

Report to the Legislature

Juvenile Court Block Grants

December 2009

DSHS, Juvenile Rehabilitation Administration

Administrative Office of the Courts

Office of Financial Management

Washington Association of Juvenile Court Administrators

Juvenile Court Block Grants

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Juvenile Court Block Grants

Background

The 2009 Legislature, through ESHB 1244 Sec. 203 (7) (a – c), required the DSHS, Juvenile Rehabilitation Administration (JRA) to administer a block grant, rather than categorical funding, to juvenile courts for the purpose of serving youth adjudicated in the juvenile justice system. Identified agencies were charged with implementing this Block Grant Proviso. The Proviso indicated that the agencies involved were to be JRA, the Office of the Administrator of the Courts (AOC), the Office of Financial Management (OFM), and the juvenile courts. The Washington State Institute for Public Policy (WSIPP) would participate as consultants.

The move to a block grant funding structure was due in large part from the juvenile courts/AOC proposal to the 2009 Legislature. The proposal emphasized that the transition to block grant funding provides the juvenile courts with the flexibility to meet the specific needs of the children and families in their courts. This gives the juvenile courts the ability to use evidence drawn from their own operations about how to use state provided treatment funds to promote good outcomes for youth and their communities. The AOC would help in this effort by developing data quality, performance monitoring, and reporting that will inform court level decisions and provide accountability to the Legislature. As a result of this proposal, and input from various parties during the 2009 Legislative session, the Block Grant Proviso was put in place for implementation.

Block Grant Proviso Objectives

The Legislature identified objectives that needed to be met in developing the process to administer block grants to the juvenile courts. These objectives are as follows:

- JRA shall administer a block grant rather than categorical funding;
- Evidence based programs (EBPs) and disposition alternatives are funding priorities;
- Establish criteria for promising practices;
- Develop a funding formula that must take into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative;
- Provide a report by December 1, 2009 to OFM and the Legislature on the changes to the process of funding and managing grants to juvenile courts for serving youth adjudicated in the juvenile court system. The proposal shall include but isn't limited to:
 - Accountability and information collection and dissemination changes;
 - Process for making block grant of funds consistent with funding category and priority requirements and promising practice opportunities;
 - A program of data collection and measurement criteria for receiving the funds to include targets of the number of youth served in EBPs and disposition alternatives in which the juvenile courts and AOC have the responsibility for collecting and distributing information and providing access to the data systems to JRA and WSIPP related to program and outcome data;

- Changes in process and managing grants to juvenile courts;
- Necessary changes to WAC and RCW;
- By September 1, 2010, WSIPP shall provide a report to OFM and the Legislature on the administration of the block grant authorized in the proviso. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.
- WSIPP shall conduct an analysis of the costs per participant of EBPs in the juvenile courts.

Development and Implementation Process

The oversight of the development and implementation of the block grant process was given to a committee of four, in consultation with WSIPP. The committee (later identified as the Block Grant Proviso Committee) is comprised of one representative each from JRA, AOC, OFM, and the juvenile courts.

Block Grant Proviso Committee

The Block Grant Proviso Committee (BGPC) was formed in June 2009 to fulfill the previously identified objectives. The Committee has met regularly since its inception and continues to meet. The voting members are Adam Aaseby, OFM; Michael Merringer, Washington Association of Juvenile Court Administrators (WAJCA); Ramsey Radwan, AOC; and Cheryl Sullivan-Colglazier, JRA.

The process of developing a new funding formula included chartering a sub-committee with cross-organization representation to test impacts of formula options and make recommendations to the BGPC.

Funding Formula Sub-Committee

The Funding Formula Sub-Committee was formed in June 2009. Selected members of JRA, OFM, AOC, WAJCA, and WSIPP comprised the Sub-Committee. The Sub-Committee was tasked with providing the BGPC recommendations on the following items:

- Identify a funding formula model that takes into account the juvenile court's average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence based program or disposition alternative (short and long-term formula recommendations);
- Develop promising practice protocols;
- Identify considerations for this report.

Outcome Measurement Sub-Committee

The Outcome Measurement Sub-Committee was formed in November 2009. Selected members of JRA, AOC, WAJCA, and WSIPP comprise the Sub-Committee. The Sub-Committee was tasked with providing the BGPC recommendations on the following items:

- Identify measurement criteria for receiving the funds which will include targets of the number of youth served in identified evidence based programs and disposition alternatives;
- Identify a process for information collection and distribution. The juvenile courts and AOC have responsibility for collecting and distributing information and providing data system access to JRA and WSIPP.

Block Grant Proviso Recommendations

The Block Grant Proviso indicated the BGPC's process for making decisions was by majority rule. The following decisions/recommendations are put forth as a result of this process.

Funding Formula

By September 1, 2009, the BGPC is to develop a funding formula that must take into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative. Evidence based programs, based on criteria established by WSIPP, and disposition alternatives will be funding priorities. The funding formula is to be applied to the following funding categories:

- Consolidated Juvenile Services (CJS)
- Community Juvenile Accountability Act (CJAA)
- Chemical Dependency Disposition Alternative (CDDA)
- Special Sex Offender Disposition Alternative (SSODA)
- Mental Health Disposition Alternative (MHDA)
- Suspended Disposition Alternative (SDA)
- Evidence Based Expansion (EBE)

The Funding Formula Sub-Committee was specifically tasked with identifying a short and long-term block grant funding formula recommendation to the BGPC by August 1, 2009. The principle behind a short term formula is to mitigate the fiscal impact to courts during early implementation. The Sub-Committee reviewed the current formula and looked at the possibility of blending the current funding formula factors with new factors. This Sub-Committee also had to keep in mind that any change in the current funding formula factors would require a change in statute to RCW 13.06.050.

