedule; cancellation, revocation, and reinstatement of certificates; Advisory Committee for the Texas Personnel Interchange Program; eligibility for a vocational teacher unit; Texas certificates for aliens; Advisory Committee for Marketing and Distributive Education; the annual program plan for vocational education for fiscal year 1981 and accountability report for fiscal year 1979; report of commissioner of education on shortages of sample textbooks in regional education service centers; proposed changes and guidelines for adoption of textbooks in social studies (grades 1-6); art (grades 1-6); kindergarten, and Spanish language development programs (grades 1-2); recommendation for appointment to the Commission on Standards for the Teaching Profession; policies of the board; administrative procedures; public comments regarding policies, administrative procedures, and state plans; transportation administration; student eligibility for transportation services; methods of administration for complying with civil rights requirements in vocational education programs; state minimum sick leave; personnel accounting for state funding purposes; allocation of funds for supportive purposes; request for approval of budget revision, fiscal year 1980, Texas School for the Blind; approval of operating budget, school year 1980-81, Texas Schools for the Blind and for the Deaf; investment of available funds.

Additional information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 4, 1980, 12:51 p.m.
Doc. No. 804306

Texas Health Facilities Commission

Friday, June 13, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

exemption certificate

Golden Age Home, Lockhart
AN80-0416-006

Angelo Community Hospital, San Angelo,
AH80-0505-035

declaratory ruling

Memorial Hospital System, Houston
AH80-0102-004

certificate of need nunc pro tunc

Psychiatric Pavilion, The University of
Texas Medical Branch, Galveston
AH79-1016-013

motions for reconsideration and rehearing

Cypress-Lakewood Medical Center, Houston
AH79-0425-009

Spring Branch Memorial Hospital, Houston
AH79-0622-025

Cypress-Fairbanks Medical Center, Houston
AH79-0702-041

Further information may be obtained from O. A. Cassity III, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: June 4, 1980, 11:57 a.m.
Doc. No. 804297

Texas Housing Agency

Wednesday, June 11, 1980, 9 a.m. The Personnel Search Committee of the Board of Directors of the Texas Housing Agency will meet in the fourth floor conference room of the TDCA building, 210 Barton Springs Road, Austin. According to the agenda, the committee will discuss the process for committee review of applications for position of executive administrator; consider applications submitted for position of executive administrator (executive session pursuant to Article 6252-17(2)(g)); interview selected applicants for position of executive administrator (executive session pursuant to Article 6252-17(2)(g)); consider further committee action needed to review applications or interview applicants for position of executive administrator; consider action on committee recommendations to the board concerning selection of agency financial advisor.

Additional information may be obtained from Sid Wieser, P.O. Box 13166, Capitol Station, Austin, Texas 78711, telephone (512) 475-2431.

Filed: June 3, 1980, 3:24 p.m.
Doc. No. 804272

Thursday, June 12, 1980, 2 p.m. The Bond Counsel and Financial Advisor Selection Committee of the Texas Housing Agency will meet in the Lieutenant Governor's Room, State Capitol. According to the agenda, the committee will consider recommendations to the board on the selection of the agency bond counsel; examine proposals submitted by financial advisors; interview selected applicants for agency financial advisor; and consider action on committee recommendations to the board concerning selection of agency financial advisor.

Additional information may be obtained from Sid Wieser, P.O. Box 13166, Capitol Station, Austin, Texas 78711, telephone (512) 475-2431.

Filed: June 3, 1980, 3:24 p.m.
Doc. No. 804273

Texas Department of Human Resources

Friday, June 6, 1980, 9 a.m. The Texas Board of Human Resources of the Texas Department of Human Resources has made an emergency addition to the agenda of a meeting held in Room 1B1 at 706 Banister Lane, Austin. According to the agenda summary, the addition involved the legislative appropriations request for fiscal year 1982-83: proposed rules on reconstitution of CANRIS; reports on the Food Stamp Program, Cuban Refugee Program, and the Alternate Care and Nursing Home Programs; approval of emergency rule on aid and attendance benefits; and technical amendments to program policies and procedures. Agenda item 2a., adjustments to the fiscal years 1980 and 1981 operating budgets, was an emergency addition because the Board of Human Resources had to consider a transfer of state funds to keep the department's ICF-MR program operational for the health, safety and well-being of those recipient/residents.

Additional information may be obtained from Bill Woods, P.O. Box 2960, Austin, Texas 78769, telephone (512) 441-3355.

Filed: June 3, 1980, 4:22 p.m.
Doc. No. 804279

State Board of Insurance

Tuesday, June 10, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6010, the application for admission by the American Automobile Insurance Company of Illinois, Chicago, Illinois.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:26 p.m.
Doc. No. 804100

Tuesday, June 10, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto in Austin. The public hearing concerns Docket 6015—Texas Eastern Life In-

insurance Company, Hye, application for original incorporation.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:26 p.m.
Doc. No. 804101

Wednesday, June 11, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin, to consider Docket 6018—San Antonio Reinsurance Company, San Antonio, Texas, application for original incorporation.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:26 p.m.
Doc. No. 804102

Wednesday, June 11, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin. The hearing is in Docket 6041, considering the merger of American General Insurance Company, Houston, into Steadfast Insurance Company, Houston, Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:26 p.m.
Doc. No. 804103

Thursday, June 12, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin. The hearing is in Docket 6037, considering the application for certificate of authority by the Crossroads Insurance Company, Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:27 p.m.
Doc. No. 804104

Thursday, June 12, 1980, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider revision of Texas Medical Liability Underwriting Association (JUA) manuals.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 4, 1980, 3:10 p.m.
Doc. No. 804318

Thursday, June 12, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 343 at 1110 San Jacinto in Austin, to consider the application for admission by Beneficial Assurance Company, Phoenix, Arizona—Docket 6021.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:26 p.m.
Doc. No. 804105

Friday, June 13, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin, to consider application for original incorporation of National Bancshares Life Insurance Company, San Antonio.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:27 p.m.
Doc. No. 804106

Monday, June 16, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin, to consider the application for certificate of authority by Tandy Life Insurance Company, Fort Worth—Docket 6038.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:27 p.m.
Doc. No. 804107

Monday, June 16, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342 at 1110 San Jacinto in Austin, to consider the application for certificate of authority by Texas Imperial Life Insurance Company, Beaumont—Docket 6039.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:27 p.m.
Doc. No. 804108

Texas Board of Mental Health and Mental Retardation

Friday, June 20, 1980, 9:30 a.m. The Medical Advisory Committee of the Texas Board of Mental Health and Mental Retardation will meet in the Central Office, 909 West 45th Street, Austin. According to the agenda summary, the committee will consider the physician's role in community health clinics; review the proposed Pharmacological Therapy Rule; discuss the forensic program; and hear from the TDMH/MR pharmacy director.

Additional information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78753, telephone (512) 454-3761.

Filed: June 4, 1980, 2:05 p.m.
Doc. No. 804315

State Board of Morticians

Tuesday, June 10, 1980, 10 a.m. The State Board of Morticians will meet in emergency session at the Fort Worth Hilton Inn, 1701 Commerce Street, Fort Worth. According to the agenda summary, the board will consider applicants for reciprocal licenses and reinstatement; review Senator Doggett's letter; discuss the proposed budget; review the attorney general's opinion on the embalming health rule; discuss printing consumer information brochures; discuss ordering wall certificates; discuss apprentices to be cancelled; hear reports from subcommittees. The board will also meet in executive session to interview applicants for the Inspector II position and discuss an alternative to review compliance forms. Urgent public necessity requires that this meeting be held on less than seven day's notice because of the impact of the attorney general's opinion on embalming.

