

TEXAS CHILDREN AND THE 2015 LEGISLATIVE SESSION

 TEXANS CARE
for CHILDREN
txchildren.org

*What the Texas Legislature accomplished
for children and where it fell short*

SUMMER 2015



TABLE OF CONTENTS

Introduction.....	i
10 Victories for Texas Children.....	iii
Review of Child Protection & the 2015 Legislative Session.....	I-1
Review of Early Education & the 2015 Legislative Session.....	II-1
Review of Early Opportunities & the 2015 Legislative Session.....	III-1
Review of Children’s Health and Fitness & the 2015 Legislative Session.....	IV-1
Review of Juvenile Justice & the 2015 Legislative Session.....	V-1
Review of Child Mental Well-Being & the 2015 Legislative Session.....	VI-1

INTRODUCTION

The 2015 legislative session produced significant breakthroughs for Texas children, some disappointments, and a few reminders about what it takes to pass state policies that support kids.

We directly weighed in on hundreds of bills impacting children, but were ever conscious that encouraging a mom or youth to testify or a business leader to speak out is sometimes more effective than anything we could say ourselves. The juvenile justice and children’s mental health amendments we helped tack onto other bills serve to show there’s more than one route to the Governor’s desk. Passing one of our foster care proposals after steadily building support for three sessions was a good lesson in persistence. It reminds us we really did make progress this session on some of our priorities that didn’t pass, such as moving 17-year-olds out of the adult criminal justice system.

The details of the session’s reminders, breakthroughs, and disappointments are outlined in the following pages of our policy issue recaps. But first, we present a few highlights below.

This year the Legislature passed four Texans Care for Children proposals to ensure that some of the most vulnerable children in our state are safe and have the support they need to overcome the difficult challenges they



face. A pair of those bills ensures more children in foster care receive the services and home placements they need. Those bills improve assessments of children when they enter foster care and the screening and training of prospective foster parents. Another bill expands the authority of the state’s juvenile justice ombudsman to protect the rights, safety, and services of more youth in the juvenile system. The fourth strengthens the System of Care approach of providing coordinated, community-based care for children with severe mental health needs while maintaining a system for making this approach available statewide – a system that was set to be eliminated in an early draft of the Health and Human Services Commission (HHSC) Sunset bill.

The Legislature also took a few modest steps to help children get off to a good start in their early years, which will help them and taxpayers down the road. The Governor’s pre-K legislation, for example, provides a bump in funding for school districts that meet new requirements. We’re disappointed the new early education strategy doesn’t set limits on student-teacher ratios, provide more funding for all districts, or address important safety and quality issues in licensed child care for our youngest learners. However, we can build on the foundation provided by the new pre-K program and the Governor’s strong endorsement of early education.

Other legislative initiatives address needs even earlier in a child’s development. Budget-writers set aside up to \$50 million in additional funding to help women plan and space healthy pregnancies, although the funding and provider network still fall short of demand. More infants will also enjoy the health benefits of breastfeeding under a new state law providing teachers and other public employees basic accommodations for expressing breast milk at work.

To address the health and fitness of young children and teens alike, the Legislature approved additional funding

for programs that deliver healthier food to schools and food banks. The funding was a top priority for the Partnership for a Healthy Texas, the health coalition we chair. Yet the Legislature showed little interest in proposals to reduce consumption of sugary drinks, expand PE in schools, or address childhood obesity in other ways.

Unfortunately, the Legislature also missed a number of opportunities to strengthen families with parents working low-wage jobs – or two or three low-wage jobs.

The Legislature could have provided more stability for children in these families by accepting federal Medicaid funding for low-wage workers, for example.

While this was a big session for juvenile justice reform, with legislation passing to move youth in the juvenile justice system closer to home, decriminalize truancy, and expand the juvenile justice ombudsman’s role, one of our greatest disappointments was the Legislature’s failure to pass the “Raise the Age” bill. There was strong momentum for including 17-year-old offenders in the juvenile system rather than sending them all to the adult system, but the bill ultimately came up short.



This Legislature also got its budget priorities wrong.

It approved a permanent, massive tax cut for large businesses and other taxpayers, raising the specter of another round of deep education and health cuts the next time the economy slows down. It continued to shortchange key investments in children, failing to provide funding to reduce caseloads for Child Protective Services caseworkers, for instance.

This session lawmakers also approved significant organizational changes to state agencies as part of the Sunset process. We were pleased that they slowed down the plan to consolidate all health and human services agencies into a single mega-agency. However, the Department of Assistive and Rehabilitative Services (DARS) and



the Department of Aging and Disability Services (DADS) will be consolidated within HHSC. Other organizational changes include moving home visiting, substance abuse treatment, and other prevention programs to the Department of Family and Protective Services (DFPS).

Between now and the 2017 legislative session, we’ll closely monitor these organizational changes and implementation of other legislation. We’ll continue to work closely with stakeholders from around Texas to shape these efforts and prepare for the next legislative session.

We appreciate all the Texans who helped us advocate for children this legislative session and hope you’ll join with us as we roll up our sleeves and get to work in the interim.

10 VICTORIES FOR TEXAS CHILDREN

Here's a sample of initiatives we successfully proposed or supported in the 2015 session.

HB 4 - Providing additional pre-K funding to school districts that meet new requirements

HB 781 - Improving screening and training requirements for prospective foster parents

HB 786 - Requiring basic accommodations for public employees who express breast milk at work

HB 2048 included in SB 200 - Maintaining and strengthening the coordinated community-based "System of Care" approach to serving children with severe mental illness

HB 2398 - Decriminalizing truancy and seeking to help chronically absent students stay in the classroom

HB 2684 - Creating a model training program and training requirements for school police officers

SB 125 - Requiring standardized assessments when children enter foster care to inform treatment and placement decisions

SB 1630 - Moving youth in the juvenile justice system closer to home and expanding the authority of the juvenile justice ombudsman

Increased funding to provide healthy food to schools and food banks

Increased funding for women's preventive health care

Thank you to First Focus and our other generous supporters for making these victories and this report possible.