In developing the funding formula recommendation, the Sub-Committee wanted to put forth two important considerations for the BGPC to consider when making their final determination:

1. The current data needs more refinement and it will take time to complete this process;
2. The budgetary impacts that a change in the current funding formula will have on the juvenile courts.

The Sub-Committee reviewed, discussed, and tested many different scenarios. The following scenario was put forth to the BGPC as the short-term recommendation (see the table below for the recommended funding categories and weights):

- The existing formula would remain in place with the weights of the current factors decreased by 15%. Four additional factors would be added in and given a weight of 15%;
- Four new funding formula factors and weights:
 - The percentage of moderate – high risk youth in each juvenile court as compared to the juvenile court’s overall population of youth – 7%
 - EBP Participants – 3%
 - The percentage of youth who are eligible for a disposition alternative – 2.5%
 - Disposition alternative participants – 2.5%;
- Include a stop-loss percentage for at least the first year and possibly the first full biennium. A stop-loss percentage is an imposed cap that limits the funding a juvenile court can lose as a result of the funding formula change;
- The short-term funding formula will begin implementation on July 1, 2010 (State Fiscal Year 2011). The length of time the short-term funding formula would be in place was not agreed upon;
- Identify an advisory committee that is responsible for monitoring the status and progress of the funding formula.

Current CJS “At-Risk” Formula		Recommended Short-Term Formula	
Categories	Weights	Categories	Weights
At Risk Population	65%	At Risk Population	65%
TANF	5%	TANF	2.5%
Per Capita Income	5%	Per Capita Income	2.5%
Minority Population	10%	Minority Population	10%
Workload/Filings	10%	Workload/Filings	2.5%
Manifest Injustice In	5%	Manifest Injustice In	2.5%
		Moderate/High Risk Youth	7%
Total	100%	EBP Participants	3%
		Disposition Alternative Eligibility	2.5%
		Disposition Alternative Participants	2.5%
		Total	100%

TABLE 1

The Sub-Committee put forth to the BGPC the following long-term funding formula recommendations:

- Increase the new funding formula factor weights from 15% to 25%;
- Four new funding formula factors and weights:
 - Moderate – High Risk Youth – 15%
 - EBP Participants – 5%
 - Disposition Alternative Eligibility – 2.5%
 - Disposition Alternative Participants – 2.5%;
- The additional 75% funding formula factors and weights would come from existing categories;
- Simplify the formula by removing formula factors with less direct connection to program need. This would require a change to RCW 13.06.050.

Block Grant Proviso Committee Funding Formula Recommendations

The BGPC reviewed the Funding Formula Sub-Committee's recommendations on the short and long-term funding formulas. In addition, they asked WSIPP to develop an interactive model to look at other funding formula options. The Interactive Model was a tool created by WSIPP that allowed the BGPC to view different scenarios in their meetings.

The BGPC was not able to come to a majority rule on all aspects of the funding formula. The following elements of the block grant funding formula were agreed upon:

- The short-term funding formula, as recommended by the Funding Formula Sub-Committee, will begin July 1, 2010 (State Fiscal Year 2011);
- A stop-loss percentage will be included at 3%. The length of time this stop-loss percentage will be applied has not been agreed upon;
- The Special Sex Offender Disposition Alternative (SSODA) funding will not be distributed through the funding formula. It will continue to be allocated as it currently is – based on an average daily population;
- The Evidence Based Expansion (EBE) funding will not be included in the first fiscal year of the short-term formula;
- The Mental Health Disposition Alternative (MHDA) and Suspended Disposition Alternative (SDA) funding will be included in the short-term funding formula;
- A committee will be formed to review and provide recommendations on the funding formula.

The BGPC was not able to agree on a single funding formula recommendation. The Committee members did not reach a majority rule on the following items:

- The role and authority of the committee that will be formed to provide oversight of the funding formula;
- The funding formula implementation start dates; funding categories, and distribution;
- Distribution percentages for the long-term formula;
- The length of time a stop-loss will be applied.

JRA - OFM and AOC - juvenile courts will each be putting forth separate recommendations for the final funding formula. Please see the attached Addendums for the two recommendations.

Promising Programs Protocol

The Funding Formula Sub-Committee was also tasked with developing protocols for implementing promising programs. The Sub-Committee, in consultation with WSIPP and the CJAA Advisory Committee, developed and made recommendations to the BGPC on protocols for promising programs. The following elements are included in the Guidelines to Determine Promising Programs for Use in Washington State's Juvenile Courts:

1. Identify Need
 - Courts determine need for a given program
2. Develop Program Outline
 - Design a *program outline* for the Community Juvenile Accountability Act (CJAA) Advisory Committee to review

3. Review Program Outline
 - CJAA Advisory Committee reviews program outline to determine if the population need is aligned with the program goals;
 - CJAA Advisory Committee determines if the court can proceed with designing the program proposal
4. Design Program Proposal
 - Design a detailed *program proposal* for the CJAA Advisory Committee to review;
5. Review Proposal
 - CJAA Advisory Committee reviews submitted program proposal and makes final determination if the program is considered “promising”;
 - Promising program funding should typically not exceed 15% of the court’s total funding
6. Implement Program
 - Courts implement promising program;
 - Courts track data necessary for evaluation process
7. Evaluate Program
 - Evaluate using a rigorous research design;

The BGPC reviewed and approved the promising program protocols as developed.

Data Collection and Measurement Criteria

The BGPC Data Collection Sub-Committee met in November and was tasked with developing recommendations for data collection and measurement criteria.

The Sub-Committee had the opportunity to hear from a Tacoma Urban Network staff that has responsibility for collecting and reviewing the data from the Pierce County Juvenile Court Decategorization (Block Grant) that has been in place for several years. They presented data on current changes in risk and protective factors and how they link to recidivism. They also discussed the usefulness of the Decategorization process as it relates to local learning and the ability to provide feedback to their probation staff with an overarching philosophy of improving outcomes for the youth and families they serve.

