

\*\*\* DRAFT - NOT YET FILED \*\*\*

5139-61-03

**Administration of community juvenile corrections facilities:  
responsibilities of the department.**

The department shall establish, administer, and monitor a program of financial and technical assistance to grantees for the operation of facilities to serve eligible youth. The administration of the program includes, but is not limited to:

- (A) Apportioning available funds to those grantees with designated community juvenile corrections facilities constructed in accordance with Amended H.B. 812 of the 117th General Assembly.
- (B) Establishing procedures, time frames and an annual schedule for submitting requirements to the department for grant funding.
- (C) Reviewing each grant application and renewal application to ensure that the application is in compliance with all administrative rules and departmental requirements.
- (D) Providing technical assistance to the facility and the governing authority.
- (E) Monitoring facilities annually to ensure compliance with administrative rules and the program design as stated in the approved grant application or renewal.
  - (1) The division of ~~parole courts~~ and community services, through the bureau of community facilities (~~BCF~~), shall be charged with the inspection, supervision and approval of community correctional facilities (CCF).
  - (2) The bureau shall make annual on-site inspections of CCFs. Such inspections shall be scheduled ~~thirty days in advance with written notice to the administrator~~ with the administrator of the facility.
  - (3) The bureau may conduct unannounced inspections anytime, ~~after formal approval has been granted. Should the bureau conduct unannounced inspections, the notification requirements of this rule do not apply.~~
  - (4) The CCF administrator shall make himself/herself, and key facility staff, available in the event the ~~inspection team~~ bureau field representative has questions or needs additional information.
  - (5) Once at the facility, the ~~inspection team~~ bureau field representative will meet

with the CCF administrator and key facility staff to explain any criteria that will be used in the inspection, the reason(s) for the inspection and any other relevant matters.

- (6) The bureau shall have full access to all areas of the CCF during any inspection, and to all records (including juvenile files), relating to the operation of the facility.
  - (7) The bureau's field representative shall ascertain compliance with the department of youth services standards contained in the Administrative Code and the department of youth services grant agreement and all other applicable guidelines.
  - (8) ~~Within thirty days after~~ After an inspection the bureau's field representatives shall prepare a written report of its inspection. The report shall include any findings of non-compliance and shall be sent to the administrator of the CCF.
  - (9) The bureau shall require the facility to correct all deficiencies within thirty days from notification or to submit an acceptable plan and timetable to remedy these areas.
  - (10) The department may withhold funding for failure to comply with such notices, at the end of the thirty day period or the applicable timeline.
- (F) Establishing a review process to evaluate the effectiveness of the facility in meeting its goals and objectives.
- (1) The department will assist the facility by providing independent assessments and reports to the facility administrator.
  - (2) This shall be done in cooperation with the grantee.

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5139-61-04

**Administration of community juvenile correction facilities:  
responsibilities of the grantee.**

The grantee representing the facility is eligible to receive grant funds by following these procedures:

(A) Establish a governing board in accordance with the Ohio Revised Code. Governing boards will:

(1) Meet a minimum of once per quarter and provide the department with the scheduled meeting dates and minutes from the meetings.

(2) Establish by-laws that are reviewed and approved annually which outline:

(a) officers and terms of office.

(b) voting and quorum requirements.

(c) specify delegation of authority.

(d) establish standing sub-committees to include an advisory board, legal, finance, programming and personnel.

(B) Maintain compliance with requirements of established rules under Chapters 5139-36, 5139-61, and 5139-63 of the Administrative Code.

(C) Apply for grant funds and completing a grant application. Applications shall describe:

(1) The standardized screening process to ensure that all eligible youth are considered for admission to the facility, including the notification process between the courts and the facility.

(2) The plan to reduce commitments to the department, including measurable goals and objectives.

(3) The programs, and services and treatment offered by the facility.

(4) The method to be utilized to monitor and evaluate the programs and services

available to youth in the facility.

