

**RULES
OF
THE TENNESSEE DEPARTMENT OF CORRECTION
YOUTH SERVICES**

**CHAPTER 0420-4-1
COUNTY GRANTS FOR COMMUNITY INTERVENTION SERVICES
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0420-4-1-.01 PURPOSE OF COUNTY GRANTS FOR COMMUNITY INTERVENTION SERVICES. The purpose of the County Grants for Community Intervention Services is to plan for and implement community-based programs designed to accomplish the following:

- (1) to reduce the average daily institutional population within the Department of Correction (DOC) Youth Services facilities by 120 youth,
- (2) to keep youth close to home and community,
- (3) to assist counties in developing programs designed to provide dispositional alternatives for juvenile courts,
- (4) to support initiatives by communities to provide local services to their own youth.

Authority: T.C.A. §§4-3-603 and 4-3-606. *Administrative History:* Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.02 ELIGIBILITY. The Department of Correction, Youth Services Division, may award a grant to any entity of government, except in any county which is currently under another contract and receiving funds from DOC to provide dispositional alternatives to commitment, or to a Tennessee private or public corporation. A county may exercise its option to not submit an application and to allow another entity of government or a Tennessee public or private corporation to apply for funding in place of the county.

Authority: T.C.A. §§4-3-603 and 4-3-606. *Administrative History:* Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987. Amendment filed January 20, 1988; effective April 27, 1988.

0420-4-1-.03 ALLOCATION OF FUNDS. Funds will be awarded by competition, based upon established criteria outlined in the funds availability notice. Applicants must provide documentation including, but not limited to, the following: that the project will impact the average daily population within DOC facilities, that the juvenile court will agree to use the project's services only as a dispositional alternative to commitment to DOC Youth Services for delinquent offenders and status offenders who have violated valid court orders; that the juvenile court will agree to establish as a target the maximum number of youth it will commit to DOC during the project period, such target number to be agreed upon by DOC; that the juvenile court does not have access to adequate existing resources to provide services as a dispositional alternative to DOC, that all expenditures are justifiable and reasonable; that the project will be cost effective; and that the community supports the project.

(Rule 0420-4-1-.03, continued)

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.04 CONTINUATION OF PROJECTS. Grants may be renewed at the end of the fiscal year; however, grants may be terminated or their renewal denied for failure to comply with the purpose of the funds and the terms of the contract.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History.** Original rule filed October 28, 1986; effective January 27, 1987.

0420-4-1-.05 MATCHING FUNDS. There shall be no requirement for applicants to provide matching funds; however, the applicant may choose to provide cash funds or in-kind services to enhance the project.

Authority.- T.C.A. §§4-3-603 and 4-3-606. **Administrative History.** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.06 REALLOCATION OF REVERTED FUNDS. Reverted funds may be reallocated to existing projects or new projects not previously funded due to a lack of available funds.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987.

0420-4-1-.07 ALLOWABLE EXPENDITURES. Funds may be used to provide or to purchase distinct new services, to expand existing services which will adhere to the purpose of the funds, or to continue projects currently funded with Community Intervention Services grants.

- (1) Expenditures may include new personnel costs, necessary equipment, travel for personnel, purchase of services, supplies and operating costs for non-residential services.
- (2) Indirect/overhead costs will be allowed to cover the grant's share of agency costs not directly attributable to the grant project. If the applicant must have an Indirect Cost Allocation Plan for another funding source, the applicant must submit an Indirect Cost Allocation Plan as approved by state or federal government. If an Indirect Cost Allocation Plan is not required by another funding source the applicant may budget indirect/overhead costs subject to the following limitations:
 - (a) the applicant may budget indirect/overhead expenses not to exceed five percent (5%) of the overall project budget;
 - (b) the applicant may budget indirect/overhead expenses not to exceed ten percent (10%) of the personnel cost, including salaries and benefits, for the project; or
 - (c) the applicant may submit a line item indirect/overhead cost budget, each item to be subject to approval by DOC.
- (3) Costs for secure and non-secure residential services must be reflected as per diem rates, subject to approval by DOC. The applicant must describe the method used to determine the per diem rate.
 - (a) any secure residential facility used must provide documentation that it is certified by the Tennessee Corrections Institute;
 - (b) any non-secure residential facility used must provide documentation that it is licensed by the Department of Human Services or the Department of Mental Health/Mental Retardation.
- (4) Any funds used for travel, meals, or lodging are subject to the maximum amounts and limitations specified in the State Comprehensive Travel Regulations.