The Sub-Committee then discussed and agreed upon the following data collection and reporting requirements for consideration by the larger BGPC.

Outcome Data Needs, Intermediate/Long Term

- Intermediate: Changes in Risk and Protective Factors by program area. The items for statewide measurement are:
 - Protective Skills,
 - School engagement,
 - Peers,
 - Family Functioning,
 - Others (identified by individual courts)

- Long Term: Recidivism, to include by youth characteristics (age, gender, race/ethnicity, risk level)

Program Administration Data Needs

- Eligibility pools for youth in EBPs;
- List of youth who started the program for both EBPs and disposition alternatives;
- List of youth who completed the program for both EBPs and disposition alternatives;
- List of youth who dropped out of the program, and their reasons

Data Elements to be Completed by the Courts

- EBP Program Targets
 - The Sub-Committee wanted to make sure it was communicated to the BCPC that although the proviso stipulated targets for disposition alternatives, that there are challenges in establishing these targets especially as funding is moved between EBPs and disposition alternatives to meet local program needs;
 - This will be included in the courts application for block grant funding at the beginning of each biennium
- Budget worksheet (one for all programs) identifying line-itemed expenditures
 - This will be included in the courts application for block grant funding at the beginning of each biennium
- Budgets/Fiscal Reporting
 - Each court will provide an annual year-end expenditure report by program. This report will meet the current cost per participant and CJAA reporting requirements.

Additional System Reporting Recommendations

The Sub-Committee identified additional system reporting recommendations. They are as follows:

- Examine program impacts across the juvenile justice continuum. Identified measures are as follows:
 - Local and State (JRA) youth characteristics through a unified system of reporting;
 - Offending history;
 - Treatment responsiveness;
 - Recidivism
- Quality assurance (QA) reporting
 - A report section that could be created by the CJAA Advisory Committee with the following elements:
 - Promising programs reviewed and approved or denied;
 - Identify QA system needs/changes
- An oversight group be identified to review the data collection and reporting requirements on a yearly basis, possibly a sub-committee of the BGPC.
- Annual report to the Legislature that includes the items identified for measurement. This report could potentially replace the current CJAA Report to the Legislature. At a minimum, the report would be distributed to:

- AOC
- JRA
- Juvenile courts
- Legislature
- WSIPP
- OFM

Implementation Timelines

The Sub-Committee discussed which of the data elements are currently available and which are not. It was agreed upon that the elements are all currently available either through a court report to JRA or in Assessments.com. There was also acknowledgement that there continues to be issues with data accuracy in the Assessment.com software. There was concern expressed about the inconsistent statewide application of the juvenile court risk assessment tool and that this will need to be addressed to ensure the risk and protective factor data is accurate and valid.

AOC expressed the following regarding a timeline that would allow for an accurate single data source (Assessments.com):

- State fiscal year 2011 – implement measures to clean up the data;
- State fiscal year 2012 – data collection and review;
- State fiscal year 2013 – data ready to be used to drive the funding formula and for outcome measurement.

Collecting and Distributing Information

The proviso language states that “the juvenile courts and Office of the Administrator of the Courts will have the responsibility for collecting and distributing information and providing access to the data systems to the Juvenile Rehabilitation Administration and the Washington State Institute for Public Policy related to program and outcome data”.

The system and associated data utilized for measurement and program management shall be made available to the JRA and WSIPP, upon request, by the AOC and juvenile courts.

The BGPC is recommending a protocol be jointly established to ensure the information is being shared as the proviso intended.

Changes in Process and Managing Grants to Juvenile Courts

The Data Collection Sub-Committee reviewed the current processes for collecting data and program information and each of the associated data elements. The members acknowledged the current reporting systems can be cumbersome and duplicative with multiple channels of data collections. A unified system for data collection as it relates to client information would be preferred. There was also agreement that the current system does support the ability to meet the information requirements for the necessary program oversight functions. These functions include, but are not limited to, cost per participant calculations as well as meeting the CJAA Report to the Legislature requirements. Additionally, the current process does meet the fiscal

accounting components for managing the pass through funding; however some of this reporting should be consolidated.

The Sub-Committee agreed that the annual report to the Legislature should be based on data present in the Washington State Juvenile Court Assessment System (single system) for all information pertaining to eligibility, referrals, and treatment including outcomes and recidivism. The Sub-Committee also acknowledged the need to continue with the current reporting process to JRA until the data clean-up process is complete and the single system of reporting is available through the Assessments.com software. There was acknowledgement that the juvenile court's move to the new Positive Achievement Change Tool (PACT) should increase the report responsiveness and accuracy as it relates to the software.

RCW 13.06.050 Changes

The current funding formula and its factors are based on RCW 13.06.050. The statute indicates the following:

“The distribution of funds to a county or a group of counties shall be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.”

The BGPC is recommending a small change to RCW 13.06.050. The change being requested is as follows:

- Change “shall” to “may”;
- With this change the sentence will read like this:
 - “The distribution of funds to a county or a group of counties *may* be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.”

In addition, the BGPC is recommending that WAC 388-710 be amended to include an outline of the funding formula criteria.