- (5) The plan to ensure access to the facility and its services by minority juveniles.
- (D) Comply with procedures, time frames and the annual schedule of requirements established by the department.
- (E) The CCF administrator may Request request and will participate in technical assistance provided by the department for either the facility or Governing Board. ~~This includes events and meetings conducted by the department or specific needs identified by the facility for assistance and training.~~
- (1) The CCF administrator and identified staff member (e.g. Program Director, trainer) are required to attend scheduled meetings or trainings conducted by the department.
- (F) Comply with monitoring and inspections conducted by the department to include:
- (1) The CCF ~~administrator~~administrator shall prepare for the annual on-site inspection visit in accordance with the bureau's guideline and instruction.
- (2) Upon arrival of the ~~inspection team~~ bureau's field representative, the administrator shall make him/herself, and key facility staff, available in the event the inspection team has questions or needs additional information.
- (3) A waiver for non-applicability of a standard shall be requested ~~in writing at least thirty days in advance of~~ prior to the annual on-site scheduled visit. This request will be reviewed by the bureau chief of community facilities. The decision by the chief is final and may not be appealed.
- (4) The bureau shall require the facility to create a corrective action plan addressing all deficiencies within thirty days from receipt of the inspection report.
- (5) The department may withhold funding for failure to comply with such notices, at the end of this thirty day period.
- (G) Establish a review process to evaluate the effectiveness of the facility in meeting its goals and objectives.
- (1) This shall be done in conjunction with the department.

- (2) The facility shall use independent assessments and reports provided by the department to facilitate this process.
- (3) The facility will submit an annual report by August thirty-first of each year that describes the progress made toward achieving the goals and objectives as described in the application, program overview and statistical data programs, outcomes and youth demographic information.

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5139-61-07

**Grant application and renewal requirements.**

Grant renewal ~~applications~~applications are due to the department no later than March first of each year. Each grant submission shall include the overall facility program plan, which includes:

- (A) The problem statement.
- (B) The mission and goals of the facility.
- (C) The diversion plan which describes the plan to reduce commitments to the department. The plan shall include:
  - (1) The eligibility criteria.
  - (2) The length of time that youth are expected to remain in the facility.
  - (3) The number of youth previously committed to the department for each participating county during the previous fiscal year.
  - (4) The number of youth previously recommitted or revoked from each participating county during the previous fiscal year.
  - (5) The total number of youth to be served by the facility during the past fiscal year.
  - (6) The projected number of youth who will be diverted from a commitment to the department by being admitted to the facility during the upcoming fiscal year.
  - (7) The projected number of youth who will be diverted in lieu of a recommitment or revocation by being admitted to the facility during the upcoming fiscal year.
- (D) An overview of the facility to include:
  - (1) A table of organization.
  - (2) A list of the governing board members; and the associated sub-committees.
  - (3) A list of all personnel titles and their job descriptions, and a staffing

pattern/schedule for a thirty day period.

- (4) All policies and procedures of the facility.
- (5) The sanctions to be imposed on youth who violate rules of the facility.
- (6) The substance abuse policy for the facility.
- (7) The plan to access local aftercare services for youth.
- (8) The plan for obtaining and maintaining accreditation from the American ~~correctional~~ Correctional Association ~~association~~ for the facility.

(E) The admission procedure.

(F) A description of programs approved by the department, services and treatment available to youth, which shall include at a minimum:

- (1) Independent living programs and basic living skills.
- (2) Recreation programs.
- (3) Educational services and the entity providing education.
- (4) Job training and job readiness programs.
- (5) Counseling/treatment services, including specialized services.
- (6) Medical services.
- (7) Religious services.
- (8) Mental health services.
- (9) ~~Substance~~Substance abuse services.
- (10) The community resources to be used by the facility.

All subsequent applications shall include paragraphs (B), (C) and (D) of this rule and

specify any changes or proposed changes in the other paragraphs since the last application.

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5139-63-03

**Budgetary requirements.**

This rule identifies the major elements of which the county(s) must be aware to correctly complete required budgetary reports.

- (A) Financial reports. The financial reports required by this chapter are designed to enable the department to monitor the various schedules of the approved grant.
- (B) Grant budgets. The grant budgets shall be annual, based on the state fiscal year. The grant budgets shall include budget schedules and narratives.

The facility shall follow the chart of accounts provided by the department in establishing a budget for projected expenditures of funds. All obligations must be incurred, pursuant to Chapter 5139-63 of the Administrative Code, within the grant period and liquidated by September thirtieth of the following fiscal year. Only exceptions are unemployment and ~~worker's~~ workers compensation, which will be recognized as an expense in the year that they are paid.