REVIEW OF CHILD PROTECTION AND THE 2015 LEGISLATIVE SESSION

Breakthrough with foster care bills, but CPS caseload funding still lagging

Legislators arrived at the Capitol after multiple hearings, child deaths in foster care, and disturbing reports placed a spotlight on the importance of strengthening Child Protective Services (CPS). Texans Care for Children's efforts to shape those pre-session discussions and channel that interest into positive change paid off for Texas children.

The Legislature passed SB 125, a bill we had pushed for three legislative sessions to improve and standardize **assessments when children enter foster care**. By understanding their needs from the beginning, CPS can do a better job of ensuring the treatment and homes selected for these children help them recover, rather than re-traumatize them or lead to inappropriate prescriptions for psychotropic drugs.

Lawmakers also passed HB 781, high-priority legislation we helped develop and champion to improve **screening and training for foster parents**. Among other provisions, it requires caregivers to receive 35 hours of competency-based training. Prior to HB 781, the state required a minimum of eight pre-service hours, although many contractors provided additional training. The new law will increase the chances that foster children are placed with foster parents who keep them safe and provide the love and support they need, rather than foster parents who are ill-equipped for the responsibility.



Texans Care also succeeded in passing other priorities, including funding for former foster youth staff positions in the Department of Family and Protective Services (DFPS), known as **youth specialists**, and new data collection on **pregnant and parenting foster youth** and former foster youth who fall victim to **human trafficking**. More youth input and better data will go a long way towards improving support for these vulnerable youth.

Prior to the legislative session, all health and human services agencies were under Sunset review, including DFPS. The **DFPS Sunset bill** passed by the Legislature, SB 206, highlights many of the agency's "Transformation" efforts aimed at ensuring CPS caseworkers spend more time with children and families through streamlined policy and procedures. While DFPS was protected from major Health and Human Services Commission (HHSC) consolidation efforts, as outlined in SB 200, child care licensing will move under a new consolidated Regulatory Division of HHSC. Additionally, prevention services currently located at HHSC and the Department of State Health Services (DSHS) – including substance abuse treatment services and the home visiting program – will move under the Prevention and Early Intervention (PEI) Division of DFPS.

Foster Care Redesign, the latest privatization effort, will continue to expand in the next biennium, despite ongoing concerns. Current efforts will have additional resources to address concerns related to costs and sustainability. The budget provides a rate increase for current efforts led by ACH Child and Family Services, the private mega-contractor responsible for providing or contracting out for all services within the region it oversees,

and will help offset the burden of high administrative costs. Redesign will expand to one new “catchment” area with additional funding for start-up and implementation. This additional funding for Redesign recognizes such efforts take additional investment and are not cost-neutral, a condition that the Legislature imposed upon DFPS for Redesign when it was first approved in 2011. We supported a successful budget rider requiring improved data collection and evaluation of these efforts to help strengthen transparency of Foster Care Redesign.

One key area where the Legislature fell short was funding to **reduce caseloads for CPS caseworkers**. Under the new state budget, caseloads will continue to far exceed national best practices, placing children in danger.

Outcomes of key child protection initiatives this session:

BECAME LAW

SUPPORT CHILDREN

HB 418 - Providing CPS authority to place a child victim of trafficking in foster care

HB 679 - Directing the Texas Department of Housing and Community Affairs to conduct a study on homeless youth

HB 781 - Improving training and screening requirements for prospective foster parents

HB 825 - Requiring courts to make diligent efforts to determine if a child has a Native American heritage

HB 1143 - Improving services provided to pregnant and parenting youth in the state’s foster care system

- *Data collection provisions of the bill passed as an amendment to SB 206; HB 1143 passed the House but did not receive a hearing in the Senate*

HB 1217 - Improving reporting on foster care youth who run away and those who fall victim to human trafficking

HB 1309 - Notifying legislators of the death of a child in foster care

HB 1781 - Filing suit for visitation with siblings by those adopted from foster care and separated from their siblings

HB 2070 - Amending requirements for safe houses serving trafficking victims and giving DFPS certain monitoring and oversight authority

HB 2053 - Locating missing children involved in a CPS investigation of abuse and neglect through a child-safety alert checklist

HB 2655 - Evaluating the relative and other designated caregiver placement program

HB 3748 - Providing staff support on college campuses for current and former foster youth pursuing a college degree

SB 125 - Requiring standardized assessments when children enter foster care to inform treatment and placement decisions

SB 314 - Ensuring relative caregivers understand the differences between managing conservatorship and adoption before DFPS is dismissed from a child's case

SB 830 - Establishing an independent ombudsman office for children and youth in foster care

SB 949 - Releasing an Annual Child Fatality Report on information related to child deaths due to abuse or neglect

SB 1117 - Requiring a plan for stable housing to be included in a youth's transition plan prior to leaving

SB 1407 - Promoting "normalcy" activities for children in foster care and allowing caregivers to make decisions regarding a foster child's participation in activities based on using a "reasonable and prudent parent standard"

SB 1889 - Excluding parents from the DFPS Central Registry list if they relinquish parental rights in an attempt to meet the mental health needs of their children

SB 1929 - Transferring parental rights cases no later than the 10th working day after an order transferring jurisdiction is signed

SB 1931 - Ensuring attorney representation for parents earlier in a case

\$200,000 for CPS youth specialists and youth leadership activities

IMPACT CHILDREN

SB 206 - DFPS Sunset bill

MAY HARM CHILDREN

HB 2799 - Allowing foster parents to homeschool foster youth without prior approval from DFPS