Appendix
Juvenile Court Block Grants
List of Acronyms and Terms

- **AOC:** Administrative Office of the Courts
- **ART:** Aggression Replacement Training. A Cognitive Behavior Therapy program using skill building that has been rigorously evaluated and reduces recidivism with juvenile offenders.
- **BGPC:** Block Grant Proviso Committee. Committee of four established by the 2009 Legislature in ESHB 1244 Sec. 203 (7) (a) for the purpose of implementing block grants to the juvenile courts.
- **CDDA:** Chemical Dependency Disposition Alternative. A program giving youth with chemical and substance abuse issues a disposition alternative in the community offered through the juvenile courts.
- **CJAA:** Community Juvenile Accountability Act. State-funded program that supports evidence-based treatment for youth on probation in the juvenile courts.
- **CJS:** Consolidated Juvenile Services “At-Risk”. A program that provides funds to local juvenile courts for the purpose of serving youth on probation.
- **COS:** Coordination of Services. An evidence based program that provides an educational program to low-risk juvenile offenders and their parents.
- **DMC:** Disproportionate Minority Contact
- **DSHS:** Department of Social and Health Services
- **EBE:** Evidence Based Expansion. State-funded program that supports evidence-based treatment for youth on probation in the juvenile courts.
- **EBP:** Evidence-Based Program. A program that has been rigorously evaluated and has shown effectiveness at addressing particular outcomes such as reduced crime, child abuse and neglect, or substance abuse. These programs often have a cost benefit to taxpayers.
- **FFT:** Functional Family Therapy. An evidence-based family treatment model that reduces recidivism by juvenile offenders.
- **FIT:** Family Integration Transitions program. A version of Multi-Systemic Therapy that is an evidence-based family intervention model used by JRA to treat youth with co-occurring disorders.

- **JRA:** Juvenile Rehabilitation Administration. The Department of Social and Health Services administration responsible for the rehabilitation of court-committed juvenile offenders.
- **MHDA:** Mental Health Disposition Alternative. A disposition alternative offered through the juvenile courts.
- **MI:** Manifest Injustice: A term that refers to a decision to sentence a youth to a term of confinement outside the standard range set by statute.
- **MST:** Multi-Systemic Therapy. An evidence-based family treatment model that reduces juvenile offender recidivism.
- **OFM:** Office of Financial Management
- **RCW:** Revised Code of Washington
- **SDA:** Suspended Disposition Alternative. A disposition alternative offered through the juvenile courts.
- **SSODA:** Special Sex Offender Disposition Alternative. A disposition alternative offered through the juvenile courts for juvenile sex offenders.
- **VOM:** Victim Offender Mediation. An evidence based program for low-risk juvenile offenders where both parties, the offender and the victim, agree to a face-to-face meeting with a trained, neutral, mediator.
- **WAJCA:** Washington Association of Juvenile Court Administrators.
- **WSIPP:** Washington State Institute for Public Policy.

Block Grant Recommendations
DSHS, Juvenile Rehabilitation Administration
Office of Financial Management

The 2009 Legislature required the Department of Social and Health Services, Juvenile Rehabilitation Administration (JRA) to administer a block grant, rather than categorical funding, to juvenile courts for the purpose of serving youth in the juvenile justice system. The block grant approach to funding was incorporated in the 2009 – 11 Washington State Biennial Budget based on a request from the juvenile courts and Office of the Administrator of the Courts (AOC). Four organizations were charged with jointly working on specific elements of the Block Grant Proviso - JRA, AOC, the Office of Financial Management (OFM), and the juvenile courts. The Washington State Institute for Public Policy (WSIPP) also participated in a consultation role.

The four organizations formed a Block Grant Proviso Committee (BGPC), as required in the 2009 – 11, Washington State Operating Budget, to complete a work product by December 2009. The BGPC members met a number of times from June 2009 to December 2009 to discuss and analyze potential funding formula options and impact that any new funding formula would have on individual counties. During the six month work period there was much discussion. Agreement was reached by all four voting members on many elements of the block grant, including a short-term formula and principles that align with that formula. JRA - OFM and AOC - juvenile courts agreed to make separate recommendations in regards to a long-term funding formula.

Basis of Formulas – Statute and the Principles

Interpreted statutory intent and the development of key principles to guide decision making are central to the JRA – OFM recommendations. The following outlines these recommendations.

Statutory Requirements

- Ensure programs that have demonstrated cost savings to the State continue to be prioritized (Evidence Based Programs (EBPs) and Disposition Alternatives (DAs). The current categorical structure targets funding for EBPs and DAs at approximately 60% of the total available funding;
- Use measurement data to ensure EBPs and DAs are prioritized as courts match to their local needs;
- Provide outcomes and feedback to juvenile courts to effect program change and process/program improvements.

Principles

- Keep youth close to their families and communities;
- Serve youth and families with programs that work to reduce the number of victims of crime and save the State money;
- Reboot funding formula to match the local pool of eligible youth and youth served to funding for the programs;

- Maximize State funding by treating the highest risk youth with programs that work in local communities. This approach prevents youth from coming to JRA or Department of Corrections consistent with the current prison reduction model;
- Mitigate impacts to court programs;
- Ensure addressing over-representation of youth of color in the juvenile justice system remains a focus of the formula and outcomes (Disproportionate Minority Contact);
- Provide continued analysis of the implementation progress and adjust as necessary, based on current data.
- Simplify the formula to make it more transparent to lawmakers, the juvenile courts, and the public.

Based on these drivers, the following approach will assist in minimizing immediate fiscal impacts to individual juvenile court programs, provide opportunity for improved data collection and accuracy, as well as allow time for juvenile courts to adapt their practices regarding how they utilize their funding. This formula allocates funding to the juvenile courts so that the highest risk youth who are more likely to be imprisoned in the adult or juvenile systems will be diverted from the high costs of incarceration and there will be fewer victims of crime. The greatest reductions in recidivism and greatest cost/benefit are achieved by using EBPs. It will also provide an emphasis to prioritize committable youth with Disposition Alternatives (DAs), effectively maximizing savings to the State and allowing youth to stay in their communities with their families.

Phased In Formula Approach

A phased in approach to implementing the formula was agreed upon by the Committee early in the discussion as a way of mitigating impacts to juvenile court programs. The focus was to have a short term formula and long term formula. The idea of the short term formula is to allow time for the juvenile courts to make necessary changes to adapt to the new formula (see page 5 of the full Report for details). Additionally using a short term formula at initial implementation will provide time to improve data collection systems and reliability. Another mitigating factor is the implementation of an oversight committee to review formula impacts. The BGPC agreed delaying the start date to the beginning of the next fiscal year (July 1, 2010) could assist in making a smoother formula transition.