(Rule 0420-4-1-.07, continued)

- (5) Any personnel hired with grant funds may not assume duties regularly performed by a Youth Services Officer; e.g. intake, regular probation, pre-sentence investigations, etc. (T.C.A. § 37-1-106). Such personnel may work only with youth ordered to be served by the project.
- (6) Any staff hired by juvenile courts responsible for implementing court-operated projects must meet educational and training requirements as established by the Tennessee Children's Services Commission for Youth Services Officers.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History.** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987. Amendment filed January 20, 1988; effective April 27, 1988.

0420-4-1-.08 UNALLOWABLE EXPENDITURES. Funds shall not be used for the following:

- 1. to supplant existing local funds previously budgeted during the last three fiscal years of the county
- 2. to provide or expand salaries or expenses of juvenile court judges, referees, or youth services officers;
- 3. to acquire, construct or renovate facilities;
- 4. to place youth in out-of-state programs;
- 5. to provide matching funds for applications for federal or state grants; or
- 6. to pay any expense not included in the approved budget submitted as part of the application, provided that revisions in the approved budget may be allowed subject to prior approval by DOC.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987

0420-4-1-.09 MULTI-COUNTY PROJECTS. Applicants are encouraged to submit applications designed to serve multiple counties. In such instances, a cooperative agreement between the applicant, each participating juvenile court, and the county executives in participating counties must be included in the application. At a minimum, the applicant must agree to provide services as described in the application and each participating court must agree to use the services only as a dispositional alternative to commitment to DOC and to set as a target the maximum number of youth it will commit to DOC during the project period, such target number to be agreed upon by DOC.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.10 NATURE OF PROGRAMS.

- (1) The types of programs which may be funded include, but are not limited to, the following, or any combination thereof:
 - (a) Residential
 - 1. group homes;
 - 2. residential treatment centers; or

(Rule 0420-4-1-.10, continued)

- 3. foster homes.
- (b) Non-residential
 - 1. intensive family counseling;
 - 2. intensive probation;
 - 3. crisis intervention;
 - 4. day treatment;
 - 5. victim/offender reconciliation; or
 - 6. community service/restitution
- (2) Children Eligible to Receive Services. The juvenile court judge should consider the extent and nature of prior delinquent or unruly behaviors, the extent and nature of the presenting offense, whether the offense was committed in an aggressive and premeditated manner, and the possible rehabilitation of the child through services funded.
 - (a) as a disposition, the juvenile court judge may order a child to receive service in lieu of commitment to DOC, under the following circumstances:
 - 1. an adjudicated delinquent child may receive residential or non-residential services, or
 - 2. an unruly child who has been adjudicated for violating a valid court order may receive non-residential services only; and
 - 3. in each case, the child shall be committable to the Department of Correction and otherwise would have received a DOC facility placement,
 - (b) no child tried in a criminal court as an adult may be sentenced by a judge of criminal jurisdiction to receive services;
 - (c) the juvenile court judge shall provide to DOC documentation that each child receiving services meets eligibility criteria.

Authority: T.C.A. §§4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987.

0420-4-1-.11 COMMITTEES

- (1) Project Advisory Committees. Each grantee shall establish a Project Advisory Committee.
 - (a) the function of the Project Advisory Committee shall be to:
 - (i) assist in the development of the local project;
 - (ii) oversee future budget development;
 - (iii) conduct public relations activities in the community; and
 - (iv) oversee the operation and local evaluation of the project.