- *Provisions of the bill passed as an amendment to SB 206; HB 2799 passed the House committee but was not voted on by the full House*

DID NOT PASS

SUPPORT CHILDREN

HB 993 - Directing DFPS to develop a plan to bring caseloads for CPS caseworkers down to manageable levels

- *Left pending after a House hearing; voted down by the House as an amendment to the state budget and the DFPS sunset bill*

HB 3967 - Establishing a pilot program to promote savings and financial independence of transitioning foster youth

- *Left pending after a House hearing*

SB 1524 - Providing health coverage to transitioning foster youth from any state

- *Did not receive a hearing*

Additional funding to reduce caseloads for CPS caseworkers

- *Not included in the budget*

MAY HARM CHILDREN

HB 3864 - Allowing contracted foster care providers to discriminate against children and families that do not adhere to the provider's religious views

- *Passed the House committee but was not voted on by the full House*

REVIEW OF EARLY EDUCATION AND THE 2015 LEGISLATIVE SESSION

Governor's pre-K bill signals early education consensus, first step towards class size limit and other policy improvements

The Governor's **pre-kindergarten** proposal, HB 4, dominated the early education discussion this session. The attention on the issue reflected a broad base of research showing that high-quality early education programs help students start school with the skills they need to succeed and reduce taxpayer spending on remedial education and other programs. The Governor's plan, ultimately funded at \$118 million starting in the second year of the biennium, will provide school districts with up to \$1,500 per student if their pre-K programs meet new standards: increasing teacher training requirements, using a curriculum based on the state's pre-K guidelines, developing a parent engagement plan, and collecting and reporting data.

A number of voices – ours included – called for a stronger bill and additional funding. While the Legislature did not require key pre-K quality standards such as limits on class sizes or student-teacher ratios, Texans Care for Children successfully made the issue one of the centerpieces of the HB 4 debate and future pre-K policy discussions. The final bill included a non-binding recommendation for districts participating in the HB 4 program to meet those standards. We also highlighted the need for school districts to collect additional pre-K data, and this provision was added to the final bill by an amendment in the Senate.



Many early education advocates called for full-day pre-K funding for all districts. About half of Texas school districts already have full-day pre-K in place. It helps provide access to families who cannot coordinate work schedules for their children to attend the current three-hour program that the state offers. The Legislature did not move to fund full-day pre-K this session, but many districts will have the opportunity to expand their days to six hours with the additional funding they will receive through the grant program.

The legislation passed overwhelmingly in the House and Senate and was signed into law, despite a few critics inside and outside the Legislature who challenged the validity and necessity of pre-K. The Governor's and legislative leaders' strong support of pre-K in the face of this criticism cemented a near-consensus endorsement of early education. That endorsement, and the new program established by the bill, can provide the foundation for future action after this first step.

While pre-K was the high-profile early education issue this session, we also worked to educate lawmakers about the important role of **child care** in early education. We made progress highlighting the importance of boosting child care quality, bringing child care directors to the Capitol to testify in support of improved child-caregiver ratios and pushing a child care training bill through the House and almost the Senate. While these child care initiatives did not pass, the discussion about lowering child-caregiver ratios in child care may pave the way for strong action by the Department of Family and Protective Services (DFPS) as it takes up the issue during the interim. The Legislature did pass largely positive **Sunset bills** for the two primary state agencies for child care

issues, DFPS and the Texas Workforce Commission (TWC). The DFPS bill requires the agency to determine the appropriate disciplinary action to take against a person who violates child care licensing law or agency rule. It gives the agency increased authority to impose administrative penalties and to issue cease and desist orders. The TWC bill requires more data collection and analysis of child care services by TWC, regular assessment of Texas Rising Star quality standards, and creation of a policy for public input on all subsidized child care.

Outcomes of key early education initiatives this session:

BECAME LAW

SUPPORT CHILDREN

HB 4 - Establishing the program envisioned by the Governor to provide additional pre-K funding to school districts that meet new requirements

HB 173 - Improving pre-K data collection

- *Similar provisions were included in HB 4; HB 173 was left pending after a House hearing*

HB 1180 - Improving the child care database managed by DFPS

SB 1496 - Improving safety for children in child care by requiring listed and registered family home operators to submit fingerprints to DFPS

IMPACT CHILDREN

SB 206 - DFPS Sunset bill

SB 208 - TWC Sunset bill

DID NOT PASS

SUPPORT CHILDREN

HB 296 - Establishing statewide pre-K quality standards, including limits on class size and student-teacher ratios

- *Left pending after a House committee hearing*

HB 617, HB 3887 and SB 1123 - Creating an Office of Early Learning

- *Did not receive a hearing*

HB 1100 - Establishing a full-day gold-standard pre-K program

- *Left pending after a House committee hearing*

HB 2903 - Improving training for child care workers

- *Passed the full House and the Senate committee but was not voted on by the full Senate*

HB 3322 and SB 1269 - Improving child-caregiver ratios in licensed child care

- *Left pending after House and Senate committee hearings*

HB 3836 - Authorizing junior colleges to offer a B.A. in early education

- *Passed the House but did not receive a Senate hearing*

MAY HARM CHILDREN

HB 588 - Banning certain assessments in pre-K

- *Did not receive a hearing*

HB 1765 - Requiring TEA to develop a strategy to encourage Head Start participants to enroll in public school pre-K

- *Did not receive a hearing*

REVIEW OF EARLY OPPORTUNITIES AND THE 2015 LEGISLATIVE SESSION

Progress on women's preventive health care funding, breastfeeding protections, and modest bills for family economic security, but disappointments in ECI and postpartum care

As part of the steering committee for the Texas Women's Healthcare Coalition, Texans Care for Children supported efforts to improve infant and maternal health this session by increasing funding for and access to **women's preventive health care**. This work was a continuation of efforts in 2013 to recover from the 2011 funding cuts and a tiered funding system that substantially reduced access to care in the state. Even with additional funding from last session, our state is still only able to serve three in ten women in need of subsidized services to plan and space healthy pregnancies.