The specific JRA – OFM Long Term Funding Formula Elements and associated rationale are detailed below. There is also additional detail on key items that are central to these recommendations.

Long Term Formula Elements, Percentages, and Rationale

The JRA - OFM recommended long term formula was developed using the Interactive Tool, dated October 30, 2009 and produced by the Washington State Institute for Public Policy (WSIPP) at the request of the BGPC. The Interactive Tool was chosen by JRA and OFM as it effectively prioritizes the highest risk youth, using data driven weighting as well as addressing

the priorities required by the Block Grant Proviso and does so in a transparent manner.

The Interactive Tool also allows for the ability to perform a detailed analysis of the impacts to juvenile courts based on changes in the individual category percentages. Each of the recommended percentages and associated rationale is detailed below. Other block grant factors could be added such as Temporary Assistance for Needy Families (TANF) and per capita income so that Disproportionate Minority Contact continues to be addressed from a multi-faceted perspective.

The following long term formula prioritizes funding based on a juvenile court's pool of eligible youth, participant rates in EBPs and DAs, and the minority population (to assist in impacting racial disproportionality). The new funding categories direct 45% of the formula on these priorities, while 55% continues to be directed at the broader eligible pool of youth and the minority population.

At Risk Population: 37.5%

Rationale

This percentage currently represents an approximate percentage that "At Risk" funding comprises of the total Block Grant funding. It continues to be a good representation for the eligible pool of youth to be served in the juvenile courts, as this is the population of 10 – 17 year old youth in the communities served by a juvenile court.

Evidence Based Practices Participants: 25%

Rationale

This category provides increased weighting for the higher impact programs and provides funding incentives for courts to use EBPs and serve the highest risk youth. This category represents EBP participants (Proviso Required)

Minority Population: 17.5%

Rationale

Disproportionate Minority Contact continues to be a significant issue in the Washington State Juvenile Justice System. There is a disproportionate number of youth of color who end up in the juvenile justice system. This number increases the further into the justice system one looks, with the highest levels of disproportionality typically being found in youth who are incarcerated. Ensuring funding is provided to juvenile courts to continue work on these disparities is important including work to ensure youth of color are proportionately receiving EBPs and DAs. Minority Population funding was represented in the old formula at 10%.

Risk Assessment (Moderate and High): 15%

Rationale

This provides increased funding for courts that have the highest number of moderate and high risk youth – eligible pool of youth. This also prioritizes funding where the greatest cost/benefit can be achieved and for youth that pose the highest risk for future criminal behavior. This category represents the eligible pool for EBPs (Proviso required).

Chemical Dependency Disposition Alternative (Disposition Alternative) Participants: 3%

Rationale

This category represents the largest disposition alternative program and provides funding incentive for courts that use this program. The majority of these youth are not committable to the State and as such do not represent the savings associated with committable youth.* Consequently the weighting is less than the proportion of funding the program currently represents. This category represents Disposition Alternative Participants (Proviso Required)

*All other DAs target youth that would otherwise be placed in the custody of the JRA, as opposed to this program which primarily serves youth who would not be eligible for placement in JRA and as such, do not represent significant cost savings to the State.

MHDA/SDA (Disposition Alternative) Participants: 2%

Rationale

This category also represents Disposition Alternative Participants (Proviso required) but is only used by a small number of courts and has significantly less funding than other DAs. This percentage matches to the current funding level for this DA.

The Special Sex Offender Disposition Alternative (SSODA) will continue with the current caseload funding process – by average daily population (ADP)

Rationale

This program is significantly more costly than the other Disposition Alternatives and using participant data does not effectively fund the courts at the level of current utilization.

Stop Loss to Minimize Impacts

Using a stop loss* percentage mitigates impact to court programs. A stop loss at 3% was agreed upon by the four voting members. The JRA – OFM recommendation allows for the stop loss for at least the first fiscal year of implementation with the short term formula and the following biennium (first full biennium of Long Term Formula Implementation). An analysis will occur for ongoing stop loss need before the end of the three year time frame.

*Stop loss is a cap on the amount of funding any court may lose for any State Fiscal Year compared to the previous year, in this case 3%.

Measurement Data to Prioritize Evidence Based Practices (EBPs) and Disposition Alternatives (DAs)

As discussed in the Report, measurement and outcome data is an important element of this Block Grant package. Adding EBP and DA categories to the funding formula is one step in prioritizing the use of these programs for higher risk youth. A matching step is to add measurement data that determines how juvenile courts are prioritizing their funding in regards to EBPs and DAs.

To reinforce this emphasis, JRA will use measurement data to focus priority spending on EBP and DA programming. As a part of program administration, targets will be developed with the juvenile courts to monitor state fund spending on EBPs and DAs. This work will be balanced with another component of the intent of the Block Grant which is to assist juvenile courts in determining how to best match these programs to the local needs of the youth and families they serve in order to get better local outcomes.

Outcomes and Feedback to Programs

JRA will have access to the juvenile courts and AOC risk assessment data as needed in order to look at identified outcomes on both individual court levels and statewide. JRA will continue to take a collaborative approach with the juvenile courts, AOC, and WSIPP to structure this work while maintaining program and quality assurance oversight. This information will be shared with the juvenile courts, EBP Quality Assurance Specialist and JRA Program experts to better assist the court and JRA in interpreting and utilizing the data to effect program change and process/program improvements.

Funding Formula Oversight Committee

The purpose of this committee will be to assess the ongoing implementation of the Block Grant Funding Formula, utilizing data driven decision making and the most current available information. Chaired by JRA, this committee will represent at a minimum JRA, juvenile courts, AOC, OFM, and WSIPP and will include the following:

- A process which allows for decision making based on a collaborative approach, with consensus preferred;
- Juvenile court representation across small, medium and large courts to ensure the needs of all counties are considered;
- JRA representation from program and quality assurance experts and field offices;
- Washington Association of Juvenile Court Administrators representation related to financial, EBP, and risk assessment quality assurance committees;
- AOC and WSIPP consultation regarding data and research.