- (C) ~~Nonsupplanting~~ Non supplanting rule. Funds provided to a county facility shall not be used to supplant county expenditures.
- (D) ~~Transferring between line items. Expenditures may not exceed an approved grant schedule by more than ten per cent. If the transfer of funds within the approved budget is more than ten per cent, such transfer may be made only with a prior approved budget revision and the attached schedules.~~

Transfer of Funds. Expenditures in any line item may not exceed the approved amount by more than ten percent (10%). If expenditures exceed or are projected to exceed the approved budget amount by 10%, a budget revision shall be submitted prior to the transfer with attached schedules and narrative explaining the need for the transfer. Such transfer may be made only with a prior approved budget revision.

- (E) Equipment purchases. Equipment purchases are limited to the items approved in the budget plan and can be used for the grant. ~~All items in excess of five hundred dollars must be approved by the department. Before any purchases are made for additional equipment items, a budget revision must be submitted and approved by the department.~~ A budget revision must be submitted and approved by the department prior to any additional equipment purchase or change in original approved equipment request.

Equipment purchased will remain the property of department for a period of five years from the date of acquisition. ~~after~~ After the five-year period, the equipment

items purchased will become the property of the county and facility.

Use of grant equipment by other programs must be approved in advance by the department.

Minor equipment shall be listed in the 2100 line under ~~supplies and material~~ Supplies and Materials.

If an emergency situation should occur, which would require a budget revision to repair/replace equipment, the facility should contact the department for approval. The facility shall follow-up their request in writing and a written approval should follow from the department.

- (F) Total expenditures submitted to the department shall not exceed the grant for the fiscal year. Emergency and supplemental requests will be evaluated based on the nature of the emergency and availability of state funds.
- (G) Commingling of funds. Grant funds from the department shall be maintained separately and able to be audited independently. Revenue from sources other than grant funds (i.e., donations, grants, NSLA, etc.) will not be deposited or commingled with grant funds.
- (H) Other resources. All other funds received from any other sources will be reported on the grant budget and quarterly requests. Non general revenue funds shall be identified by line item to reduce expenditures or expanded program services. The facility shall work with the department to develop any possible resources and revenues which would expand the funding base of the facility (i.e., NSLA funds and other resources). Funds from other revenue sources which are not used to expand existing services (i.e., reimbursement from food sold to staff and visitors, refunds rebates, etc.) will be reported as a reduction in expenditures.
- (I) ~~Routine medical.~~ Medical. Expenses incurred for the examination and appropriate regular medical care and treatment of youth residing in the facility shall be considered routine. Expenses incurred in the event of hospitalization, or other extraordinary type of medical treatment, shall be considered major medical. If expenses for major medical exceed the approved medical amount in line 1500, the facility may request supplemental funds pursuant to paragraph (F) of rule 5139-63-03 of the Administrative Code. ~~Expenses incurred for the examination and appropriate routine medical care and treatment of youth residing in the facility. Major medical. In the event of hospitalization, or other extraordinary type of medical treatment, the facility is to file a supplemental request pursuant to established procedures. This request will be approved based upon paragraph (F) of rule 5139-63-03 of the Administrative Code.~~

(J) ~~Accrued vacation/sick leave and compensation time.~~ Accrued vacation, sick, personal and compensatory time. All leave shall be accrued in accordance with county/district policy. The department will recognize this expense when paid. This expense category is classified as an accrued liability. Transfer of surplus funds from this line item will be restricted to the excess of the established liability. The department will only allow this liability for leave time earned by the employee while employed at the facility.

(K) The facility must have an approved system to track meal reimbursements.

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5139-63-04

**Allowable expenses.**

The categories of allowable expenses. The department will provide a chart of accounts, and will provide specific guidance for the attached/supporting schedules, which are to be used to implement the grant as specified in Chapter 5139-63 of the Administrative Code.