This session, the Legislature provided \$211 million for family planning, closely mirroring last session's appropriations, but they also agreed to an additional \$50 million pending approval of the Legislative Budget Board (LBB). Lawmakers also chose to house all three of the state's women's preventive health programs within



the Health and Human Services Commission (HHSC). As the agency moves towards consolidating these programs, it will be crucial for stakeholders to continue advocating for a health system that increases access to services, encourages greater provider participation, and maximizes savings for the state. One venue for providing input will be the new committee established by SB 200, the HHSC Sunset bill, to provide recommendations on the consolidation of women's health programs.

Breastfeeding moms and infants will benefit from HB 786, which requires school districts and other public sector employers to provide a reasonable amount of break time and a private space for staff who express breast milk at work.

The new law also prohibits discrimination against public employees who express breast milk. An unfortunate Senate amendment classifies single-use restrooms as reasonable accommodations, but HB 786 still provides a foundation for improving infant and maternal health.

Thousands of families will also benefit from the Legislature's investment in home visiting. The budget includes \$44 million for the Texas Home Visiting Program (THVP) and \$23 million for Nurse-Family Partnership (NFP). As part of the **HHSC Sunset bill**, home visiting and other **prevention and early intervention programs** will be transferred to the Department of Family and Protective Services (DFPS) by September 2016. The bill also transfers Department of Assistive and Rehabilitative Services (DARS) functions and Department of State Health Services (DSHS) client services to HHSC. Texans Care will closely monitor this process to ensure that the transfer does not negatively impact the quality of the services families receive.

Unfortunately, budget writers failed to address the growing proportion of high-needs children who rely on **Early Childhood Intervention** (ECI) to learn to walk, communicate with their families, and meet other developmental milestones. In recent years, the ECI system has seen a rise in the proportion of enrolled children with more complex needs, such as a medical diagnosis or a developmental delay in multiple areas. This session,

DARS requested \$14 million in additional state funding to provide a higher, more appropriate level of services for these children. The Legislature initially agreed to partially fund the request, but then reversed course as a result of lower enrollment estimates. The final budget anticipates the program will be able to provide an average of 2.75 hours of service per month per family, and ties receipt of \$3.4 million in federal funding to the program meeting this target.

Ultimately, the Legislature appropriated less for ECI for the 2016-2017 biennium than is likely to be expended in the current 2014-2015 biennium, despite an anticipated increase in the number of children served and hours of service provided. Additional funding for ECI is available through Medicaid reimbursements for pediatric therapies.

However, the Legislature's decision to cut Medicaid therapy rates will significantly impact ECI contractors' ability to collect adequate reimbursement for acute therapies, such as speech therapy and physical therapy. Underfunding ECI will make it harder for providers to keep their doors open and may jeopardize children's access to services. During the interim, we will work with families, ECI contractors, and DARS to address potential challenges, including enrollment that is higher than what was accounted for in budget estimates, cuts to pediatric therapy rates, and the impact of transferring DARS functions to HHSC.

Texans Care was also among a number of organizations and stakeholders advocating for increased access to **postpartum care**. Currently, mothers who deliver through Medicaid receive basic health coverage for only 60 days following delivery, while those who deliver through the Children's Health Insurance Program (CHIP) Perinate program only receive two postpartum visits. Yet the need for basic health services, interconception care, and screening and treatment for chronic diseases and postpartum depression extends well beyond these eligibility periods. Although the Governor called for stronger postpartum support, and several bills on the issue were filed, the Legislature did not invest in improving postpartum care. In a small step forward, the state budget requires HHSC, in coordination with DSHS, to submit a report and policy recommendations on screening and treatment for postpartum depression.



One of the keys to making sure that children get the right start to life is ensuring that families have opportunities to achieve **economic security** and access to financial support when they fall on hard times. However, the Legislature failed to make progress on legislation to raise the minimum wage or enact comprehensive payday lending reform. Fortunately, the Legislature did pass other bills to help struggling families, including one that will encourage the creation of financial institutions in underserved areas and another to help individuals with disabilities establish savings accounts without jeopardizing their Medicaid eligibility.

Several lawmakers sought to create policies that would make it harder for low-income families to **access basic services** such as temporary financial aid and supplemental food assistance. Texans Care and other advocates were successful in stopping many of these proposals, including one that would have jeopardized some children's access to Temporary Assistance for Needy Families (TANF) by imposing work requirements on parents who do not directly receive cash assistance.

BECAME LAW

SUPPORT INFANT & MATERNAL HEALTH

HB 786 and SB 1479 - Requiring reasonable accommodations for public employees who express breast milk at work

- Major provisions of SB 1479, which only applied to school district employees, were included in HB 786; SB 1479 passed the Senate committee but was not voted on by the full Senate

HB 1140 - Requiring county jails to provide additional data on the health care provided to pregnant prisoners and jails' policies related to pregnant prisoners

HB 2171 - Extending the period in which a person's immunization information is included in the immunization registry from 18 to 26 years of age

HB 2131 - Establishing designations for centers of excellence for fetal diagnosis and therapy

HB 3433 - Extending the timeline for establishing neonatal and maternal levels of care designations and adding two members to the Perinatal Advisory Council

SB 169 - Ensuring that military members and families maintain their position on waiting lists for any health and human services assistance program if they temporarily reside out of state

SB 791 - Requiring DSHS to establish a cytomegalovirus (CMV) outreach program and publish information on CMV for women who may become pregnant, expectant parents, and parents of infants