There are currently several committees that could be modified to meet the membership requirements as outlined above. Any existing committee will need to be restructured to match to block grant monitoring needs.

This oversight group will meet as needed, no less than two times each year (prior to the beginning of each fiscal year and at the mid-point of each fiscal year). The first 2-3 years of implementation will likely require more frequent meetings. The group will be empowered to make recommendations for adjustments to the funding formula in order to best achieve the legislative intent and desired outcomes of the Block Grant funding process.

**ADDENDUM
JUVENILE PROGRAMS – PROVISIO COMMITTEE**

WASHINGTON ASSOCIATION OF JUVENILE COURT ADMINISTRATORS
and
ADMINISTRATIVE OFFICE OF THE COURTS

This addendum describes the position of the Judicial Branch partners (WAJCA and AOC) in areas where the block grant proviso committee membership was unable to reach consensus. The proviso committee achieved general agreement on areas that need policy-level improvement. Yet fundamental differences remain between Judicial Branch partners and representatives from the Executive Branch regarding roles and responsibilities within the process, funding rationale, and administrative accountability. The addendum addresses each “objective” agreed upon by the block grant proviso committee, and outlines the joint position of WAJCA and AOC on objectives where consensus was not reached.

It is important to note that the proviso allowed the workgroup to consider improvements to the system that provides state funding to juvenile courts and the roles in that system played by the state pass through agency (JRA) and the courts (WAJCA). For more than 20 years, juvenile court operations have been jointly funded by state and local money. At its inception the “probation subsidy” was intended to offset high caseloads at JRA institutions by funding local supervision of youth who otherwise would have been sent to a JRA facility. Currently high JRA caseloads are not an issue as the State has successfully invested in juvenile court practices that have lowered offending, recidivism, and the use of JRA’s residential placement services. As a result of the transformation to the juvenile justice system to one that relies on applying evidence-based treatment to the needs of youth and families in the community, the responsibilities of juvenile justice stakeholders need to be redefined.

An issue that surfaced during the 2009 session is whether JRA or WAJCA played the primary leadership role in establishing the thorough and systematic process of evaluating and treating juvenile offenders with Evidence Based Practices (EBP) we have today. **On the cusp of the 2010 session, the judicial branch partners offer a vision of the juvenile court system that contain programmatic advantages and realignment of stakeholder responsibility.** It is the courts who have been focused on improving treatment effectiveness and delivering better outcomes for youth. In contrast, JRA has been more focused on control, rather than improvement, of State-funded court-based programs. Consider as an example the JRA-implemented duplicative and time consuming system of data collection that supports the annual report to the Legislature but yields very very little information to the courts about their success or needs in engaging and treating adjudicated youth. After over 20 years there has been

administrative drift and a loss of focus on youth outcomes at JRA, causing unnecessarily complicated administrative oversight for the courts.

The judicial branch partners, WAJCA and AOC, jointly propose an improved system of stakeholder oversight and responsibility (see table below). The following stakeholders have critical responsibility in overseeing the juvenile court offender programs.

- WSIPP, on the front end has the responsibility for identifying the EBPs and provides ongoing consultation to the assessment process.
- WAJCA embodies juvenile court leadership and is responsible to implement EBPs and Quality Assurance (for programs and assessment).
- WSCCR evaluates the impact of EBPs, reform designs to establish a Research Oriented Quality Assurance Center, and actively plans to increase regular communication with the Legislature (through an annual report and legislative briefings).
- JRA continues to have a role in managing state pass through funds and contract oversight.

WSIPP	Juvenile Courts	AOC-WSCCR	JRA
<ul style="list-style-type: none"> • Monitor Application of Assessment Tool • Participate in CJAA Oversight • Assess Promising Programs • Consult with WSCCR on Outcome Measurement 	<ul style="list-style-type: none"> • Conduct CMAP – Assessment and Case Management • Administer Evidence Based Programs • Apply Outcome Measurements to Ensure Program Compliance 	<ul style="list-style-type: none"> • Establish QA center for Assessment/Programs • Measure Outcome of Assessment/Programs • Draft Family and Juvenile Court Report for the Legislature 	<ul style="list-style-type: none"> • Ensure Fiscal Accountability of Courts for Block Grant • Participate in CJAA Oversight

Although the courts contend that the state funding would be better managed at AOC, the Legislature was not interested in transferring funding from the Executive Branch to the Judicial Branch in 2009. Since JRA will continue to act as the pass through agent, WAJCA proposes a simplified fiscal account reporting structure. The judicial branch partners advocate that the primary role of JRA be one of fiscal oversight and contract management.

To accomplish fiscal accountability, a simple and transparent system of expenditure verification needs to replace the current overly complicated system that lack JRA accountability.

The judicial branch partners’ request, intended to fulfill the promise of the block grant system, is to (1) establish Quality Assurance Center at the Washington State Center for Court Research (WSCCR) and (2) establish one reliable data source. When the quality assurance process is managed and coordinated at the Quality Assurance Center (WSCCR), courts will provide direct

responsiveness and accountability to the Legislature through and annual juvenile court report and periodic program updates.

Objective 1

Funding formula determined by September 1, 2009 – consideration of current funding formula and potential blending of new and current formula factors; test formula for impacts including those related to court size and location

The agreed upon formula requires two additional data elements representing the court’s use of Evidence Based Programs (EBP) and Disposition Alternatives (DA). The proviso directs that EBPs and DA be funding priorities. Note below that the current CJS at Risk Formula distributes approximately 50% of the total funding to EBPs through the CJAA category and (DA) through the Special Sex Offender Disposition Alternative (SSODA) and the Chemical Dependency Disposition Alternative (CDDA). The new formula adds 15% weighting to EBPs and DA. The proviso committee, after consideration of alternative methods to divide the funding, adopted the formula below.