Additional information may be obtained from Ann Lloyd, 1513 Interstate 35 South, Austin, Texas 78741, telephone (512) 442-6721

Filed: June 3, 1980, 1:56 p.m.
Doc. No. 804270

Board of Pardons and Paroles

Monday-Wednesday and Friday, June 16-18 and 20, 1980, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: June 3, 1980, 9:17 a.m.
Doc. No. 804255

State Pension Review Board

Thursday, June 12, 1980, 2 p.m. The State Pension Review Board will meet in Room 100-E of the John H. Reagan Building, 105 West 15th Street, Austin, to discuss the presentation to the President's Commission on Pension Policy.

Additional information may be obtained by Rita Horwitz, 105 West 15th Street, John H. Reagan Building, Room 200, Austin, Texas, telephone (512) 475-8332.

Filed: June 3, 1980, 3:25 p.m.
Doc. No. 804287

Texas State Board of Examiners of Psychologists

Thursday-Sunday, June 12-15, 1980, 9 a.m. daily. The State Board of Examiners of Psychologists will meet in Suite H-126 at 5555 North Lamar, Austin. The board will consider the following items: the sunset review process; rules and regulations; board opinion letters; complaint files and procedures; consideration and reconsideration of applications; interviews, meetings, and hearings; administrative matters; procedures and policies; other legislative matters; supervision guidelines; audit report; consultation; and budget consideration.

Additional information may be obtained from Patti Bizzell, 5555 North Lamar, Suite H-126, Austin, Texas 78751, telephone (512) 458-3295.

Filed: June 4, 1980, 4:01 p.m.
Doc. No. 804320

Public Utility Commission of Texas

Thursday, June 12, 1980, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider final orders and hear oral argument in the following dockets: 3026; 3047; 3092; 3140; 2988; 3006; 3129; 3045; 2914; 3125; 2822; 3104; 2754 and 3187; 2931; 2956; 3149; 3201; 3219; 3222; 3223; 3224; 3225; 3226; 3230; and 3235.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 3, 1980, 2:57 p.m.
Doc. No. 804280

Thursday, June 12, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Tarrant Utility Company from a rate ordinance of the City of Willow Park—Docket 3233.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 3, 1980, 10:36 a.m.
Doc. No. 804256

Thursday, June 12, 1980, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Texas Electric Service Company for authority to change rates—Docket 3250.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 4, 1980, 2:28 p.m.
Doc. No. 804314

Monday, June 16, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference for Docket 3217, complaint of Lighthouse Electric Cooperative, Inc., regarding customer switchover to West Texas Utilities Company.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100

Filed: June 4, 1980, 11:37 a.m.
Doc. No. 804298

Thursday, June 19, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Gulf Coast Electronics, Inc., for certificate of convenience and necessity within Jefferson, Orange, and surrounding counties.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 3, 1980, 10:36 a.m.
Doc. No. 804257

Wednesday, June 25, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3244, application of Chandler Water Company for a rate increase within Henderson County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 2, 1980, 4:12 p.m.
Doc. No. 804098

Thursday, June 26, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Mountain Bell for a tariff change—Docket 3256.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 2, 1980, 1:52 p.m.
Doc. No. 804096

Thursday, June 26, 1980, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Siesta Shores Waterworks for a rate increase within Zapata County—Docket 3248.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 5, 1980, 10:12 a.m.
Doc. No. 804325

Tuesday, July 1, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications filed by Mobilfone Service Inc., for a CCN within the Freeport area, and Answer Exchange Inc., to amend a CCN within the Cities of Freeport, Lake Jackson, Angleton, Brazoria and surrounding counties—Dockets 3002 and 3046, respectively.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 3, 1980, 10:37 a.m.
Doc. No. 804258

Thursday, July 3, 1980, 9 a.m. The Hearings Division of the Public Utility Commission will hold a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The prehearing conference concerns Docket 3238, application of Indian Hills Harbor Sewer System for a rate increase within Polk County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 2, 1980, 4:12 p.m.
Doc. No. 804099

Friday, July 18, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket 3245—appeals of Texas Power and Light Company from the ratemaking ordinances of the City of Bedford, et al.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 5, 1980, 10:12 a.m.
Doc. No. 804326

Wednesday, July 30, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3218, concerning an application of Southwestern Water Company for a rate increase with Travis County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 3, 1980, 10:37 a.m.
Doc. No. 804259

Monday, August 25, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Dockets 2882 and 2864, petitions of Magic Valley Electric Cooperative, Inc., and Central Power and Light Company for review of ordinance of City of Brownsville. This hearing was originally scheduled for March 31, 1980.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100

Filed: June 4, 1980, 11:37 a.m.
Doc. No. 804299

Office of the Secretary of State

Wednesday, June 11, 1980, 2 p.m. The Elections Division of the Secretary of State will meet in Room 125 in the State Capitol. The division will conduct a ballot position drawing for nine proposed constitutional amendments to be presented to the voters at the November 4, 1980, statewide general election.

Additional information may be obtained to Milton Mallory, 915 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-3091.

Filed: June 3, 1980, 10:08 a.m.
Doc. No. 804271

State Securities Board

Tuesday, June 17, 1980, 10 a.m. The Securities Commissioner of the State Securities Board will conduct a hearing in Room 119, 1700 North Congress Avenue, Austin, to determine whether Order 5.0-635 should be vacated, modified, amended or upheld, and extended in the matter of Goldfield Deep Mines Company of Nevada.

Additional information may be obtained from Lee Polson, 1800 San Jacinto Street, Austin, Texas.

Filed: June 4, 1980, 3:59 p.m.
Doc. No. 804319

Texas Statewide Health Coordinating Council

Friday, June 27, 1980, 8:30 a.m. The Texas Statewide Health Coordinating Council will meet in Salon F at the Marriott Hotel, 6121 IH 35 North at US 290, Austin. According to the agenda summary, the council will discuss and review the following applications: application for continued full designation from Texas Area 5 Health Systems, Inc. (HSA 5); application for continued full designation from South Texas Health Systems Agency, Inc. (HSA 8); and application for continued full designation from H GAC Health Systems Agency (HSA 11).

Additional information may be obtained from George R. Anderson, MD, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 478-7261.

Filed: June 4, 1980, 2:02 p.m.
Doc. No. 804316

Tuesday, July 8, 1980, 7 p.m. The Texas Statewide Health Coordinating Council will hold a hearing in the auditorium at the Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the hearing, in

compliance with the National Health Planning and Resource Development Act of 1974 (P.L. 93-641) as amended by P.L. 96-79, will concern the council's proposed medical facilities planning annex to the State Health Plan.

Additional information may be obtained from George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7261

Filed: June 4, 1980, 2:02 p.m.
Doc. No. 804317

Teacher Retirement System of Texas

Thursday, June 19, 1980, 7 p.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. According to the agenda, the board will conduct a work session for staff and advisory committee members to interview representatives of investment counseling firms selected to present proposals for investment advisory services. The board will also discuss proposals.

Additional information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, ext. 201.

Filed: June 5, 1980, 11:21 a.m.
Doc. No. 804328

Thursday, June 20, 1980, 9 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. According to the agenda, the board will approve minutes; review investments for quarter ending May 31, 1980; discuss recommendations of IAC meeting; hear comments and make responses to questions; act on IAC recommendations; discuss legislative recommendations for future benefit improvements; consider fund adjustments between budget categories; hear report from Member Benefits division; name Audit Study Committee chairman; and meet in executive session to discuss personnel matters.

Additional information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, ext. 201.