A \$50 million increase for women's health programs, pending approval by the Legislative Budget Board

\$44 million for the Texas Home Visiting Program and \$23 million for Nurse-Family Partnership

\$11.2 Million to expand existing services for Neonatal Abstinence Syndrome, a group of health problems a newborn may experience if exposed to certain drugs in the womb

Budget riders

- Requiring HHSC and DSHS to increase access to long-acting reversible contraceptives
- Requiring more accurate reporting on the Texas Women's Health Program provider network
- Requiring HHSC and DSHS to improve data and oversight to reduce the rate of early elective deliveries
- Requiring HHSC and DSHS to submit a report on screening and treatment for postpartum depression
- Requiring the Comptroller to include notification of a mother's right to breastfeed in an e-newsletter at least annually

IMPACT INFANT & MATERNAL HEALTH

SB 200 - HHSC Sunset bill

SB 206 - DFPS Sunset bill

Budget rider transferring DSHS Family Planning Services and the Expanded Primary Health Care Program to HHSC

MAY HARM INFANT & MATERNAL HEALTH

Budget rider requiring a \$150 million reduction in state funds through cuts to Medicaid rates for acute care therapies

SUPPORT FAMILY ECONOMIC SECURITY

HB 1626 - Designating certain areas as banking or credit union development districts to encourage creation of financial institutions in underserved areas

HB 2718 - Allowing faith- and community-based organizations to offer assistance to recipients of public assistance who opt to receive help from participating organizations

HB 3987 - Allowing school districts and open-enrollment charter schools to establish school-based savings programs in conjunction with a personal financial literacy course

SB 1664 - Creating a savings program for individuals with disabilities through the newly formed Texas Achieving a Better Life Experience (ABLE) Program and ensuring that the savings accounts do not jeopardize participation in other public benefit programs

MAY HARM FAMILY ECONOMIC SECURITY

SB 267 - Banning local ordinances that protect against housing discrimination based on a person's source of income, including Section 8 vouchers

DID NOT PASS

SUPPORT INFANT & MATERNAL HEALTH

HB 232 - Clarifying the law regarding a mother's right to breastfeed and providing legal recourse if the mother's right is violated

- *Passed the House Committee but was not voted on by the full House*

HB 3115 and SB 1698 - Extending the Medicaid and CHIP Perinate coverage period for postpartum depression to 12 months

- *HB 3115 left pending after a House committee hearing; SB 1698 did not receive a hearing*

HB 3449 - Extending the postpartum period for Medicaid coverage to 6 months

- *Did not receive a hearing*

Increased funding for Early Childhood Intervention (ECI) to serve the growing proportion of high-needs children in the program

SUPPORT FAMILY ECONOMIC SECURITY

HB 41, HB 42, HB 396, HB 2413, HB 3370 and SB 67 - Raising the state minimum wage

- *The House bills were left pending after House committee hearings; SB 67 did not receive a hearing*

HJR 26 - Asking voters to approve a constitutional amendment raising the minimum wage to \$10.10

- *Passed the House committee but was voted down by the full House*

MAY HARM FAMILY ECONOMIC SECURITY

SB 723 - Expanding TANF work requirements to parents who do not directly receive cash assistance

- *Passed by the full Senate and the House committee but was not voted on by the full House*

REVIEW OF CHILDREN'S HEALTH AND FITNESS AND THE 2015 LEGISLATIVE SESSION

Progress expanding access to healthy food, but little action on other policies to reduce childhood obesity or expand health coverage

This session the Legislature showed additional interest in expanding **access to healthy food** as a strategy for tackling food insecurity. As a leader in the Partnership for a Healthy Texas coalition, Texans Care for Children helped secure more funding for the Surplus Agriculture Grant, which enables food banks to purchase excess produce from Texas farmers and deliver it to the families who need it the most. The Surplus Agriculture Grant also helps to support Brighter Bites, a program to provide healthier food in public schools. Brighter Bites similarly received an increase in funding this session and will be expanding to more school districts across the state.



The Legislature also passed a proposal establishing limited immunity from liability for landowners offering space on their land for community gardens. The proposal aims to encourage development of community gardens by easing the liability concerns of landowners who wish to loan tracts of their land for local gardening efforts. Legislation to incentivize grocery stores to open in underserved neighborhoods fell short but made it further in the process than ever before.

Yet the Legislature paid little attention to traditional **anti-childhood obesity** proposals such as expanding PE in schools; improving nutrition guidelines in child care or elsewhere; facilitating biking and other healthy modes of transportation; and directing state agencies to work on the issue. Despite research that Texas kids consume far too many sugary drinks for a healthy diet, lawmakers failed to consider proposals reviewing junk food and beverage marketing in schools or discouraging sugary drink consumption through public education and a sugary drink tax. Just as in previous legislative sessions, we had to work hard to stop efforts to eliminate fitness evaluations in schools.

The Legislature also demonstrated little interest in working on **access to health care** for low-income children and families. After the newly elected Governor and Lieutenant Governor closed the door on the issue, legislative committees did not even schedule hearings on the bills to accept federal Medicaid funding for low-wage workers. With Texas hospitals and families hurting, we are hopeful that state leaders will start studying conservative approaches used in other states to find a model for Texas.



