

CHAPTER 31
JUVENILE JUSTICE YOUTH DEVELOPMENT PROGRAM

[Prior to 12/29/21, see 428—Chapter 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

421—31.1(216A,232) Definitions. As used in this chapter:

“Administrator” means the administrator of the division of criminal and juvenile justice planning within the department of health and human services.

“Applicant” means a city, county, judicial district or other designated eligible entity preparing and submitting an application for funding through this program.

“Application” means a request to the division for funding that complies with federal and state requirements.

“Decategorization,” as established in Iowa Code section 232.188, means the department’s program whereby approved counties are permitted to pool their allocations of designated state and federal child welfare and juvenile justice funding streams, establish local planning and governance structures, and design and implement service systems that are more effective in meeting local needs.

“Decategorization governance board” means the board required to provide direction and governance for a decategorization project, pursuant to Iowa Code section 232.188.

“Division” means the division of criminal and juvenile justice planning within the department of health and human services.

“Formula-based allocation” means a process that uses a formula to determine funding amounts to units of government or local public planning entities on a statewide basis.

“Grant review committee” means a committee established by the JJAC, the councils, or the division to review and rank applications for funding. Individuals who are not members of the JJAC or the councils may serve on this committee.

“Justice Research and Statistics Association” or *“JRSA”* is a national nonprofit organization that provides a clearinghouse of current information on state criminal justice research, programs, and publications.

“Juvenile justice advisory council” or *“JJAC”* means the state advisory group described in P.L. 93-415, Section 223(a)(3), and established through executive memorandum to oversee the administration of the JJDP formula grants in Iowa.

“Juvenile Justice and Delinquency Prevention Act” or *“JJDP”* means the federal Act, P.L. 93-415.

“Law enforcement expenditures” means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported by the units of local government to the U.S. Census Bureau during the census of governments.

“Local public planning entities” means entities that have a local governance structure to plan, develop and coordinate services for children and families, and provide for implementation of services for children and families. Examples of local public planning entities include, but are not limited to, units of local government such as cities or counties, decategorization governance boards, community empowerment area boards, and school districts.

“Office of Juvenile Justice and Delinquency Prevention” or *“OJJDP”* means the federal office within the U.S. Department of Justice that administers the JJDP and other discretionary grants.

“Subgrantee” means any applicant receiving funds through the juvenile justice youth development program from the division.

“Unit of local government” means a county, township, city, or political subdivision of a county, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes, and the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.2(216A,232) Purpose and goals.

31.2(1) The purpose of the juvenile justice and youth development program is to assist the state in the establishment and operation of juvenile crime prevention programs; provide for greater accountability in the juvenile justice system; promote positive youth development; and comply with the JJDP core requirements regarding the deinstitutionalization of status offenders, sight and sound separation of adults and juveniles in secure facilities, prohibitions on the use of adult jails to hold juveniles, and the disproportionate confinement of minority youth.

31.2(2) The primary goal of the coordinated juvenile justice and prevention program is to promote positive youth development by helping communities provide their children, families, neighborhoods, and institutions with the knowledge, skills, and opportunities necessary to foster healthy and nurturing environments that support the growth and development of productive and responsible citizens. Other specific goals of this program are to reduce youth violence, truancy, involvement in criminal gangs, substance abuse and other delinquent behavior.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.3(216A,232,PL93-415) Program funding distribution.

31.3(1) The division shall distribute funds available for this program through the following methods:

- a. Competitive grants.
- b. Formula-based allocations.
- c. Sole source contracts.

31.3(2) Funding through any of the methods listed in subrule 31.3(1) may be on an annual or multiyear basis.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.4(216A,232,PL93-415) Competitive grants.

31.4(1) *Application announcement.* The department shall announce through public notice the opening of any competitive grant application process. The announcement shall provide potential applicants with information that describes eligibility conditions, purposes for which the program funding shall be available, application procedures, and all relevant time frames established for proposal submittal and review, grant awards, and grant expenditure periods.

31.4(2) *Preapplication.* The division may request potential applicants to submit a preapplication summary of their proposals. If a preapplication is required, the division shall provide all potential applicants with sufficient information detailing the extent of the preapplication and the criteria for review. Preapplications received in a timely manner shall be presented to the grant review committee for screening. The committee shall use the same ranking system for each preapplication. The ranking system shall be based on the criteria provided to the applicant through the division activities specified in subrule 31.4(1). Applicants shall be notified in writing of the screening decisions.

