



Texas Children and the 2023 Legislative Session

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

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Introduction

We want each and every child to grow up in a thriving family and healthy community. State leaders had an opportunity to focus the 2023 legislative session and the state's \$33 billion budget surplus on moving Texas closer to achieving that vision.

Unfortunately, in many ways, the Legislature fell short. Lawmakers did not address the scale of the child care crisis facing our state. Although Texas has the nation's worst uninsured rates for kids and adults, with high rates among Texans of all backgrounds, lawmakers did not pass Medicaid expansion or legislation aimed at improving health coverage for kids. As schools face acute shortages of teachers and other resource challenges, state leaders failed to provide the education funding needed to cover inflation and enrollment growth. Legislators also missed the opportunity to provide much-needed direct funding to school districts to support student mental health. Texans calling on the Legislature to reduce gun violence after the Uvalde school massacre were sorely disappointed by the lack of results this session, too.

While these and other disappointments are a big part of the story from this session, they are far from the whole story.

This session, we also saw legislators, advocates, and other Texans come together, roll up their sleeves, and pass proposals that will profoundly improve the lives of children throughout the state. We are overjoyed that after three legislative sessions, and after countless Texans pitched in, the Legislature voted overwhelmingly to allow moms to keep using their Medicaid health insurance for a full 12 months after their pregnancy. The new policy will support healthy moms and babies, reduce maternal mortality, and address health disparities. Although it wasn't in the headlines, the Legislature also took positive steps forward to support kids in foster care and to strengthen services aimed at keeping kids safely with their families and out of foster care. For example, SB 1930 will ensure that youth in foster care spend more time in loving homes with caring families instead of impersonal facilities with a high risk of abuse. Lawmakers also answered the call to provide a meaningful increase in Early Childhood Intervention (ECI) funding so infants and toddlers with disabilities can learn to walk, communicate with their families, or reach other milestones.

Unfortunately, in many ways, the Legislature fell short. While these disappointments are a big part of the story from this session, they are far from the whole story.

Even where the Legislature fell short, momentum created this session will help spur more victories for kids down the road. The House passed an exciting new proposal to help connect uninsured but eligible kids to health coverage, although it did not pass the Senate. A \$2.3 billion child care funding proposal did not pass, but it was part of an unprecedented legislative discussion about the role the state could play in supporting high-quality child care. The proposed Student Mental Health Allotment helped focus attention on the need for direct funding to schools for mental health strategies, even though it did not pass.

The following report describes these and other accomplishments, disappointments, critical next steps, and the fate of over 100 key bills in the four issues at the heart of our policy work: children's mental health, maternal and child health, early learning, and child protection.

I'm so proud of everything accomplished this session by our team, partner organizations, supporters, concerned Texans who raised their voices, and the legislators and staffers who made kids a priority. This work is hard. It takes time and focus. But I am optimistic about what we can do together for Texas kids and families as we confront the challenges and opportunities ahead.

Stephanie Rubin
CEO

Review of Policy Progress During the 2023 Texas Legislative Session:

Maternal & Child Health

After Texas advocates and lawmakers spent three legislative sessions pushing to extend mothers' Medicaid coverage to 12 months after pregnancy, we are thrilled that the Legislature passed this critical bill during the 2023 session. Lawmakers made progress in other areas of maternal health, too, particularly regarding access to contraception. To support children's healthy development, legislators successfully boosted Early Childhood Intervention (ECI) funding for infants and toddlers with disabilities and developmental delays. Both 12-month postpartum health coverage and improved ECI funding were key recommendations from the Texas School Readiness Dashboard. Unfortunately, this session lawmakers failed to pass legislation to reduce the state's uninsured rate for children, which is the highest in the nation. The Legislature also refused to even hold a hearing on Medicaid expansion, the state policy option that would go the furthest in connecting uninsured, low-income moms, dads, and other adults to health coverage and saving the state money.