(Rule 0420-4-1-.11, continued)

- (b) The project director shall appoint the members of the Project Advisory Committee including:
 - (i) the county executive or designee;
 - (ii) the juvenile court judge or designee;
 - (iii) a representative from DOC;
 - (iv) a representative from DHS;
 - (v) a representative from the mental health field;
 - (vi) a representative from the school system;
 - (vii) the Tennessee Children's Services Commission district coordinator; and
 - (viii) a representative from the private sector; and
 - (ix) if the grantee is a corporation, the chief executive officer or designee.
 - (c) The Project Advisory Committee members shall adopt such by-laws as necessary to fulfill its stated function. The chair shall be elected by the members.
- (2) DOC shall establish a County Grants Review Committee.
- (a) The function of the Committee shall be to:
 - (i) review and recommend changes in the rules governing the distribution of funds;
 - (ii) review applications;
 - (iii) recommend grants to be awarded; and
 - (iv) evaluate the project's progress semi-annually or as needed.
 - (b) Members of the Committee shall include:
 1. Three (3) employees of the DOC appointed by the Commissioner of Correction.
 2. The executive administrative assistant to the Tennessee Council of Juvenile and Family Court Judges; and
 3. One representative from the private sector.
 - (c) The Committee shall establish such guidelines as necessary to fulfill its stated function.
 - (d) The DOC representative shall serve as chair and DOC shall provide staff support to the Committee.
- (3) All meetings of the Project Advisory Committee, and the County Grants Review Committee shall be open to the public.

Authority: T.C.A. § 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987. Amendment filed April 21, 1989; effective July 29, 1989

0420-4-1-.12 APPLICATION PROCEDURES.

- (1) By March 1 of each year, DOC Youth Services shall mail to each eligible county and to other eligible applicants an application packet containing the funds availability notice, concept paper forms, application forms, rules to govern the distribution of the funds, and a copy of the contract which will be used.
- (2) DOC staff will be available to provide assistance to applicants in completing application forms.
- (3) Applicants are encouraged to submit a concept paper, due on April 1 of each year, to be reviewed by project staff for strengths and deficits. Such concept paper must include at a minimum the following: a brief description of the services to be provided, a description of the target population, a statement of impact relating to the number of commitments to DOC, and a line item estimated budget.
- (4) Two copies of the application with original signatures and ten additional copies must be received by 4:00 p.m., CST on May 1 of each year. If May 1 is a holiday or on the weekend, the deadline shall be 4:00 p.m., CST on the next state business day.
- (5) Applications received after the deadline shall be returned unopened to the sender.
- (6) Applications not including the following shall be rejected without further consideration.
 - (a) letters of endorsement from the DOC regional or district director, the juvenile court judge(s), and the sheriff(s) of the affected geographic areas;
 - (b) original signatures of the parties legally authorized to enter into contracts if an entity of government is the applicant. Any application submitted by a county or municipal government must also include the signature of the juvenile court judge exercising jurisdiction in that county or municipality.
 - (c) original signature of the agency director if the applicant is a public or private corporation; and
 - (d) documentation of agreement from the juvenile court judge to use the services only as a dispositional alternative to commitment to DOC and to set as a target the maximum number of youth it will commit to DOC during the project period.
- (7) All applicants will be automatically notified of receipt of and the identification number assigned to their application. If acknowledgment is not received within three weeks after the deadline date, the applicant should notify DOC Youth Services.
- (8) Contents of all applications shall be public information after grant contracts are fully executed. Such information will be made available for inspection upon request during regular state business hours.
- (9) Public and private corporation applicants must include the following in the application:
 - (a) a description of the agency's qualifications to provide the services described including any previous grants;
 - (b) the agency's charter of incorporation; and
 - (c) a list of the agency's Board of Directors.

(Rule 0420-4-1-.13, continued)

Authority: T.C.A. § 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987. Amendment filed January 20, 1988; effective April 27, 1988.