Filed: June 5, 1980, 11:21 a.m.
Doc. No. 804329



Texas Water Commission

Tuesday, June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3678, submitted by Arthur A. Adams et al, seeking a permit to divert and use 298 acre-feet of water for a one-year period from Pinoak Creek, Sandy Creek, Navidad River, Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3:01 p.m.
Doc. No. 804281

June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3749, submitted by Cowart's Oil Field Service, seeking a permit to divert and use 10 acre-feet of water for one year from South Concho River, Concho River, Colorado River, Colorado River Basin, for mining (oil and gas well drilling) purposes in Tom Green County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3:02 p.m.
Doc. No. 804282

Tuesday, June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3713, submitted by Downing Brothers, Inc., seeking a permit to divert and use 10 acre-feet of water for 2-1/2 years from Waco Creek, Brazos River, Brazos River Basin, for industrial (highway construction) purposes in McLennan County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3:01 p.m.
Doc. No. 804283

Tuesday, June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3729, submitted by Tom Thorp Transports, Inc., seeking a permit to divert and use two acre-feet of water for one year from South Concho River, Concho River, Colorado River, Colorado River Basin, for industrial (well and equipment service) purposes in Tom Green County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3:02 p.m.
Doc. No. 804284

Tuesday, June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3701, submitted by Trotti and Thompson Company seeking a permit to divert and use two acre-feet of water for two years from Hassle Branch, Davis Creek, Sabine River, Sabine River Basin, for industrial (highway construction) purposes in Newton County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3 p.m.
Doc. No. 804285

Tuesday, June 24, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application TA-3702, submitted by Trotti and Thompson Company, seeking a permit to divert and use four acre-feet of water for two years from unnamed creek, Caney Creek, Sabine River, Sabine River Basin for industrial (highway construction) purposes in Newton County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1980, 3:01 p.m.
Doc. No. 804286

Friday, June 27, 1980, 10 a.m. The Texas Water Commission will meet in Council Chambers, City Hall, 501 West Davis, Conroe. According to the agenda summary, the commission will conduct a hearing on Montgomery County Municipal Utility District 44 concerning a permit to authorize an ultimate discharge of 750,000 gallons per day of treated domestic sewage.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 4, 1980, 2:36 p.m.
Doc. No. 804307

Thursday, July 10, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct hearings on the following:

Application 4052 of Dallas Power and Light Company for a permit to maintain two existing dams and reservoirs on an unnamed tributary of Mountain Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational purposes, and to divert and use 43 acre-feet for irrigation purposes in Dallas County

Application 4050 of Shady Oaks Country Club, Inc., for a permit to maintain three existing dams and reservoirs on Kings Branch, and one reservoir on an unnamed tributary of Kings Branch, tributary of Farmers Branch, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational and irrigation purposes in Tarrant County

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 4, 1980, 2:36 p.m.
Doc. Nos. 804308-804309

Wednesday, July 16, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct hearings on the following:

Application 4054 of the City of Dawson for a permit to maintain an existing dam and reservoir on an unnamed tributary of Battle Creek, tributary of Richland Creek, tributary of Trinity River, Trinity River Basin, for recreational purposes in Navarro County

Application 4055 of the City of Fort Worth for a permit to construct and maintain a 35 acre-foot reservoir on Clear Fork Trinity River, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational purposes in Tarrant County

Docket regarding consideration of an unpermitted reservoir by the City of Dawson in Navarro County

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 4, 1980, 2:35 p.m.
Doc. Nos. 804310-804312

Texas Water Commission

Thursday, July 17, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 2960A of Lake Interlochen Homeowners' Association for an amendment to Permit 2719 to increase the capacity of the downstream reservoir authority on Village Creek from 44 acre-feet to 91 acre-feet of water. The amendment will also grant authority to increase the capacity of the upstream reservoir from 16 acre-feet to 136 acre-feet on Rush Creek, tributary of Village Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational purposes in Tarrant County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514

Filed: June 4, 1980, 2:35 p.m.
Doc. No. 804313

Regional Agencies

Meetings Filed June 2, 1980

The Brazos River Authority Board of Directors, Lake Management Committee, met in the lake supervisor's office, Possum Kingdom Lake, on June 6, 1980, at 10 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

Doc. No. 804109

Meetings Filed June 3, 1980

The Alamo Area Council of Governments, Housing Advisory Committee, met at 532 Three Americas Building, San Antonio, on June 9, 1980, at 1:30 p.m. The following divisions/committees will also meet at that location on the dates listed below:

Alamo Senior Advisory—9:30 a.m. June 13, 1980

Bexar Senior Advisory—9:30 a.m. June 13

Regional Development and Review—9 a.m. June 17, 1980

Human Resources Advisory Committee—2:30 p.m.

June 26, 1980

Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Brazos Valley Development Council, Board of Directors, will meet at the Ramada Inn, 410 South Texas Avenue, College Station, on June 12, 1980, at 7:30 p.m. Further information may be obtained from Glenn J. Cook, P. O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

The East Texas Council of Governments, Executive Committee, met at the Holiday Inn, IH 20 at Estes Parkway, Longview, on June 5, 1980, at 4 p.m. Further information may be obtained from Don R. Edmonds, Allied Citizens Bank Building, fifth floor, Kilgore, Texas 75662, telephone (214) 984-8641.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on June 10, 1980, at 10 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

The Lone Star Transportation Authority, Interim Executive Committee, met in emergency session in the board room, Administration Building, Dallas/Fort Worth Regional Airport, on June 5, 1980, at 3 p.m. Further information may be obtained from Cinde Weatherby, P.O. Box 5888, Arlington, Texas 76011, telephone (817) 640-3300.

The Panhandle Regional Planning Commission, Panhandle Health Systems Agency Nominating Committee, will meet in the student lounge, Texas Tech University Regional

Academic Health Center, on June 12, 1980, at 6:45 p.m. The Panhandle Health Systems Agency will also meet at the Texas Tech University Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on June 12, 1980, at 7:30 p.m. Further information may be obtained from George Loudder, P. O. Box 9257, Amarillo, Texas, telephone (806) 373-3381.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the West Texas Education Agency, Air Terminal, Midland, on June 11, 1980, at 1:30 p.m. Further information may be obtained from Ernie Crawford, P. O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

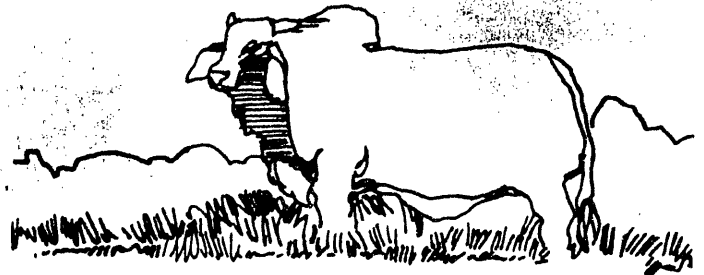
The Tri-Region Health Systems Agency, West Central Texas Subarea Advisory, will meet at 1025 East north 10th Street, Abilene, on June 12, 1980, at 7 p.m. Further information may be obtained from Vic Rhoads, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 804278

Meetings Filed June 5, 1980

The Central Texas Manpower Consortium, Planning Council, met at Hele Mai Restaurant, River Forest Motel, Belton, on June 9, 1980, at 7 p.m. Further information may be obtained from Billy Don Everett, P. O. Box 727, San Saba, Texas 76877, telephone (915) 372-5136.