Outcomes of key health and fitness initiatives this session:

BECAME LAW

SUPPORT CHILDREN'S FITNESS AND NUTRITION

HB 262 - Establishing limited immunity from liability for landowners offering space for community gardens

\$1.2 Million for the Brighter Bites school nutrition program, an increase from \$600,000 in the previous biennium

\$5.9 Million for the Feeding with Impact program to steer excess produce to food banks, an increase from \$2.9 million in the previous biennium

\$2 Million for the Texas Education Agency (TEA) to help schools implement FitnessGram, the state-adopted fitness assessment for students

\$20 Million for the Department of State Health Services chronic disease program, slightly exceeding the agency's base request but not including the "exceptional item" request for prevention

DID NOT PASS

SUPPORT CHILDREN'S FITNESS AND NUTRITION

HB 1202 - Establishing a Community Nutrition Program Policy Advisory Council at the Texas Department of Agriculture

- *Passed the House committee but was not voted on by the full House*

HB 1485 - Establishing the Grocery Access Investment Fund for underserved communities

- *Passed the House on second reading but not third reading*

HB 1616 - Establishing a "Double Dollar" pilot program for produce purchased at farmers markets in underserved communities

- *Left pending after a House committee hearing*

HB 2086 - Requiring additional PE in middle school

- *Did not receive a hearing*

HB 3290 - Establishing the Farm to School Community Connections pilot grant program to increase students' access to and awareness of fresh produce

- *Left pending after a House committee hearing*

SB 954 - Directing school districts' School Health Advisory Councils (SHACs) to make recommendations regarding commercial advertising on school property for junk food

- *Did not receive a hearing*

SB 1371 - Establishing a penny per ounce tax on sugary drinks

- *Did not receive a hearing*

Funding for TEA to support implementation of Coordinated School Health

- *Not included in the final state budget*

MAY HARM CHILDREN'S FITNESS AND NUTRITION

HB 1227 - Eliminating the FitnessGram evaluation for students

- *Passed the House committee but was not voted on by the full House; passed the House as an amendment but did not receive Senate committee approval*

SUPPORT CHILDREN AND FAMILIES' ACCESS TO HEALTH CARE

HB 116, HB 1138, HB 3845, HB 4054, SB 89, SB 423 and SB 1039 - Accepting federal Medicaid expansion funds for uninsured low-wage adults

- *Did not receive a hearing*

HB 1339 - Reducing the current 90-day waiting period in the Children's Health Insurance Program

- *Did not receive a hearing*

MAY HARM CHILDREN AND FAMILIES' ACCESS TO HEALTH CARE

HB 2385 - Restricting health care for seriously ill undocumented children

- *Passed the full House and the Senate committee but was not voted on by the full Senate*

REVIEW OF JUVENILE JUSTICE AND THE 2015 LEGISLATIVE SESSION

Legislature decriminalizes truancy, moves more juveniles closer to home, and expands the juvenile justice ombudsman's authority, but keeps 17-year-olds in the adult criminal justice system

This session the Legislature made a number of positive changes to help youth stay out of trouble and turn their lives around when they do get in trouble. As part of SB 1630, an omnibus juvenile justice bill, lawmakers approved our proposal to expand the authority of the **juvenile justice ombudsman**. In the past, the ombudsman has only been able to check on youth in the state's custody, in placements contracted by the state, or on parole. Under the new law, the ombudsman will have the authority to protect the rights and ensure the safety of youth in both state and local probation care, in both public and contract facilities.

The broader bill, SB 1630, seeks to keep more kids out of state secure facilities. The legislation requires the Texas Juvenile Justice Department (TJJD) to develop a regionalization plan to **keep youth closer to home**,



where they are proven to have greater success. Under the bill, the only youth who will be committed to state secure facilities are those who receive a determinate sentence and, unfortunately, those on an indeterminate sentence if the committing judge concludes that there is no appropriate placement to meet the youths' needs. The legislation also requires the validation of all risk and needs assessment instruments or processes used by juvenile probation departments, ensuring appropriate assessments are made before youth are placed away from their homes or provided services.

At the beginning of the legislative session, both appropriations bills filed in the House and Senate removed the structure for the TJJD budget, instead providing guidance that the budget would need to be written through policy decisions. Legislators wrote the final budget with the SB 1630 regionalization plan in mind, **shifting more funds to the front end of the juvenile justice system** and keeping more kids closer to home and out of state facilities. Many of the funding shifts will be developed through a grant structure created by the agency to provide community juvenile justice funding.

This session the Legislature also worked on making sure that a teenage mistake doesn't prevent Texans from going to college, getting a job, finding housing, and turning their lives around. Lawmakers passed bills to streamline the sealing of records, allowing more youth to have their records automatically sealed. They also approved a bill to limit the practice of sharing the fingerprints of youth for whom charges are dropped, or who are otherwise diverted and not adjudicated. The Legislature also passed a bill establishing an advisory committee to make recommendations for further improving **juvenile records** retention policies.

Another significant bill passed this session is aimed at keeping truant students in classrooms, not courtrooms. The legislation decriminalizes truancy, keeping **truancy** in the same courts but as a civil offense. It removes

schools' option to file a truancy report with the courts after a student misses three school days in four weeks. The bill requires schools to create truancy prevention measures and employ a truancy prevention officer. It also allows counties to create judicial trust funds to accept donations and grants for the purpose of providing services to families and youth to prevent truancy and delinquent conduct.

Truancy reform was not the only way that the Legislature sought to keep students out of trouble and out of the justice system. Legislators also passed a bill to require **school police officers** in the state's largest districts to receive training specific to the population they interact with every day – our children. The proposal gained momentum after a couple of high-profile incidents of school officers using excessive force on students. However, proposals to limit the use of Tasers and pepper sprays in schools fell short.



Unfortunately, the Legislature did not pass high-priority legislation to **raise the age** of juvenile jurisdiction.

Multiple legislators filed bills to send 17-year-old offenders to the juvenile system rather than continuing to send all of them to the adult system. A strong coalition of sheriffs, judges, business leaders, children's advocates, and legislators made great progress building support for the change this session. However, the House bill was placed on the House calendar too late to pass, and the Senate didn't hold a hearing on the Senate bill or accept a House amendment to SB 1630 to raise the age. This will be a top priority during the next legislative session. Proposals to keep the youngest kids out of the juvenile justice system and out of secure facilities were not given hearings.