0420-4-1-.13 APPLICATION REVIEW PROCESS.

- (1) Review by DOC staff. All applications shall be reviewed by doc staff to insure that the application form is complete and includes required documents, that the signatures of the parties required to sign the application is designed to comply with the stated purpose of the funds and these rules governing the distribution of the funds.
- (2) Review by the County Grants Review Committee. The County Grants Review Committee shall convene to review all applications not affected by Rule 0420-4-1-.12(6) submitted and to make recommendations regarding approval or disapproval of applications and any special conditions which should be imposed upon the grantee. The Committee should conclude its review activities before the beginning of each fiscal year and present its recommendations to the Commissioner of DOC or his designee. The Commissioner or his designee shall award the grants.
- (3) Notification of Approval/Disapproval. Within three weeks of the awarding of grants, DOC staff shall notify in writing each applicant of DOC's decision to approve or disapprove its application. Approval notices will include the amount of funding approved and any special conditions placed on the award.

Authority: T.C.A. §§ 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.14 GRANT CONTRACTS. DOC staff shall send a grant contract to each applicant having an application approved. DOC must receive the grant contract signed by the parties who signed the application and the contract must be signed by the Commissioner of Correction before any claims for reimbursement will be accepted. Such grant contract must be on a form approved in advance by the Tennessee Department of Finance and Administration.

Authority: T.C.A. §§ 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987.

0420-4-1-.15 EFFECTIVE GRANT DATES. Each grant shall become effective upon the signature of the Commissioner of Correction and will terminate on June 30 of each year, the end of the State's fiscal year. All projects shall be designed to begin accepting clients within 45 days of the effective date.

0420-4-1-.16 PAYMENT PROCEDURES.

- (1) All payments shall be made on a reimbursement basis except for initial payment of an advance of funds up to fifteen percent (15%) of the total contract. Where an advance of funds is desired, the requested advance should be set forth in the grant application. The request shall specify the percentage of advance and a justification for the advance.
- (2) Claims for reimbursement shall be accepted on the 15th day of each month during the term of the Contract, except that the final claim for June 15-30 shall be submitted by July 5. Claim forms will be provided by DOC.
- (3) Only reimbursements for approved expenditures shall be paid. Any revision in the grant budget must be requested in writing, and approved in writing by DOC prior to expenditure of the funds. Such requests must be signed by the parties required to sign the application and contract.
- (4) Each reimbursement claim must be accompanied by a completed project progress report, and other documentation as required ,on forms provided by DOC.

(Rule 0420-4-1-.16, continued)

- (5) The grantee shall keep on file all invoices, payroll records, canceled checks, and other necessary fiscal documents to verify expenditures claimed and comply with state audit requirements for grants.

Authority: T.C.A. §§ 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987. Amendment filed April 27, 1987; effective July 29, 1987. Amendment filed April 21, 1989; effective July 29, 1989.

0420-4-1-.17 MONITORING AND EVALUATION.

- (1) DOC staff shall make on-site visits as needed to monitor and evaluate projects, but shall make the on-site visits no less than once per year.
- (2) The purpose of the on-site visits is to provide technical assistance, to ensure that services are being provided, to determine the applicant's adherence to the terms of the grant, and to verify that records are maintained and in proper order.
- (3) Items to be inspected during the on-site visit shall include claims for reimbursement, fiscal records, programmatic records, and court intake and disposition records.
- (4) DOC staff monitoring the projects shall, in person and in writing, advise the grantee of any problems or significant findings found during the site visit and shall maintain copies of all correspondence in the grant file.

Authority: T.C.A. §§ 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987.

0420-4-1-.18 CONFIDENTIALITY. All records of youth served must be collected and maintained in a manner to insure the protection of the youth's rights to privacy and confidentiality.

Authority: T.C.A. §§ 4-3-603 and 4-3-606. **Administrative History:** Original rule filed October 28, 1986; effective January 27, 1987.