Doc. No. 804327





Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of May 26-30, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending May 30, 1980

Repetro, Inc., Division of Aegis Corporation, Kilgore; reclamation facility; 1906 North Longview Street; 8393; new source

Broyhill Furniture Industries, Inc., Austin; finishing room; 118 East Alpine Street; 8090A; modification

Center Plywood Company, Center; plaque spray finishing facility; 1010 Logansport Street; 8394; new source

Texas Instruments, Inc., Carrollton; filter cartridge dust collector; 1312 Crosby Road; 8395; new source

J. H. Browning, Gonzales; eq. farm; 8396; new source

Renewable Energy Corporation, Manuel; ethanol fermentation/distillation facility; 7715 Alvin Road (CR 190); 8397; new source

Georgia-Pacific Corporation, Pasadena; high density polyethylene manufacturing facility; 8398; new source

Texaco, Inc., Port Arthur; catalytic reforming unit; 8399; new source

Texas Armada Refining Company, Fort Worth; refinery modification; 12625 Calloway Cemetery Road; 8400; modification

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804260 Ramon Dasch
Hearing Examiner
Texas Air Control Board

Filed: June 3, 1980, 10:36 a.m.

For further information, please call (512) 451-5711, ext. 401

Texas Department of Community Affairs

Notice of Contract Award

The Texas Department of Community Affairs announces that Neal Spelce Associates, Inc., a public relations and advertising firm headquartered in Austin, Texas, has been awarded a contract for the period of May 25, 1980, through December 1, 1980, for purposes of developing and marketing a private sector initiative media campaign designed to disseminate information to private sector employers in order to increase the involvement of the business community in employment and training activities under Title VII of the Comprehensive Employment and Training Act. The business address of Neal Spelce Associates is P.O. Box 1905, Austin, Texas 78767.

The total costs of the media services to be performed by Neal Spelce Associates under the terms of the contract is \$222,000. Neal Spelce Associates will design, produce, and distribute informational folders, audio and television public service announcements, newspaper and magazine public service advertisement materials, guidelines to assist CETA contractors in implementation of the media campaign, a newsfeature release to print and broadcast media serving the 117 counties forming the Texas Balance of State, a weekly radio program series, a weekly newspaper column series, and a documentary-style film depicting the benefits to business of participation in the private sector initiative program. In addition, Neal Spelce Associates will conduct an orientation conference and will consult continually with CETA Balance of State contractors in order to ensure the maximum effectiveness of the media campaign. All of the above described performance items are due to be completed on or before October 15, 1980.

For purposes of obtaining additional information regarding the private sector initiative media campaign, contact L. C. Harris, Manpower Services Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6216.

Issued in Austin, Texas, on June 3, 1980.

Doc. No. 804277 Jeanne Marcus, Director
Legal Division
Texas Department of Community Affairs

Filed: June 3, 1980, 3:24 p.m.

For further information, please call (512) 475-6216.

Request for Proposal

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), a prime sponsor under the auspices of the Comprehensive Employment and Training Act, announces its request for proposal (RFP) to deliver the manpower services described herein. TDCA is soliciting proposals to administer and operate private sector initiative programs.

Qualifications Desired by TDCA. Offerors must evidence their capability to accomplish the requested services. Proposals must include specific items and documents which attest to the applicant's capability to provide the desired services. Selected offerors will be expected to assume responsibility for delivery of program services under Title VII of CETA as appropriate and directed by TDCA. Proposals must include documentation of applicant's legal authority to contract with TDCA to provide these services. This shall be accomplished by completing and submitting a Contractor Certification of Eligibility form (TDCA Form 17-78-1 [78]) included in the request for proposal instructions which may be obtained from TDCA at the address below. Every proposal shall include a list of all persons employed by or offered employment by the offeror who at the time the proposal is submitted has been an employee of TDCA within the six months prior to its submission.

Deadline for Submission of RFPs. The RFP will close as of 5 p.m. July 11, 1980, except for those proposals received postmarked on or before July 8, 1980.

Provision for Instructional Meeting. A meeting will be held to discuss and distribute request for proposal instructions on June 16, 1980, at 1:30 p.m. in the first floor auditorium of the TDCA Building, 210 Barton Springs Road, Austin, Texas. The project formats which are the basis for this RFP are as follows:

(A) A minority management internship program designed to expand the employment and training opportunities of Balance of State minority students at the mid-management level in financial institutions throughout Texas to meet current and future expanded needs of minority businesses. Project will coordinate with Balance of State contractors, Texas Employment Commission, and local business schools to identify candidates. Training will be on-the-job training in general business, real estate lending, savings, data processing, appraising, community credit needs. The period of performance of services shall begin on or about September 1, 1980, and shall extend through August 31, 1981, at the option of TDCA. The contract amount shall not exceed \$298,572.

(B) A model employment and training program designed to involve the private sector in the training and placement of economically disadvantaged individuals. Services to be provided are, but not limited to: (1) developing strategies for communication and interaction between CETA program activity and private enterprise; (2) establishing mechanism for private businesses to offer training for CETA participants under the PSIP; (3) providing coordination between employment service, economic development activity, and private business development; (4) labor union or apprenticeship involvement; (5) providing direct CETA services to private businesses. The period of service shall begin on or about October 1, 1980, and shall extend through September 30, 1981, at the option of TDCA. The contract shall not exceed \$150,000.

(C) A proposal to initiate, develop, and promote job fairs in "Balance of State" regions to provide CETA-eligible participants an opportunity to obtain employment with private sector firms. The job fairs will be coordinated with the private sector task forces and Balance of State contractors. The period of performance shall begin on or about October 1, 1980, and shall extend through September 30, 1981, at the option of TDCA. The contract amount shall not exceed \$110,000.

General Information. TDCA reserves the right to accept or reject any (or all) proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor alternatives and the general cost of the service desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of service provided herein, TDCA will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Labor for this procurement. Issuance of this material in no way obligates TDCA to award a contract or to pay any costs incurred in the preparation of a response hereto. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

Person to Contact. For further information regarding this notice, please contact L. C. Harris III, director, Manpower Services Division, at (512) 475-6216.

Issued in Austin, Texas, on June 4, 1980.

Doc. No. 804294 Jeanne Marcus, Director
Legal Division
Texas Department of Community Affairs

Filed: June 4, 1980, 11:44 a.m.

For further information, please call (512) 475-8216.

Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of May 30 through June 2, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25 day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. of the 25th consecutive day after the date said application is accepted. If the

25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or an amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(b), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates an amendment of certificate, and CN indicates certificate of need.

St. Mary Hospital of Port Arthur, Port Arthur
(5/30/80)

AH80-0527-023

EC—Acquire a mobile nuclear radioisotope camera with computer to extend the existing nuclear medicine service

Medical Research Associates, Inc., San Antonio
(5/30/80)

AS80-0527-044

EC—Relocation of applicant's family planning and abortion clinic from 115 Broadway to 509 South Main. No increase in office space nor change in services offered

St. Luke's Episcopal Hospital and Texas Children's Hospital, Houston (5/30/80)

AH80-0527-026

EC—Acquisition of eight adult volume ventilators and four pediatric ventilators for the Department of Respiratory Therapy

Park Plaza Hospital, Houston (5/30/80)

AH80-0527-029

EC—Acquire a Model 770-10 argon laser photocoagulator with microsurgery adapter and modification of surgery suite to accommodate installation of the equipment

Hawkins-Jarvis Community Health Clinic, Hawkins
(6/2/80)

AO80-0530-105

EC—Renovation of a facility which will offer primary health care services to a rural community; purchase furniture, office equipment and a washer/dryer; and equip a dental component

Upjohn Healthcare Services, Tyler (5/30/80)

AS80-0530-098

EC—Relocate applicant's Tyler office from 786 South Beckham to 321 East Front Street in Tyler, with an increase in office space but no new services nor expansion of existing services

Pinelan Nursing Home, Lufkin (5/30/80)

AN78-0926-001A (052880)