- (A) Salary and fringe benefits. This category includes salaries and fringe benefits for staff funded by the grant.
- (B) Overtime. Overtime shall be limited to the direct support of operations related to the care and custody of the juvenile resident.
- (C) Medical. This category is limited to the youth residing in the facility in need of medical assistance. Examples are physicians, dental, and psychologists.
- (D) Education/recreation.
- (E) Food. This category is limited to food for youth residing in the facility. NSLA and meal cost reimbursements are required to be recorded under "other funding sources" in accordance with rule 5139-63-03 of the Administrative Code.
- (F) Supplies and materials. This category is for supplies and materials need for the day to day operations of the facility including minor equipment (under five hundred dollars).
- (G) ~~Motor~~Motor vehicle. This category includes expenditures for maintenance/repairs of operating vehicles for the facility. This expense includes gas, oil, leasing, repairs, insurance, and licenses/permits.
- (H) Travel/staff development. This category is limited to staff travel and professional development, ~~and in support of youth activities programs.~~

This includes the costs incurred for staff attending conferences, seminars, registration fees, and in-service training. Expense reports must be submitted for all training and training must be job related.

Out of state travel/registration must have prior approval of the department.

- (I) Communications. This category includes expenditures for operating the facility. Examples are telephone, postage, postage meter, and shipping.

- (J) Fuels and utilities. This category includes expenditures for maintaining the operation of the facility. Examples are gas, water, ~~and~~ electric and cable television services.
- (K) Maintenance and repairs. This category includes costs required to maintain and repair the facility and/or equipment used by the facility. Examples are maintenance contracts, ~~and~~ heating and cooling equipment and trash removal services (non - biohazard).
- (L) Printing, binding, advertising. This category includes expenditures for printing, advertising, and subscription/publications.
- (M) General and other. This category includes sundry expenditures as well as these for drug tests for employees; drug tests for potential employee candidates; employee background verification services; hepatitis vaccines for employees; legal and professional services (non-litigious to the department; non-fringe; employee insurance; tuberculosis tests for employees; youth haircuts and any other item that does not already have a reasonable classification category
- (N) Equipment. Expenditures for equipment having a cost or fair market value of \$500.00 or greater at time of acquisition, may be approved only if the equipment is used in the direct performance of services to youth or support staff with the facility.
- (O) Indirect cost. This category includes services and other administrative functions provided to the facility by the county. These charges shall not exceed ~~one~~/~~two~~ percent (2%) of the total approved grant and a detailed documentation shall be submitted.
- (P) Capital repairs. Capital funds cannot be commingled with other grant funds. Expenditures must be made in accordance ~~iwth~~with state, federal, and local laws for such facilities which substantially provide direct service for eligible youth.

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5139-63-05                    **Non-allowable expenses.**

The following expenditures are non-allowable:

- (A) All costs ~~incurred in~~ associated with fund-raising activities.
- (B) All costs for awards or social functions for staff.
- (C) Any program that generates profits for the county.
- (D) Entertainment for staff, except when directly supervising youth activities.
- (E) All costs related to licensing, professional fees, or dues for personnel, unless required by the employee's position description .
- (F) College tuition reimbursement for facility employees.
- (G) Expenditures ~~which~~ that have not been approved by the department related to major dental, major medical, and hospital for youth residing in the facility.
- (H) Food cost for staff and visitors including gifts and gratuitous items.
- (I) Any other expense or activity that would be a violation of federal, state or local laws.
- (J) Payment of accrued vacation, ~~and~~ sick, personal or compensatory leave prior to employment at the facility.
- (K) Any bonuses for staff, to include compensation time, monetary awards or "in-kind" adjustments.

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5139-63-07

**Audit scope requirements.**

It shall be the responsibility of the department to perform the following auditing functions:

(A) The department will audit the fiscal and performance records in accordance with generally accepted auditing standards. The scope of the audit will ~~encompass~~encompass, but not be limited to, the following:

- (1) An examination of financial transactions, accounts, and reports pertaining to the approved plan.
- (2) An evaluation of compliance with the established rules and plan under Chapters 5139-61 and 5139-63 of the Administrative Code.

(B) Upon the completion of the audit examination an audit report shall be issued which shall include a management comments section regarding:

- (1) The expenditures of funds.
- (2) Compliance with applicable regulations and the approved grant plan with approved revisions and amendments.
- (3) Any noted citations and exceptions.
- (4) The appeal process outlined in rule 5139-63-03 of the Administrative Code.