31.4(3) *Content of applications.* Required elements of the applications shall be published in the request for applications and shall be based on a point system established by the division that reflects the requirements of federal and state funding sources. The division shall develop the application and selection criteria.

31.4(4) *Application review and selection process.* The division shall conduct a preliminary review of each application to ensure that the applicant is eligible and the application is complete. All applications that are submitted in a timely manner by eligible applicants and contain the necessary information shall be presented to the grant review committee. Members of the grant review committee shall review each application and shall assign numerical scores to each application using criteria and point values established by the division and listed in the request for applications. The rank order of scores assigned to the applications by the review committee shall be the basis for funding recommendations for each application reviewed. The grant review committee shall forward its funding recommendations for approval and final award decisions pursuant to rule 421—31.7(216A,232,PL93-415). Decisions to make final awards shall be consistent with applicable state and federal program requirements.

31.4(5) *Conflict of interest.* Persons shall not serve on the grant review committee or otherwise participate personally through decisions, approval, disapproval, recommendation, the rendering of advice,

investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which funds administered by the division are used when, to the person's knowledge, the person or a member of the person's immediate family, a partner, an organization in which the person is serving as an officer, director, trustee, partner, or employee or any person or organization with whom the person is negotiating or has any arrangement concerning prospective employment, or has a financial interest of less than an arms-length transaction. If a person's agency or organization submits an application, the person shall not be present when the grant review committee's recommendations are acted upon by the JJAC or the councils.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.5(216A,232,PL93-415) Formula-based allocations.

31.5(1) *Funding recipients.* Only units of local government, local public planning entities, and judicial districts may be considered eligible applicants to receive funding through this distribution method. The determination of which units of local government, local public planning entities, and judicial districts are eligible applicants shall be made according to the state or federal law or regulation that makes funding available to the division for this distribution method. When such a determination is not established in law or regulation, the department shall make the determination with the advice of the appropriate council or the JJAC.

31.5(2) *Formula to determine individual allocation amounts.* Allocation amounts to individual units of local government or local public planning entities shall be calculated according to the state or federal law or regulation that makes funding available to the division for this distribution method. When an allocation formula for funding to be distributed by the division is not established in this chapter or other law or regulation, the division shall calculate allocations based on a formula determined by the department. The formula shall be based on the number of children residing in the respective areas and may also be based on poverty rates, delinquency rates and other data relevant to child and family well-being. Application materials provided to the eligible units of local government, local public planning entities, or judicial districts shall specify the formula used to calculate the allocation.

31.5(3) *Application procedures and requirements.*

a. Each unit of local government, local public planning entity, or judicial district that is eligible to be an applicant for funds pursuant to subrule 31.5(1) shall be contacted by the division and provided an application that must be completed by the applicant prior to the applicant's receipt of the allocation.

b. The application may require the submission of a comprehensive plan to prevent and reduce juvenile crime that reflects the purposes and goals in rule 421—31.2(216A,232) and that structures the coordination and collaboration of other relevant community programs and activities. Evidence of such coordination and collaboration may be required to include assurances and documentation that the plan for this program was developed to include, or be an integral part of, other areawide plans related to, for example, child welfare, substance abuse, health, or education.

c. The application may require documentation that the application was completed with the participation of representatives from, for example, law enforcement, county attorneys, county and city governments, and health, human services, education, and community service agencies.

d. The application may also require the applicant to certify and make assurances regarding policies and practices related to, but not limited to, funding eligibility, program purposes, service delivery and planning and administration capacities.

e. Each notified applicant shall submit the required information by the deadline established and announced by the division. The division reserves the right to extend the deadline.

f. Following its receipt and approval of a completed application, the division shall offer the applicant a contract authorizing the obligation of funds. These rules and all applicable state and federal laws and regulations shall become part of the contract by reference.