AMD/CN—Request change in completion deadline from June 1980 to September 30, 1980, in CN AN78-0926-001, which authorized construction of a 60-bed ICF-III nursing home

The Methodist Hospital, Houston (5/30/80)

AH79-0504-007A (052780)

AMD/CN—Request to amend CN AH79-0504-007 which authorized expansion of certain hospital departments, construction, and equipment acquisition. The amendment would change the completion date from April 1980 to December 31, 1980, and substitute the purchase of a Siemens 74 12 MEV linear accelerator rather than the Siemens 12 authorized in CN AH79-0504-007

Metrocare, Arlington (5/30/80)

AO80-0528-013

EC—Relocation of the administrative services of applicant health maintenance organization from 1201 North Watson Road in Arlington to Metro Center Building, 1701 West Eules Boulevard, in Eules

Northshore Medical Plaza, Houston (5/30/80)

AH80-0528-019

EC—Purchase IREX electrocardiogram mobile equipment to be housed in existing stress lab

Northshore Medical Plaza, Houston (5/30/80)

AH80-0528-015

EC—Purchase a mobile x-ray image intensifier unit

Memorial Medical Center, Corpus Christi (5/30/80)

AH78-0517-005A (052780)

AMD/CN—Request to change the completion date from March 1980 to March 29, 1982, in CN AH78-0517-005, which authorized replacement of electronic data system with an integrated on line communications and data processing system.

Issued in Austin, Texas, on June 4, 1980.

Doc. No. 804295

O. A. Cassidy III

Director of Hearings

Texas Health Facilities Commission

Filed: June 4, 1980, 11:56 a.m.

For further information, please call (512) 475-6940.

State Department of Highways and Public Transportation

Consultant Proposal Request

Safety Restraint Program for Adult Drivers

Introduction. The State Department of Highways and Public Transportation, Traffic Safety Section, seeks a qualified contractor to design a safety restraint program for

adult drivers and passengers in Texas. This project will be funded for the remainder of fiscal year 1980 with possible implementation of the program dependent upon project success and availability of funding for fiscal year 1981.

Background. For many years, the publicity raised by those who suggest that seat belt use will save thousands of lives has generally gone unheeded by the majority of the American people. As early as 1955, there were articles in popular magazines describing how the use of seat belts could prevent injury and death. Widespread endorsements of seat belt use and even of mandatory seat belt laws have been made on television, in commercial publications, and by official organizations, such as the American Association for Automotive Medicine.

But even the most optimistic research indicates that only between 14-25% of drivers or passengers use safety restraints. The "myths" associated with nonutilization have been well researched and documented—people find seat belts uncomfortable, they are afraid they will be trapped, they "forget," they do not believe that belts are necessary or worth the extra effort on short trips, and they underestimate the chances of their being in a traffic accident.

Surveys have also shown, however, that most people support the use of seat belts in theory, if not in actual fact. As is true with most traffic safety behavior, it is much easier to acknowledge the benefits of safe behavior than it is to actually behave in a safe manner. Therefore, the problem is not so much to change individual's reactions to seat belt use, which on the whole is positive, but to instill in them an habitual pattern which is as natural and unconscious as closing the vehicle door and putting the key in the ignition.

Related Programs. The issue of seat belt usage is publicized in Texas in conjunction with other traffic safety issues in statewide media campaigns. Seat belt use has been promoted during special holiday campaigns and with particular emphasis during a selected "Safety Belt Week." NHTSA has released TV spots nation-wide in support of restraint use. This multimedia effort can be effective in heightening the awareness of the public to an issue; but it has not been shown, in most instances, to be directly effective in getting people to use safety restraints.

This proposed project to gain adult use will correspond with a similar strength of effort involving child restraints and seat belt use for young children. Projects in these areas will or may include a state traffic safety conference with sessions on seat belts and child restraints, workshops conducted for health care professionals to train them as advocates of child restraints, distribution of brochures and manuals stressing the importance and proper use of restraints, and distribution and promotion of an educational program for early elementary grade students to instill the buckle-up habit while they are acquiring other safety and health habits.

Also, in conjunction with this project, Safety Education Service of the Department of Public Safety, through a contract with the State Department of Highways and Public Transportation, will be providing informational and promotional material on safety restraints during county fairs and at shopping centers and local festivals. This material will include posters, brochures, displays, and slide shows presenting traffic safety information with special emphasis on child restraints and seat belts.

Concurrent Programs. This project will run concurrently and in combination with other traffic safety public education programs, including:

- (1) the 55 MPH Safer Highways Campaign, a three-year project to gain increased compliance with the speed limit—emphasis on grassroots organization and civic club support with assistance and implementation provided by the Texas Jaycees;
- (2) safe-driving, holiday emphasis projects, primarily mass-media related projects conducted in coordination with other agencies that have safety responsibilities including the DPS and the Texas Safety Association;
- (3) Drive Line, a weekly newspaper column, monthly calendar, and cartoon designed for the print media;
- (4) special emphasis weeks for bicycle safety, motorcycle safety, and freeway driving;
- (5) kits designed for the elementary school student with instruction in bicycle, passenger, and pedestrian safety. Use of safety belts is emphasized within each kit.

General Project Objectives. The State Department of Highways and Public Transportation seeks a qualified contractor to design a positive incentive program to reach adult drivers and passengers and to provide encouragement and reinforcement for safety belt use. The major objective of the program will be to provide positive incentives and rewards for individuals to buckle-up through: (a) "drive-in" outlets such as banks, fast food chains, and gas stations; (b) employers with fleet vehicles such as van lines, taxi companies, distributors; and (c) other large employers such as major industries and state agencies. Primary tasks to meet this objective would include but not be limited to:

- (1) identify organizations, industries, and private firms who would take part in seat belt incentive programs;
- (2) provide materials to be used in incentive programs—posters, coupons, ads;
- (3) provide a means of evaluating the project;
- (4) assist in positive publicity for those organizations taking part in the program.

Estimated Time Table. This is intended to be a multiyear program dependent upon funding and successful completion of initial stages of the program, with the possibility of a pilot project being conducted in a limited geographical area and full implementation projected statewide for fiscal year 1981.

Cost. The cost of this project shall not be in excess of \$30,000. This project will include design only. No costs shall be incurred for implementation under this contract.

Ownership of Materials/Rights. Ownership of all materials produced under this program will reside with the State Department of Highways and Public Transportation. It will be the responsibility of the contractor to ensure that all necessary rights and permission are obtained so that the department has the exclusive right and license to use and distribute all the program materials to all the appropriate media in the United States and its territories and possessions for public service use. Copies of such data and material shall be furnished to the department on request.

Instructions for Applicants

Section I—General Information

Type of Contract. It is proposed that, if a contract is entered into as a result of this RFP, it will be a fixed-price contract.

Negotiations may be undertaken with any contractors whose proposals as to price and other factors show them to be qualified, responsible, and capable of performing the work.

Rejection of Proposals. The department reserves the right to reject any and all proposals received as a result of this RFP, or to negotiate separately with competing contractors.

Incurring Costs. The department is not liable for any cost incurred by contractors prior to issuance of a contract.

Proposals. Prepare and submit the application in three legible copies. Evaluation of the applications and selection of applicants will be conducted by the department. Selection will be based on the evaluation factors included within these instructions. Elaborate brochures, binders, and the like are neither required nor desired. However, applicants are encouraged to submit representative samples of work previously performed. These samples will not be returned unless specifically requested. Applications may be submitted by U.S. Postal Service mail or hand-delivered to the Traffic Safety Section, LaCosta Office Complex, Austin 78701. If mailed, sufficient time should be allowed to ensure receipt in the office of the Traffic Safety Section prior to the time and date specified for submission. Proposals shall be submitted on traffic safety forms, utilizing style guidelines and the "instructions for preparation" enclosed.