(C) ~~all audits with citations exceptions will be required to complete an itemized corrective action plan. This plan shall be submitted to the department with sixty days of receipt of the formal audit report. All audits having the issuance of citations or exceptions will require the facility to complete an itemized corrective action plan addressing the timetable and plan of action to fully resolve the audit issue. This plan shall be submitted to the department with sixty days of receipt of the formal audit report~~

(D) Audit findings. Once resolved, fiscal findings ~~will be deducted from the facility's next quarterly allocation shall be paid from the governing county's general fund. The governing county's fiscal agent shall be required to refund to the department from the governing county's general fund the amount of the fiscal finding within forty-five days of notification unless an appeal of the exception is filed.~~

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5139-63-09

**Financial and budget control reports.**

This rule identifies the major elements to correctly complete the required financial reports.

- (A) The financial report and request for funds system is based on a quarterly cash advance, with a quarterly and year-to-date report of expenditures, by schedule, with a report of cash balance on hand at the end of the reporting period.

The required financial report shall be submitted according to the annual schedule prepared by the department. If the facility fails to submit the required reports, the department shall withhold any future payments until such reports are submitted.

- (B) Forms/schedules. The form/schedules required shall be submitted to the department according to the department's instructions and the annual schedule.

- (C) Supplemental funding. Any request for funds outside of the approved budget shall be submitted to DYS as a supplemental request, in accordance ~~it~~with instructions provided by DYS.

- (D) Closing report. The facility shall submit a final report of grant budget expenditures to the department by October fifteenth each year closing the grant for the fiscal year. All funds reported on the closing report must be encumbered by June thirtieth of the grant year. All expenditures must be closed by September thirtieth of the grant year.

- (E) Carryover funds. Unspent funds are to be kept in the county's grant account. These funds will be deducted from the facility's grant request in the third quarter of the next fiscal year. The department and facility shall adjust the current year's allocation by the amount of carryover from the previous year.

- (F) Quarterly requests.

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5139-63-10

**Record retention, cash balances and inventory.**

(A) Records retention.

- (1) With reasonable advance notice, the department may require the facility to produce records, including any or all documents related to the grant.
- (2) The facility must maintain accurate accounting records which indicate all income and expenditures for the grant.
- (3) The records must be kept current and legible. The records should be retained for the amount of time deemed appropriate according to the state of Ohio general retention schedules, most recent version.
- (4) All income and expenditures must be supported with documentation to provide a clear audit trail for every financial transaction.

(B) Cash balances. Cash balances must be reconciled with the county auditor records monthly.

(C) Inventory.

- (1) Proper inventory schedules must be maintained manually for all equipment items purchased ~~iwth~~with grant funds. Inventories shall be submitted to the department each September with the annual report. Inventories must include the following information for all facility equipment: quantity, description, serial number, identification number, purchase price, date of acquisition, vendor, condition, and location.
- (2) After five years of service, equipment can be salvaged in accordance with county-established guidelines for the salvage of unusable, damaged, and/or unrepairable equipment. Documentation must be maintained on the disposition of all equipment removed from the facility. The department shall be provided the opportunity to review all equipment to be salvaged.

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5139-36-03

**Fiscal management.**

- (A) The CCF shall have a fiscal system that accounts for all income and expenditures on an ongoing basis.
- (B) The CCF administrator shall prepare a written, annual budget of anticipated expenditures for approval by the governing jurisdiction.
- (C) The CCF shall have written policies and procedures adopted by the governing authority including at a minimum: internal controls, petty cash, bonding, signature control on checks, juvenile funds and employee expense reimbursement.
- (D) The CCF shall implement a procedure that provides for the requisition and purchase of supplies, equipment, inventory and control.
- (E) The CCF shall provide insurance coverage that includes, at a minimum, property and comprehensive, general liability insurance.
- (F) When a CCF has a canteen available for use by residents, its fiscal operations are strictly controlled by standard accounting procedures
- (G) The CCF shall have a written policy, procedure, and practice that prohibits financial transactions between juveniles, juveniles and staff, or juveniles and volunteers.
- (H) ~~The CCF shall maintain at least a ninety percent occupancy rate on monthly basis. Upon receipt of the quarterly invoice from the CCF, the department of youth services will adjust the quarterly funding payment, if after reviewing the facility's monthly average daily population, the facility fell below the ninety percent occupancy rate. If the Grantee falls below the allowable rate of occupancy for failing to accept referrals who meet the CCF admission criteria as set forth in rule 5139-61-06 of the Administrative Code, then the department may immediately take appropriate action, including but not limited to, the placement of youth under DYS custody and or budget modifications to adjust for unfilled beds.~~

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