31.5(4) *Allocations declined, waived or combined.*

a. As allowed by federal or state law, when an eligible local public planning entity, judicial district, or unit of local government declines to submit an application for funds, such funds shall be retained by the division to be reallocated among all participating units of local government, judicial districts, or local

public planning entities or to be otherwise distributed for the development of services that have a statewide impact.

b. As allowed by federal or state law, the division may permit an eligible unit of local government to waive its right to a direct allocation and request that its allocation be awarded to and expended for its benefit by a larger or contiguous unit of local government or local public planning entity. A written waiver shall be required from the unit of local government that waives its right to a direct allocation and names a requested unit of local government or local public planning entity to receive and expend the funds. The unit of local government, judicial district, or local public planning entity receiving the funds must agree, in writing, to accept the redirected funds, to carry out all planning and application requirements and to serve as the fiscal agent for receiving the waived allocation. The division's instructions to eligible applicants shall describe the procedures required to implement this paragraph.

c. As allowed by federal or state law, the division may permit applicants to enter into regional coalitions by planning for and utilizing combined allocations from the participating units of local government or local public planning entities. A unit of local government, judicial district, or local public planning entity shall serve as the applicant and fiscal agent for purposes of carrying out planning and application requirements, and for receiving the allocation and obligating and expending funds for the benefit of the combined units. The division's instructions to eligible applicants shall describe the process to implement this paragraph.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.6(216A,232,PL93-415) Sole source contracts. The division may determine, because of the nature of a certain problem or desired programmatic response, that a competitive grant or formula-based allocation process would not be the most appropriate or expeditious process through which to award funds. In such cases, the division may seek out a potential subgrantee with which it can develop a sole source contract for services. The division shall be alert to organizational conflicts of interest and noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. The division's awarding and administration of any sole source contract shall be governed by all relevant state and federal laws and regulations.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.7(216A,232,PL93-415) Program funding sources and related provisions.

31.7(1) Sources of funding may include state, federal, and other funds made available to the division for the purpose of assisting units of local government, judicial districts, and local public planning entities in improving the criminal and juvenile justice systems. The division may combine funding from federal and state appropriations and grant programs to distribute through any of the methods outlined in rule 421—31.3(216A,232,PL93-415), as allowable by the sources of the funds.

31.7(2) Other funds. With the advice of the JJAC and the councils, the division shall, consistent with applicable state and federal law and regulation, determine the distribution methods, eligible applicants and any allocation formulas to be used when making such funding available.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.8(216A,232) Appeals.

31.8(1) Applicants choosing to appeal funding decisions must file a written appeal with the department within ten calendar days of the written notification of the program's funding decisions.

31.8(2) All letters of appeal shall clearly state the reason(s) for the appeal and evidence of the reason(s) stated. Reason(s) for appeal must be based on a contention that the rules and procedures governing the funding process have not been applied properly. All appeals must clearly state in what manner the division failed to follow the rules of the selection process as governed by these administrative rules or procedures outlined in the application materials provided to all applicants by the division. The letter of appeal must also describe the remedy being sought.

31.8(3) If an appeal is filed within the ten calendar days, the division shall not enter into a contract with any applicant involved in the application process being appealed until the department has reviewed and decided on all appeals received in accordance with the criteria in subrules 31.8(1) and 31.8(2). The

department shall consider the information submitted by the appellant and relevant information from division staff when conducting the review. The review shall be conducted as expeditiously as possible so that all funds can be distributed in a timely manner.

31.8(4) The decision of the department shall represent the final division action for the purpose of implementing Iowa Code chapter 17A.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.9(216A,232) Contract agreement.

31.9(1) *Contract offer.* Applicants shall be notified in writing of the division's intent to fund, contingent upon the funds available. The department shall have flexibility in determining which state and federal funds shall be utilized in awards and allocations to subgrantees. These rules and all applicable state and federal laws and regulations shall become a part of the contract by reference.

31.9(2) *Preward negotiation.* The applicant may be requested to modify the original application in the negotiation process. The division reserves the right to fund all or part of the applicant's application.

31.9(3) *Withdrawal of contract offer.* If the applicant and the division are unable to successfully negotiate a contract, the division may withdraw the award offer and redistribute program funds in a manner consistent with the provisions of rule 421—31.14(216A,232).

31.9(4) *Contract modifications.* The subgrantee or the division may request a modification or revision of the contract.