Response Date. To be considered, proposals must arrive at the Traffic Safety Section office on or before June 13, 1980. Contractors mailing proposals should allow normal mail delivery time to ensure timely receipt of their proposals.

Late Proposals, Modification of Proposals, and Withdrawal of Proposals.

(1) Any proposal received after the exact time specified for receipt will not be considered unless it is received before selection is made, and:

(A) it was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of applications (e.g. a proposal submitted in response to an invitation requiring receipt of proposal by the 20th of the month must have been mailed by the 15th or earlier);

(B) it is the only proposal received.

(2) A later modification of an otherwise successful proposal which makes its terms more favorable to the Traffic Safety Section will be considered at any time it is received and may be accepted.

(3) Proposals may be withdrawn by notice received at any time prior to selection.

(4) Failure to furnish all the information requested, and in the general form outlined herein, may result in the offeror's proposal being considered "nonresponsive" and thus not eligible for selection.

Economy of Preparation. Proposals should be prepared simply and economically providing a straightforward concise description of the contractor's ability to meet the requirements of the RFP.

Oral Presentation. Contractors who submit a proposal may be required to make an oral presentation of their proposal. Such presentations provide an opportunity for the contractor to clarify the proposal to ensure thorough mutual understanding. The Traffic Safety Section will schedule these presentations, if required.

Prime Contractor Responsibilities. The selected contractor will be required to assume responsibility for all services offered in the proposal whether or not the contractor produces them. The selected contractor will be considered to be the sole point of contact with regard to contracts.

News Releases. News releases pertaining to this RFP or the service to which it relates will not be made without prior approval, and then only in coordination with the Traffic Safety Section.

Disclosure of Proposal Contents. Cost and price information provided in the proposal will be held in confidence and will not be revealed or discussed with competitors. If a proposal contains any information that the contractor does not want disclosed to the public or used for any purpose other than evaluation of its offer, each sheet of such information must be appropriately marked.

All other material submitted becomes the property of the department and may be returned only at the department's option. Proposals submitted become the property of the department and may be reviewed and evaluated by any persons at the discretion of the department. The department has the right to use any or all ideas presented in any reply to the RFP. Selection or rejection of the proposal does not affect this right.

Timetable. The following proposed timetable has been established for action on this RFP. Every effort will be made to adhere to the dates established, but the department reserves the right to adjust or modify the schedule as required.

Issuance of RFP	May 23, 1980
Receipt of proposals	June 30, 1980
Final selection of contractor	July 14, 1980
Contract award	July 14, 1980
Commence contract	July 21, 1980
Activities end	September 30, 1980

Evaluation Factors. The following are some major criteria by which proposals will be evaluated. The listing is not necessarily in order of importance nor meant to be all inclusive:

- (1) grasp of program objectives;
- (2) creativity of approach;
- (3) previous successful work in related areas of public information and education;
- (4) cost.

Section II—Format/Content

The following format and content outline should be used in preparing applications for the project.

(1) Title of project. Enter the title of the project for which application is submitted.

(2) Applicant. Enter the legal description of the organization or institution that will assume full legal and financial responsibility and accountability for the demonstration project. Include the name, title, address, and telephone number of person responsible for the application.

(3) Contact. Enter the name, address, telephone number of contact (individual to be contacted for details of the application).

(4) Project director. Enter name, address, telephone number of proposed project director, if known.

(5) Date submitted. Enter date of submission by the applicant.

- (6) Signature of applicant.
- (7) General background. An overview of organization.
- (8) Existing resources. Applicable to the project.
- (9) Summaries of previous experience. Briefly list and summarize previous organizational experience. Include at least general description of work performed, source of project, approximate dollar value and manpower expended, and any materials produced for each item listed. List in the following order:

(A) projects and program directly related to the proposed effort;

(B) other related projects and programs;

(C) others as may be applicable (optional).

Staffing and Person-Days. Indicate specifically all personnel to be assigned to the project, their roles, and the number of person-days each will spend on each activity.

Cost and Price Analysis. The information requested in this section is required to support the reasonableness of quotation and is for internal department use only. Submit the cost data in a separate document from the proposal narrative. Use the following format:

(1) Personnel costs. Itemize so as to show the following for each category of personnel with a different rate per hour:

(A) category, e.g., project manager, graphic artist, writer, performer, etc.;

(B) estimated hours;

(C) rate per hour;

(D) total cost for each category and for all personnel needed.

(2) Cost of supplies, printing, studio rental (if applicable), etc. Itemize. (Note that no funds can be used to purchase advertising time or space for the campaign materials.)

(3) Subcontract costs. Itemize, if applicable.

(4) Transportation costs. Show travel costs and per diem separately.

(5) Total cost.

Agency Contact. Additional information regarding this RFP or related programs may be obtained from Susan Bryant, Public Education, Traffic Safety Section, State Department of Highways and Public Transportation, telephone (512) 452-8141, extension 325.

Issued in Austin, Texas, on June 2, 1980.

Doc. No. 804266 Diane L. Northam
State Department of Highways and
Public Transportation

Filed: June 3, 1980, 10 38 a.m.

For further information, please call (512) 475-2141.

North Central Texas Council of Governments

Consultant Proposal Request

Contact Person. Douglas A. Allen, transportation analyst, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

Due Date. July 7, 1980, 4:45 p.m. in the office of Jerry Johnson, director of marketing, Dallas Transit System, 101 North Peak Street, Dallas, Texas 75226.

Background. The purpose of this study is to update a research effort conducted in 1977 to provide DTS management with data reflecting current citizen attitudes, needs, and preferences. From this data, DTS will be better able to program its marketing strategy and to more adequately respond to present day desires of the transit and nontransit riding public. The work for this project is to be accomplished by a consultant. The contract to be awarded will be for a sum of no more than \$10,500.

The work program for this study has been divided into five tasks as outlined below:

(1) review of 1977 questionnaire and design of new document;

(2) selection of the sample group;

(3) conduct and verify interviews;

(4) tabulate data;

(5) publish report.

Copies of the request for proposal providing detailed information on this project are available on request from the contact person indicated above.

Contract Award Procedures. The recommendation for the selection of a firm or agency for the DTS marketing survey update will be accomplished by a Consultant Selection Committee. The contract award procedures which follow are not totally inclusive or mutually exclusive of other procedures which, in the opinion of the Consultant Selection Committee, require inclusion in order to achieve the best results possible within the scope of services requested. If the recommendation by the Consultant Selection Committee is approved by the Executive Board of the North Central Texas Council of Governments, the Executive Board of the NCTCOG will award a contract to the firm or agency which is considered to be best able to perform the work set forth in the said contract.

(1) Evaluation criteria. Objective measurement of the criteria will be conducted and the methodology for measurement will be determined depending on its suitability and relationship to the scope of services requested:

(A) record of performance in related fields;

(B) staff experience;

(C) ability to meet specific time frames;

(D) demonstrated knowledge of work to be performed;

(E) project management;

(F) firm's affirmative action policy and plan;

(G) written proposal;

(H) oral presentation (if requested).

(2) Evaluation methodology:

(A) written proposal evaluated by Consultant Selection Committee;

(B) oral presentation (if requested) evaluated by Consultant Selection Committee.

(3) Contract award

(A) review of Consultant Selection Committee's recommendation by NCTCOG Executive Board to contract with consultant, and if approved,

(B) award of contract by NCTCOG Executive Board.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies

all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the North Central Texas Council of Governments to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration.

The North Central Texas Council of Governments reserves the right to reject, in total or part, any and/or all proposals should it be advantageous to do so.