Outcomes of significant juvenile justice initiatives this session:

BECAME LAW

SUPPORT CHILDREN IN SCHOOL

HB 2398 - Decriminalizing truancy and seeking to help chronically absent students stay in the classroom

- *Provisions from many of the other truancy bills filed this session were added to HB 2398*

HB 2684 - Creating a model training program and training requirement for school police officers

SB 107 - Creating campus behavior coordinators on school campuses, seeking to reduce disciplinary measures that remove youth from the classroom

SB 133 - Expanding optional mental health training to additional public school employees, including coaches and school police officers

SUPPORT CHILDREN THROUGH IMPROVED JUVENILE RECORDS POLICY

HB 431 - Creating an advisory committee to examine and make recommendations to improve the handling of juvenile records

HB 1491 - Prohibiting business entities from publishing confidential juvenile records

SB 409 - Limiting the sharing of fingerprints of youth who are not adjudicated

SB 1707 and HB 263 - Streamlining the system to allow more youth to have their records automatically sealed

SUPPORT CHILDREN BY IMPROVING THE JUVENILE JUSTICE SYSTEM

HB 257 - Prohibiting judges from having a financial interest in a private correctional or rehabilitation facility

HB 839 - Automatically reinstating CHIP and Medicaid when a previously covered youth leaves a juvenile facility

HB 1144 - Creating a state task force on studying and improving the outcomes for juvenile sex offenders

HB 2372 - Realigning training hours for juvenile correctional officers to allow for on-the-job training and promote retention of new officers

HB 3277 - Expanding the authority of the juvenile justice ombudsman

- *Similar provisions were included in SB 1630; HB 3277 passed the House but did not receive a Senate hearing*

SB 239 - Increasing the mental health workforce by making loan repayment assistance available to mental health professionals who provide services in workforce shortage areas, including the Texas Juvenile Justice Department

SB 888 - Allowing youth to appeal the court's decision to certify them as an adult before trial rather than waiting for a conviction in adult court

SB 1149 - Adding additional protections for youth committed to local post-adjudication secure correctional facilities

SB 1630 - Keeping more youth offenders out of state juvenile justice facilities and in local programs, developing a regionalization plan, and expanding the authority of the juvenile justice ombudsman

DID NOT PASS

SUPPORT CHILDREN IN SCHOOL

HB 2885, HB 3341 and HB 2285 - Improving accountability of school police officers by requiring data collection regarding school police activities

- *HB 2885 and HB 3341 both passed the House committee but were not voted on by the full House*

HB 3979, SB 625 and SB 1696 - Prohibiting school police officers from using Tasers and pepper spray on students

- *SB 625 was left pending in committee following a hearing; the others did not receive a hearing*

SB 1334 - Requiring school districts with a pattern of disproportionately disciplining youth of color and youth with disabilities to develop an improvement plan

- *Did not receive a hearing*

SUPPORT CHILDREN BY IMPROVING THE JUVENILE JUSTICE SYSTEM

HB 1205, HB 35, HB 330 and SB 104 - Raising the age of juvenile jurisdiction to include 17-year-olds in the juvenile justice system instead of the adult criminal justice system

- *HB 1205 passed the House committee but was not voted on by the full House; a similar amendment was added to SB 1630 in the House but was removed by the conference committee*

HB 2626 and SB 1401 - Creating a state task force to identify alternatives to the juvenile justice system for the youngest children who make mistakes

- *Did not receive a hearing*

HB 2793 - Limiting secure confinement for youth who have run away from home

- *Passed the House committee but was not voted on by the full House*

HB 2931 and SB 1333 - Limiting secure confinement in post-adjudication facilities or state-run facilities to youth over the age of 14

- *Did not receive a hearing*

HB 2934 - Prohibiting the indiscriminate shackling of youth in the courtroom

- *Passed the House committee but was not voted on by the full House*

HB 3852 and SB 943 - Prohibiting secure confinement of status offenders

- *HB 3852 passed the House committee but was not voted on by the full House; SB 943 did not receive hearing*

REVIEW OF CHILD MENTAL WELL-BEING AND THE 2015 LEGISLATIVE SESSION

Stronger policies to support the mental health of students, increase access to services for children with mental illness, and prevent concerns from developing

We were pleased to help advance policies this legislative session that will help more Texas kids be mentally well and successful in their homes, schools, and communities.

The original Health and Human Services Commission (HHSC) Sunset bill would have stripped legislative direction to state agencies on using a **System of Care** approach to coordinate community-based services and supports to children with mental illness and their families.

Texans Care for Children led the effort this session to make sure state agencies continue working together on system improvement efforts so that children and families can access the services they need to keep kids safe, well, and with their families. In the end, the Legislature both reaffirmed and strengthened the state's commitment to System of Care and improving support for children with serious mental illness. HHSC will be required to enter into memoranda of understanding with other agencies to identify the roles and responsibilities of each agency in implementing a comprehensive plan related to children's mental health.

The System of Care legislation will shape broad, **cross-agency mental health planning** efforts, such as the statewide behavioral health strategic and expenditure planning that is called for in the budget. The provision ensures that these efforts include strategies specific to children and reflect best practices for keeping kids with their families and in their schools and communities.

The Legislature also took other action to support children with severe mental health challenges. We know that kids tend to have the best outcomes when they receive treatment in the community.