31.9(5) *Reimbursement of expenditures.* Funds are to be spent to meet program goals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.10(216A,232) Contract termination.

31.10(1) *Termination by subgrantee.* The contract may be terminated by the subgrantee at any time during the contract period by giving 30 days' notice to the division.

31.10(2) *Termination by the division.*

a. The division may terminate a contract upon ten days' notice when the subgrantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The division may terminate a contract upon 30 days' notice when there is a reduction of funds by executive order.

b. Termination for convenience. The performance of work under the contract may be terminated by the division in accordance with this clause in whole or, from time to time, in part whenever the division shall determine that such termination is in the best interest of the state. The division shall pay all reasonable costs associated with the contract that the subgrantee has incurred up to the date of termination. The division shall not pay for any work that has not been done prior to the date of termination.

c. Termination for default. If the subgrantee fails to fulfill its obligations under this contract properly or on time, or otherwise violates any provision of this contract, the division may terminate the contract by written notice to the subgrantee. The notice shall specify the acts of commission or omission relied on as cause for termination. All finished or unfinished products and services provided by the subgrantee shall, at the option of the division, become the state's property. The division shall pay the subgrantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination.

31.10(3) *Responsibility of subgrantee at termination.* Within 45 days of the termination, the subgrantee shall supply the division with a financial statement detailing all costs up to the effective date of the termination.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.11(216A,232) Required reports.

31.11(1) Expenditure claim reports shall be required from subgrantees on provided forms. The division, pursuant to regular reimbursement procedures of the state of Iowa, shall reimburse subgrantees for actual expenditures specified in the approved budget.

31.11(2) Progress reports on program outcomes, program status and financial status shall be required from subgrantees on provided forms.

31.11(3) Other reports, including audit reports prepared by independent auditors, may be required by the division and specified in the request for applications or contract to assist in the monitoring and evaluation of programs.

31.11(4) Failure to submit required reports by the due date shall result in suspension of financial payments to the subgrantee by the division until such time as the reports are received. No new awards shall be made for continuation programs where there are delinquent reports from prior grants.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.12(216A,232) Subgrantee records. Financial records, supporting documents, statistical records, and all other records pertinent to the program shall be retained by the subgrantee in accordance with the following:

31.12(1) Records for any project shall be retained for three years after final closeout and audit procedures are completed and accepted by the division.

31.12(2) Representatives of the state auditor's office and the division shall have access to all books, accounts, documents, and other property belonging to or in use by a subgrantee pertaining to the receipt of funds under these rules.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.13(216A,232) Allowable costs and cost restrictions.

31.13(1) Grant funds from this program shall be used to support only those activities and services specified and agreed to in the contract between the subgrantee and the division. The contract shall identify specific cost categories against which all allowable costs must be consistently charged.

31.13(2) Funds appropriated for this program shall not be expended for supplantation of federal, state, or local funds supporting existing programs or activities. Instructions for the application and acceptance of competitive grants, formula-based allocations, and sole source contracts may specify other cost limitations, including but not limited to costs related to political activities, interest costs, fines, penalties, lawsuits or legal fees, and certain fixed assets and program equipment.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.14(216A,232) Redistribution of funds. The division reserves the right to recapture and redistribute awarded funds based upon projected expenditures if it appears that funds shall not be expended by a subgrantee according to the conditions of the subgrantee's contract. Recaptured funds may be granted by the department to other applicants or subgrantees for services and activities consistent with the purposes and goals of the program.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—31.15(216A,232) Compliance with state and federal laws. In acceptance of a grant, the subgrantee shall agree to comply with all applicable state and federal rules and laws, including but not limited to the JJDPA.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—31.16(216A,232) Immunity of state and agencies. The subgrantee shall defend and hold harmless the state and any federal funding source for the state from liability arising from the subgrantee's performance or attempted performance of its contract, and the subgrantee's activities with subcontractors and all other third parties.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

These rules are intended to implement Iowa Code chapter 17A; Iowa Code chapter 216A, subchapter VIII; P.L. 93-415; and P.L. 105-119.

[Filed ARC 6101C (Notice ARC 6004C, IAB 10/20/21), IAB 12/29/21, effective 2/2/22]

[Editorial change: IAC Supplement 6/28/23]