Since the maximum amount available for this project is approximately \$10,500, projected costs will be an item of evaluation. An Office of Management and Budget Optional Form 60 Contract Pricing Proposal will be required for negotiation of reasonable costs.

Respondents should indicate proprietary interests where applicable.

The contractor will comply with all federal and state laws and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

Replies must be received by Dallas Transit System no later than 4:45 p.m. July 7, 1980.

Issued in Arlington, Texas, on May 26, 1980.

Doc. No. 804066 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: May 30, 1980, 1:37 p.m.
For further information, please call (817) 640-3300.



State Property Tax Board Consultant Contract Award

In accordance with its invitation of April 25, 1980 (5 TexReg 1586), the State Property Tax Board has awarded the consultant contract to Bill Caldwell, Brazoria County Courthouse, Angleton, Texas 77515, who is to assist the board in identifying, defining, and documenting the elements and procedures necessary to be included in the valuation process of mineral, utility, and industrial properties.

The contract is not to exceed \$22,500 with the contract beginning May 27, 1980, and ending August 31, 1980. All reports are to be due by August 11, 1980, with Mr. Caldwell available to the board through August 31, 1980.

Issued in Austin, Texas, on May 27, 1980.

Doc. No. 804111 Walter E. Lillie
General Counsel
State Property Tax Board

Filed: June 2, 1980, 5:10 p.m.
For further information, please call (512) 837-8622.

Railroad Commission of Texas Gas Utilities Division

Review of Commission Curtailment Policy— Public Meeting

In January of 1973, the commission issued an order in Gas Utilities Docket No. 489, relating to the approval by the commission of curtailment programs for natural gas transported and sold within the State of Texas. In this docket, the commission promulgated a curtailment priority schedule to control the flow of natural gas during times of shortage. Each gas utility within commission jurisdiction was additionally instructed to file a curtailment program for approval by the commission. It was further provided that until the commission had specifically approved a utility's curtailment program, the priority schedule contained in Docket No. 489 would be observed. Subsequently, some utilities secured approval of specific curtailment programs for the operation of their systems.

In the intervening period from the time of implementation of the general and specific curtailment plans until the present, there have been curtailments varying in magnitude and duration. Curtailments in recent periods in conjunction with developments in the applicable law and regulatory scheme, and changes in customers' operational capabilities, suggest that existing curtailment plans may not be well suited to the demand and supply configuration of the energy market today. These considerations in part led to the commission's emergency amendment in Gas Utilities Docket No. 2336 on January 7, 1980, to all curtailment plans which placed certain interstate transactions at the lowest priority level. In Gas Utilities Docket No. 2336, the commission also sought comments on the existence and effectiveness of a system to voluntarily allocate and share natural gas among pipelines in times of emergency shortage. The general conclusion of the participants was that a voluntary allocation plan was effective and much preferred over a mandatory scheme although

it could be made more efficient if studies were conducted to identify and eliminate obstacles, regulatory and otherwise, to a fully coordinated system.

In order to develop recommendations on modifying the overall curtailment policy or specific plans, it is necessary to provide a public forum for the presentations of opinions and information of all interested persons or agencies. It is contemplated that the public meeting convened by this notice would be in the nature of a legislative fact finding and would form the foundation of future proceedings, including rulemaking, where the implementation of specific proposals would be examined. To continue the inquiry begun in Docket No. 2336, the opportunity will be taken at this time to solicit nominees to be appointed to a committee which will study the problems of a voluntary gas allocation system and report to the commission on any remedial action necessary to a more responsive and comprehensive system.

The Railroad Commission of Texas has authority pursuant to Texas Revised Civil Statutes Annotated, Article 6053 (Vernon 1962), to regulate and apportion the supply of gas between towns, cities, and corporations. Further, Texas Revised Civil Statutes Annotated, Article 1446c (Vernon Supplement 1980), authorizes the Railroad Commission to regulate rates, operations, and services of utilities in order to protect the public interest by assuring adequate and efficient service.

It is therefore directed that a public hearing be held on July 9, 1980, at 10 a.m. in Room 107 of the commission offices at 1124 South IH 35, Austin, to allow all gas utilities, other public utilities using natural gas as a fuel, municipalities, and any other interested persons or agencies to appear and present information, the focus of which should be upon but need not be limited to the following subjects:

(1) Reasons for past curtailments. Where applicable, comments should address:

(A) any identifiable causes of curtailment in recent heating seasons;

(B) the probability of future curtailments from those identified causes;

(C) what remedial actions, if any, have been taken to avoid future curtailments;

(D) what remedial measures, and the cost thereof, could be taken to avoid future curtailments;

(E) the possibility of future curtailments from other causes and the cost of any measures to forestall these curtailments.

(2) Available supplies of natural gas. Comments should include information concerning:

(A) whether the Railroad Commission should require gas utilities to have available at all times immediately accessible reserves of natural gas stored in sufficient quantities to enable the utility to meet extraordinary demand peaks;

(B) whether the commission should require gas utilities to acquire and maintain sufficient reserves to provide adequate supplies of natural gas during seasons of peak consumption;

(C) whether the Railroad Commission should seek to establish market mechanisms to allocate the supply of gas during times of curtailment such as a market for the future rights to purchase gas for periods of short duration;

(D) costs which customers of all classes would incur if the commission should require the implementation of (A)-(C)

above, or any other course of action designed to ensure that all utilities have adequate supplies of natural gas.

(3) Delivery capacity. Comments relating to the capacity of a utility to deliver natural gas during periods of peak demand should include information concerning:

(A) factors relating to the interplay of weather and economics which were considered in developing the transportation and distribution systems currently in use in Texas;

(B) whether the commission should require utilities in Texas to adjust their delivery capabilities in order to meet extraordinary demand peaks occasioned by severe weather, and if so, what demand peak should be used;

(C) costs associated with providing utility systems which are capable of meeting the referenced peak demand.

(4) Technical improvements. The commission is interested in technical improvements which can be made or procedures which can be adopted in order to ensure that a utility system operates at any given point in time as near as practicable to 100% of designed supply and capacity limits. Information presented should include data concerning:

(A) The design and installation of pipeline controls which would not be vulnerable to predictable weather extremes. In the alternative, the alteration of existing controls to make them impervious to weather conditions.

(B) Steps that can be taken to ensure that such controls are accessible to utility employees at all times. Particular attention should be devoted to:

(1) remote control devices; and

(2) the availability to gas utility employees of the equipment necessary to ensure access to controls at all times.

(C) The cost associated with implementing any technical improvements.

(5) Priority schedules. Assuming the commission should consider the establishment of new priority schedules, or the alteration of existing priority schedules, what specific changes must be made. Included should be information concerning:

(A) what classes of customers should be included in each priority classification and why;

(B) whether a priority schedule should result in total curtailment to a lower classification before any curtailments are initiated for the next higher classification;

(C) how the priority schedule will be operationally implemented during times of curtailment;

(D) the makeup and implementation of a comprehensive priority schedule which would be applied statewide to all gas utilities regulated by the Railroad Commission of Texas pursuant to either original or appellate jurisdiction;

(E) the effect that Texas Revised Civil Statutes Annotated, Article 6066f (Vernon Supplement 1980) would have on any priority schedule;

(F) the effect that the Natural Gas Policy Act of 1978 should have on any priority schedule;

(G) whether the commission should require the development of an entitlements program whereby customers in a curtailment plan may participate in intra-category or inter-category transfers of entitlements to natural gas in contemplation of curtailment. The objective of such a program would be to build in flexibility to a particular curtailment plan to make it more responsive to the economic decisions of a utility's customer while effecting an orderly reduction in deliveries.