Yet, there are times when children may require more **intensive residential services** as part of their treatment plan. Some parents, unable to access this type of service by other means, relinquish their parental rights to the state in order to secure the help their child needs. To help more families avoid this devastating choice, the Legislature increased funding to enable up to 30 children at any given time to access residential treatment without their parents giving up custody. The Legislature also passed a bill to ensure that parents who do reach the difficult decision to relinquish custody will no longer have their names placed on a child abuse and neglect registry. Additionally, these parents will now have a greater chance of maintaining joint managing conservatorship with the state, which enables families to remain involved with their child.

In another area of the budget, the Legislature provided funding to the Department of Family and Protective Services (DFPS) to develop a program to better address the needs of children in **foster care** who have cycled in and out of hospitals because of complex mental health concerns. The new sub-acute program will work to better address their complex needs.



The Legislature took important steps to better equip schools to support the education and well-being of **students with mental health concerns**. Lawmakers approved bills to establish a model training program for school police officers, increase teacher training on suicide prevention, and keep instruction on positive behavior interventions and supports (PBIS) and de-escalation techniques in teacher certification programs. On the other hand, legislators showed little interest in the several bills seeking to improve access to school counselors.



This session we also made progress on **prevention and early intervention** of common risk factors. The state budget increases funding for various prevention programs that work to strengthen families and build resiliency in youth, factors that are strongly associated with the mental well-being and success of children and youth. Responding to the call for better coordination of prevention efforts, the Legislature used the DFPS Sunset bill to direct the agency to develop a five-year strategic plan for child abuse, neglect, and delinquency prevention that considers similarly aligned programs administered by other state agencies. The Sunset bill also transferred home visiting and other prevention programs to DFPS. Additionally, a new legislative committee

tasked with overseeing the health and human services consolidation will evaluate how well prevention programs are working together across systems.

This session, legislators made a number of **juvenile justice** policy changes that will impact youth with mental health needs, whose symptoms often put them at risk of entering the juvenile justice system. SB 1630, for example, will keep more youth out of state juvenile justice facilities and closer to home while expanding the authority of the juvenile justice ombudsman to protect youth in the system. The legislation codifies the current practice of committing youth to a state secure facility if they have behavioral health or other special needs that cannot be met with resources available in their communities. The law adds a new protection by requiring a judge to determine that the support is not available locally. The regionalization planning required in the new law provides an opportunity for communities to identify or develop additional resources to serve these youth in their communities.

Outcomes of significant children's mental well-being initiatives this session:

BECAME LAW

SUPPORT CHILDREN IN SCHOOL

HB 2186 - Requiring annual teacher training using a best practice suicide prevention program

HB 2398 - Decriminalizing truancy and seeking to help chronically absent students stay in the classroom by providing supports, including connecting students to counseling or community-based services

HB 2684 - Creating a model training program and training requirements for school police officers

SB 133 - Expanding optional mental health training to additional public school employees, including coaches and school police officers

SB 674 - Requiring that educator certification programs teach best practice interventions, such as PBIS, and strategies for teaching children with mental disorders

HELP CHILDREN MANAGE THEIR MENTAL ILLNESS

HB 839 - Suspending and then automatically reinstating CHIP and Medicaid when a youth leaves a juvenile facility

HB 2048 and SB 1891 - Maintaining and strengthening the coordinated community-based System of Care approach to serving children with severe mental illness

- Provisions passed as an amendment to SB 200; HB 2048 passed the House but did not receive a Senate hearing

SB 125 - Requiring standardized assessments when children enter foster care to inform treatment and placement decisions

SB 239 - Making student loan repayment assistance available to mental health professionals who agree to provide services to individuals enrolled in CHIP or Medicaid in workforce shortage areas

SB 1889 - Improving policies for families who relinquish parental rights to secure treatment for their children with severe mental health challenges

\$8.9 million to prevent waitlists for children's outpatient mental health services

\$9.6 million for 20 new residential treatment beds for children with serious emotional disturbance at risk of entering state custody due solely to unmet mental health service needs

\$4.2 million to develop sub-acute inpatient treatment for children in foster care who have had multiple psychiatric hospitalizations and placements and pose a risk to themselves or others

Budget riders

- Directing HHSC, in collaboration with DSHS, to initiate the expansion of the Youth Empowerment Services (YES) Medicaid Waiver services
- Directing a statewide behavioral health coordinating council to develop a five-year statewide behavioral health strategic plan and expenditure proposal

IMPACT HOW CHILDREN MANAGE THEIR MENTAL ILLNESS

SB 1630 - Keeping more youth offenders out of state juvenile justice facilities and in local programs, developing a regionalization plan, and expanding the authority of the juvenile justice ombudsman

HELP CHILDREN AVOID OR MITIGATE RISK FACTORS FOR MENTAL ILLNESS

Budget rider directing HHSC, in coordination with DSHS, to submit a report on screening and treatment of postpartum depression, a risk factor for the social-emotional development of children

Increased funding for prevention programs aimed at strengthening families, reducing child abuse and neglect, reducing substance use, and reducing delinquency

IMPACT HOW CHILDREN AVOID OR MITIGATE RISK FACTORS FOR MENTAL ILLNESS

SB 200 - HHSC Sunset bill

SB 206 - DFPS Sunset bill

DID NOT PASS

SUPPORT CHILDREN IN SCHOOL

Budget rider directing DSHS and the Texas Education Agency (TEA) to provide guidance to school districts on promoting safe and supportive school climates

- *Not included in the final budget*

HB 1434, SB 165, HB 313, HB 357, HB 729, HB 730 and SB 167 - Expanding the availability of school counselors

- *HB 1434 and SB 165 were left pending after a hearing; the others did not receive a hearing*

HB 3289 and SB 518 - Strengthening mental health components within state and local coordinated school health efforts

- *Did not receive a hearing*

HELP CHILDREN MANAGE THEIR MENTAL ILLNESS

HB 1541 - Funding peer support services through Medicaid

- *Passed the House but left pending after a Senate hearing*



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