The following table provides a side by side comparison of the current At Risk Formula (as directed by statute) to the adopted new formula (including the additional criteria from the proviso).

Current CJS At Risk Formula		New CJS At Risk Formula	
65%	At Risk Population	65%	At Risk Population
5	TANIF	2.5	TANIF
5	Per Capita Income	2.5	Per Capita Income
10	Minority Population	10	Minority Population
10	Workload/Filings	2.5	Workload/Filings
5	Manifest Injustice In	7	Manifest Injustice In
		3	High/Mod Risk
100%	Total	2.5	EBP Participants
		2.5	Disp. Alt Eligibility
		2.5	Disp. Alt Participants
		100%	Total

This formula design incorporated two additional criteria without modifying the underlying statute that directs the division of juvenile offender funding. The AOC and WAJCA agreed to a long term formula that would increase the weight of EBPs and DA from 15% to 25% after three

fiscal years. The block grant proviso committee could not reach agreement on the long term formula or implementation.

Because of the tight deadline the underlying statutorily required elements remained unchanged, and the two new factors were added. The data sources underlying the additional factors of the formula were researched and proposed by the WSCCR. The proviso committee considered various data elements that translate closest to the language of the budget proviso to match the intent of the legislation. As a policy matter, the WAJCA and AOC agree that the formula ultimately needs simplification. Ideally, the number of factors can be reduce to target funding to the courts who are serving the moderate to high risk population of offenders, while encouraging development of programs in courts where the penetration rate of serving kids with evidence based programs is low.

The courts and AOC are committed to clearly analyzing the impact of the state's investment, measure the impact, and report both the use and impact to the Legislature (see Objective # 4 (c)). We are confident in the juvenile court system of offender management based on assessment, intervention, and outcome measurement. To that end, the juvenile courts have launched a process to validate data collected through the assessment process. Since this data will increasingly become the basis for funding distribution, it must be an accurate reflection of juvenile court operations. Once the courts complete the quality validation process, the policy goal of increasing reliance on the data as a basis for funding distribution is widely endorsed by WAJCA and AOC.

Objective #2

Incorporate promising practice into block grant package

The “Guidelines to Determine Promising Programs for use in Washington State’s Juvenile Courts” was unanimously agreed upon by the proviso committee and included in the report.

Objective #3

Determine formula implementation date – make the block grant work in the first FY 2010; Test proposal impacts

After careful consideration of the (1) intent of the proviso language (2) volatility of adding factors to the existing At Risk Formula and (3) necessary time and workload to validate the existing data that underlies the formula, the proviso committee unanimously agreed that the new funding formula be applied starting in Fiscal Year 11. After rejecting the long term funding formula proposed by WAJCA and AOC, the proviso committee failed to agree upon a long term formula to increase weighting of EBPs and DA.

Because the committee could not reach consensus on the long term formula, in the alternative WAJCA and AOC propose a funding formula oversight committee make additional modifications to the At Risk Formula in future budget cycles. The committee would be tasked to continue efforts and recommendations consistent with movement toward simplifying the formula and applying the formula to as many funding categories as is appropriate. This committee would also have ongoing responsibility to evaluate and possibly adjust the formula prior to each biennial funding cycle. Ongoing oversight and possible modification of the formula is necessary because future needs of the courts may change, statewide economical outlook will change, and further research will identify innovative and efficient ways to manage offender populations that might impact the scheme to distribute funding.

Specifically, the recommendation is that the funding formula oversight committee be convened as a subcommittee under the existing CJAA committee structure. CJAA already has representation from interested stakeholders who have experience in managing juvenile court programs (WAJCA) and those who manage the pass through funding process (JRA). Further, both research groups are represented on CJAA, the Washington State Institute for Public Policy (WSIPP) and the WSCCR. The courts and AOC are committed to clearly analyzing the use of state money, measure the impact, and report both the use and impact to the Legislature.

The funding formula oversight committee will have authority to modify the funding distribution formula. There is no need to establish a separate administrative body to conduct the ongoing work outlined below. Each agency represented will appoint a member and the work of the committee can be added to the CJAA charter.

WAJCA and AOC propose the following timeline and authority for the funding formula oversight committee:

1. Meet in March of each year preceding the beginning of a biennium (beginning in March of 2010)
2. Agreement and presentation of the funding distribution formula by the end of May
3. Block grant contracts be sent to courts by June 15th, prior to the start of the new fiscal year
4. The funding formula oversight committee will include five voting members who represent: WAJCA, AOC, JRA, Governor's Juvenile Justice Advisory Committee (GJJAC), and Superior Court Judges' Association (SCJA) with consultation from WSIPP
5. If consensus cannot be reached within the funding formula oversight committee, the options will be proposed to the CJAA committee for a vote

The executive branch partners proposed an alternative long term funding formula reflected in their addendum. As recommended, the funding formula would be applied in FY 12, the beginning of the 11-13 biennium. This formula results in drastic gains and losses to courts and

has been opposed by the WAJCA and AOC. It disregards the promising aspects of a block grant fiscal management strategy by redirecting existing resources away from courts that are funding EBPs to counties that need to expand or establish EBPs. The spirit of the block grant fiscal management strategy should refocus and improve reporting and enhance Quality Assurance, but if the JRA - OFM formula were put into place after just one year, courts would be disadvantaged to fulfill the promise of block grants.

Objective #4 (a)

Deliver proposal on funding and management by December 1, 2009 – make recommendation for broader changes and include:

- *Accountability and information collection and dissemination changes - Process for making a block grant of funds consistent with funding category and priority requirements and promising practice opportunities in (a) of subsection*

The WAJCA and AOC propose a reporting structure that communicates to the Legislature the use and impact of juvenile offender court programs on an annual basis. The courts wish to increase direct communication and accountability with the Legislative Branch. The reporting structure is outlined in Objective 4 (b).

