

TO: Chairperson and Members

DATE: September 12, 2013

**SUBJECT: Requesting Approval of the Final Juvenile
Title 15 Regulations Revision Public Period
and Rulemaking File**

AGENDA ITEM: G

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Allison Ganter

Summary:

This agenda item is a request for the Board of State and Community Corrections (Board) to approve the final rulemaking package, including the previously approved final regulation revisions, for the Minimum Standards for Juvenile Facilities, Title 15, California Code of Regulations (CCR). The aforementioned rulemaking package will be final after completion of a 15-day public review period. Board staff is also seeking approval to proceed with the Administrative Procedure Act (APA) process for regulation adoption.

Background:

The Board is authorized to develop regulations for the operation of local juvenile detention facilities pursuant to Welfare and Institutions Code Sections 210 and 885. From October, 2011 through April 2012, an Executive Steering Committee and six (6) workgroups comprised of practitioners and subject matter experts convened and developed revisions to the Juvenile Title 15 regulations.

After several periods of public review, the Board approved the final revisions to the Minimum Standards for Juvenile Facilities, Title 15, California Code of Regulations (CCR) at the July 22, 2013 meeting, and directed staff to proceed with rulemaking activities. The rulemaking package was submitted to the Office of Administrative Law (OAL) on July 23, 2013.

While reviewing the most recent rulemaking package, OAL staff directed BSCC staff to withdraw the current rulemaking package to make minor modifications to its content. These changes include:

- Ensuring consistent replacement of the term “minor” with “youth”
- Publishing a copy of the updated Economic Impact Assessment for public comment
- Noting where a document incorporated by reference may be found by members of the public

OAL staff informed BSCC staff that these changes must be noticed to the public during an additional 15-day public comment period in order to be granted final approval. Staff anticipates that the public comment period will conclude prior to September 27, 2013.

BSCC staff is requesting that the Board approve the rulemaking package, contingent on there being no public comment requiring substantive changes offered during these 15 days. Upon approval by the Board, if there is no public comment during the 15-day public comment period, staff will proceed with rulemaking activities, with an anticipated effective date of January 1, 2014 for these regulations.

If there are public comments received during the 15-day public comment period, BSCC staff will not proceed with rulemaking activities and will seek Board approval after further review.

Recommendation/Action Needed:

Staff recommends:

1. The Board approve the final rulemaking package for the Juvenile Title 15 Regulations, contingent upon no public comments received during the 15-day public comment period.
2. The Board direct staff to proceed with rulemaking activities pursuant to the APA.