It is further directed that any persons or agencies who intend to participate in this proceeding so indicate by filing with the

acting director of the Gas Utilities Division of the Railroad Commission of Texas at P.O. Box 12967, Austin, Texas 78711, a statement of intent to participate along with a copy of the statement, testimony, and any supporting data which they will present orally at the hearing at least 10 days prior to the date of the hearing. This material need not be served on any other party, but will be available for inspection at the commission office.

It is further directed that all gas utilities shall serve a copy of this notice on all municipalities within which they serve or to whose city gate they deliver natural gas and on all industrial and agricultural customers, excluding other gas utilities to whom they provide natural gas service, by United States mail, postmarked no later than May 30, 1980.

It is further directed that all gas utilities shall file with the acting director of the Gas Utilities Division of the Railroad Commission of Texas a list of all municipalities, persons, or agencies on whom it has served notice no later than June 6, 1980.

It is further directed that in the event that neither the commission nor any of its members is present to preside over and hold said hearing, the acting director or a hearings examiner of the Gas Utilities Division is hereby authorized and empowered to hold the same and to perform any act as provided in Texas Revised Civil Statutes Annotated, Article 6519a (Vernon Supplement 1980).

It is further directed that interested persons or agencies wishing to participate in the selection of members of a committee to be appointed by the division to study the operation of the voluntary gas allocation system should submit the nominee's name, affiliation, and professional credentials to the division no later than June 9, 1980. The Gas Utilities Division staff will select a committee from the nominees to meet independently and report to the commission what measures could be adopted to make the system more efficient.

Issued in Austin, Texas, on May 12, 1980.

Doc. No. 804274 John W. Camp, Acting Director
Gas Utilities Division
Railroad Commission of Texas

Filed: June 3, 1980, 3:43 p.m.

For further information, please call (512) 445-1126.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of May 26-30, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action; and (3) the names and addresses of all persons whom the requester represents. If the

commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending May 30, 1980

Joseph Dixon Crucible Company, doing business as Southwestern Graphite Co., Burnet County; graphite mining and ore beneficiation plant, 2.1 miles north of the State Highway 29 crossing over Clear Creek; 00350; renewal

International Paper Company, Cass County; paper company; five miles east of U.S. Highway 59, adjacent and south of the Sulphur River; 01339; amendment

City of Henrietta (north plant); Clay County; treatment facility; 4,700 feet northwest of the intersection of U.S. Highway 82 and FM Road 1197 (Bridge and Omega Streets); 10454-01; renewal

City of Henrietta (Plant 2); Clay County; treatment facility; intersection of U.S. Highway 82 and Dry Fork Creek, east of Henrietta, 10454-02; renewal

Trinity Bay Conservation District (Buccaneer Drive Plant), Winnie; sewage treatment plant, near the point where Buccaneer Drive crosses the south fork of Mayhaw Bayou; 10851-01; amendment

Mobil Oil Corporation (Piedre Lumbre-Brelum Well 1), Duval County; industrial waste disposal well; Charles Adams Survey, Section 106 in northern Duval County, approximately nine miles north of Freer; new permit

Mobil Oil Corporation (Piedre Lumbre-Brelum Well 2), Duval County; industrial waste disposal well; Charles Adams Survey, Section 106 in northern Duval County, approximately nine miles north of Freer; new permit

Quanex Corporation, Fort Bend County; steel tubular products manufacturing plant; Scott Road at the U.S. Highway 59—Scott Road intersection, approximately three miles west of the City of Rosenberg; 01237; renewal

Nalco Chemical Company, Sugar Land, Fort Bend County; demulsifier, corrosion inhibitor, and water treatment chemical production plant; intersection of U.S. Highway 59 and 90 A, and State Highway 6; 00726; renewal

City of Bardwell, Ellis County; treatment facility, oxidation pond plant; intersection of FM 984 and State Highway 34 in Bardwell, 10999-01;

Owens-Corning Fiberglas Corporation, Ellis County; fiber glass manufacturing plant; IH 35, approximately four miles northeast of the City of Waxahachie; 01178; renewal

Greenwood Development Corporation, Huffman; sewage treatment plant; intersection of FM Road 2100 and FM Road 1960, west of the community of Huffman; new permit

Encanto Real Utility District, Harris County; treatment facilities; 3-1/4 miles north-west of the intersection of Interstate Highway 45 and Spring-Stuebner Road, south of Spring Creek; 11303-01; renewal

Amerada Hess Corporation, Harris County; tank farm and truck washing and loading terminal; 1/2-mile downstream from the Washburn Tunnel; 00671; renewal

Brown Oil Tools, Inc., Village of Spring Valley, Harris County; oil tool manufacturing plant; 8490 Katy Freeway; 00687; renewal

Interstate Southwest Forge, Navasota, Grimes County; waste treatment plant; 1.3 miles south of the intersection of State Highway 508 and FM Road 379; new permit

United States Steel Corporation, Live Oak County; in-situ uranium mine; five miles southwest of George West; new permit

Pasadena Chemical Corporation, Harris County; ammonium phosphate fertilizer manufacturing complex; south bank of the Houston Ship Channel at the northern termination of Jackson Road in Pasadena; 00649; amendment

Otis Engineering Corporation, Harris County; wastewater treatment plant; 0.3 mile east of Hardy Road and two miles south of FM Road 1960; new permit

Affiliated Capitol Corporation, Harris County; sewage treatment facilities; 2,800 feet south and 800 feet west of the intersection of Grant Road and FM 149; new permit

City of O'Brien, Haskell County; treatment facilities; 1/2-mile north of the intersection of State Highway 6 and FM Road 2222; 10806-01; renewal

City of Whitney, Hill County; sewage treatment plant; 1,600 feet west of the intersection of FM Roads 1244 and 933; 11408-01; amendment, renewal

Cle-Tex Materials, Inc., Liberty County; sand and gravel processing facility; two miles west of the City of Cleveland, about one mile south of FM Road 1725; 00966; renewal

City of Kirbyville, Jasper County; wastewater treatment facilities; 3/4-mile east of the intersection U.S. Highway 96 and Main Street in the City of Kirbyville; 10202-03; renewal

City of Centerville, Leon County; treatment facilities; south of State Highway 7 and approximately 600 feet east of Towns Street in the east part of Centerville; 10147-01; renewal

Gulf Coast Machine and Supply Company, Beaumont, Jefferson County; forging and industrial machine shop; 800 feet east of the intersection of Interstate Highway 10 and Smith Road, and seven miles southwest of Beaumont; 01203; renewal

Brazos River Authority (old Waco Plant), Waco; treatment facility; 1/2-mile southeast of the LaSalle Avenue and Riverside Drive intersection; 11070-01; renewal

Brazos River Authority (Waco metropolitan area regional sewage treatment plant), McLennan County; sewage treatment plant; Brazos River, approximately 4.5 miles downstream from its intersection with Interstate 45; 11071-01; amendment

City of Mason; oxidation pond; 3/4-mile northeast of the intersection of FM 1723 and U.S. Highway 87, southeast of Mason; 10670; amendment

Forest Water and Sewage Service Corporation, Montgomery County; treatment facilities; 500 feet due south of the west end of State Highway 105 west bridge over Lake Conroe; 11708-01

Porter Municipal Utility District, Montgomery County; wastewater treatment facilities; 7,000 feet due south of the intersection of FM Road 1314 and old U.S. Highway 59; new permit

Issued in Austin, Texas, on May 30, 1980.

Doc. No. 804071 Mary Ann Heffner
Chief Clerk
Texas Water Commission

Filed: May 30, 1980, 3:07 p.m.

For further information, please call (512) 475-1311.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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TITLE 22. EXAMINING BOARDS

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