The logical process for making the funding distribution formula match the legislative criteria is to establish an ongoing and stable committee to review and analyze the formula on a structured schedule. A funding formula oversight committee, including the stakeholders assigned to the proviso committee, is defined in Objective 3. That committee, once institutionalized in the funding formula development process, can adjust the formula or underlying data sources to be consistent with the funding categories and legislative priorities.

Objective #4 (b)

Deliver proposal on funding and management by December 1, 2009 – make recommendation for broader changes and include:

- *A program of data collection and measurement criteria for receiving the funds to include targets of the number of youth served in EBPs and disposition alternatives*

The WAJCA and AOC's Center for Court Research are jointly conducting a data review and reconciliation process. The goal of this process is to assure that all counties adhere to the mandatory minimum standards for Case Management and Assessment Process (CMAP). The statewide data review and reconciliation effort on behalf of the WAJCA will assist counties consistency with assessment results and eligibility data. The quality assurance specialist will review the assessment process, case management, and outcome measurement methodology with each court. Once this process is completed, counties can use the data as a quality assurance

measurement on how their court is maximizing efforts to serve their juvenile offender populations based on risk level and their criminogenic needs profile.

Objective #4 (c)

Deliver proposal on funding and management by December 1, 2009 – make recommendation for broader changes and include:

- *Juvenile courts and AOC have responsibility for collecting and distributing information and providing access to the data systems to JRA and WSIPP related to program and outcome data*

Movement to block grants is congruent with the courts' goal to provide the Legislature with thorough and relevant briefings on the impact state funding has on the juvenile court operations. Previously, the summary reports were provided to the Legislature either through JRA (as mandated by statute) or when reductions to budget required impact statements. The JRA reports are output oriented. They fail to provide meaningful content, show no program analysis or outcome evaluation, and do not provide impact measurement.

The juvenile courts and the WSCCR propose an annual report of the juvenile courts to the Legislature. The juvenile court system as a whole has an interest in monitoring the performance and impact of operations and working to continually improve outcomes and cost effectiveness. They seek to have the Legislature informed at regular intervals in a complete, coherent, and objective way.

The WAJCA and AOC agree to produce an annual court report to the Legislature and simultaneously to other interested stakeholders. The report will include data that courts input through the assessment process. Improvements to the assessment process are already underway by the statewide commitment to the Quality Assurance Plan managed jointly by the WAJCA and the WSCCR. The annual report design is comprehensive and refocuses the purpose of reporting to carefully measure the impact of the state's investment in juvenile programs. It is our intention to increase accountability, transparency, and responsiveness to the Legislature.

Objective #4 (d)

Deliver proposal on funding and management by December 1, 2009 – make recommendation for broader changes and include:

- *Necessary changes to WAC (short and long term) and RCW*

The proviso committee agreed upon changes to the RCW and WAC as identified in the report.

Conclusion

In 2003, the Legislature authorized a pilot program for Washington juvenile courts so that pilot sites could manage juvenile court operations with a block grant rather than traditional categorical funding. The three block grant courts have benefited from increased flexibility to address the criminogenic needs of the local juvenile population. The sites have become expert in using data to manage, evaluate, and adjust their programs. According to officials in Pierce County Juvenile Court, a block grant site, the new funding method fits well with their goal of continually improving outcomes for youth and families because of the effectiveness of court-based programs. In other words, the pilot has given the courts freedom to respond to local conditions and the ability to do so based on outcome data. If properly implemented, statewide block grant funding should also aid courts by reducing the burden they bear in maintaining one record system for operations and separate systems to meet current reporting requirement. The WAJCA and AOC vision is that the benefits of improved programming, accurate outcome measurement, and efficient operations be realized in all of the State's juvenile courts.

In addition to improving juvenile courts' programmatic and fiscal responsiveness to their communities, block grant funding can lead to improved fiscal accountability to the Legislature. To do this, block grant fiscal management requires an enhanced system of data collection, analysis and reporting to deliver the necessary transparency and accountability in juvenile court operations. Unlike current reporting, the proposed performance reporting system will use a single data source to: 1) meet the State's need for information about the eligible population, the proportion receiving treatment, and the impact of treatment on behavior and recidivism and; 2) meet the courts' needs for information useful to manage individual cases, staff workload and performance, and planning/budgeting.

The juvenile court Quality Assurance system, coupled with the AOC's Washington State Center for Court Research (WSCCR), has the capability to design, implement, and sustain a vigorous performance reporting system. WSCCR features staff and leadership with training and experience in evaluation and reporting, and has a particular strength in juvenile matters.

The courts are committed to putting the structure and expertise in place that is necessary to evaluate the block grant funding. Currently the juvenile courts and WSCCR are working to measure and improve the quality of data available from the Washington State Juvenile Court Assessment—it is this data source that will support both local management reporting and comprehensive annual program reporting to the Legislature. The annual proposed report (see Objective #4 (c)) will have three main features:

- A broad perspective on juvenile offending that begins with analysis of offenses that result in referrals to court and ends with analysis of recidivism
- A focus on youth who serve local sentences and sanctions and their State-funded treatment—their characteristics, eligibility for treatment, assignment to treatment

programs, treatment completion rates, behavior and attitude changes associated with treatment, 18-month re-conviction rates, as well as analysis of treatment assignment and effectiveness by treatment program, by youth demographics (age, gender, race, ethnicity) and by jurisdiction

- Analysis of the health of the treatment programs and the supporting juvenile probation practice; that will include the capacity and availability of treatment programs and their costs as well as analysis of treatment provider and probation counselor competency with regard to delivering services or connecting youth to treatment and supporting youth and family engagement with treatment.