One of the top accomplishments of the Legislature this session was passing 12-month postpartum health coverage. About half of pregnant women in Texas receive their health coverage through Medicaid. The state currently cuts off their health coverage two months after pregnancy, leaving many moms uninsured at a time that is critical to their health and the health of their babies. This session, the Legislature finally passed HB 12 to allow moms to keep their health coverage — and keep seeing their medical providers, taking their medications, and managing health challenges — for 12 months after their pregnancy. The bill reflects the top recommendation of the state's Maternal Mortality and Morbidity Review Committee for preventing maternal deaths, supporting healthy pregnancies, and addressing the higher rate of maternal mortality among Black women. The final version of the bill that passed the Legislature offers the extension to everyone enrolled in Medicaid for Pregnant Women with no limitations based on the outcome of the pregnancy. Texas will be able to apply to the federal government for fast-track approval of the 12-month extension (through a Medicaid "State Plan Amendment" or "SPA") and quickly implement the

bill instead of pursuing a slow and uncertain Medicaid Waiver. Texas is the 40th state (including Washington, DC) to pass 12-month postpartum coverage.

The Legislature made progress on other maternal health issues as well. They passed HB 916, requiring Medicaid and private insurance to cover a full year supply of prescription contraception. The Texas Women's Healthcare Coalition, other advocates, and legislators also worked successfully to nearly double funding for the state's Family Planning Program. Additionally, the Legislature appropriated \$10 million for mobile units to offer Long Acting Reversible Contraception (LARC), which will significantly increase access to contraception in rural areas and other maternal health deserts. Legislators also passed HB 1575 to develop a standardized screening tool in Medicaid that helps determine the non-medical health needs of pregnant Texans and their babies and to use the state's Case Management for Children and Pregnant Women program to reimburse community health workers and doulas for addressing these needs.

This was also a positive legislative session for ECI services for toddlers with disabilities after previous state cuts reduced per-child funding for the program.

The Legislature included a \$57 million increase in the initial draft of the state budget and then added an extra \$6 million on top of that through a budget amendment in April. As a result, the state will provide \$448 per enrolled child next year and \$445 the following year, compared to \$434 this year. The additional funding is an important first step towards improving outreach to eligible children and ensuring that kids enrolled in ECI get the support they need for autism, Down syndrome, speech delays, and other delays and disabilities.

The Legislature was poised to make long overdue progress on reducing the uninsured rate for Texas kids — but ultimately failed to do so.

After robust discussions prior to the session in the House Select Committee on Health Care Reform, there was strong legislative interest in helping eligible but uninsured children enroll in health coverage through Medicaid and CHIP. In fact, relatively early in the legislative session, the House passed HB 1599, which would have created an “express lane” option to address this challenge. Unfortunately, the Senate did not hold a hearing on the bill. Nonetheless, the bill’s strong bipartisan support in the House provides a solid foundation for the next legislative session.

There were other maternal and child health disappointments this session as well.

The Legislature only partially funded the request from the state’s Health and Human Services Commission (HHSC) for managing the flood of Medicaid renewals that it must process during the “unwinding” of the pandemic-era Medicaid rules. Legislators provided \$111 million of the \$143 million the agency requested. Without adequate outreach, staffing, technology, and support for Medicaid renewals, Texas kids who are still eligible for Medicaid may end up losing coverage, and Texans who should transition to a new program — such as CHIP, Healthy Texas Women, or a subsidized HealthCare.Gov plan — may fall through the cracks. In another blow to children’s health care efforts, the Legislature did not pass any of the bills aimed at expanding the ability of schools to bill Medicaid for providing health services to students enrolled in Medicaid. Additionally, we’re disappointed that only one of multiple bills filed to strengthen the state’s Maternal Mortality and Morbidity Review Committee passed. The bill that passed, HB 852, updates the composition of the state’s Review Committee by adding a second community member, now requiring both community



members to have experience in a relevant health care field, and adding a number of additional committee members. In light of the change, it will be important for the Committee to develop meaningful ways to engage with a broader set of community members. Finally, as noted earlier, the Legislature did not even hold a hearing on bills that would draw down federal Medicaid expansion funding to provide an affordable health coverage option to Texas adults below the poverty line. Texas is one of only 10 states that continue to turn down the federal funding.

The months ahead will be busy on the Texas maternal and child health front.

Two urgent tasks include moving forward with HB 12 implementation and monitoring the challenges that eligible Texans are facing as they attempt to renew their Medicaid coverage now that pandemic Medicaid rules have ended. To support healthy moms, healthy pregnancies, and healthy babies beyond HB 12 implementation, Texas policymakers must also address barriers to health coverage during the critical time before pregnancy, any delays in processing applications for Medicaid for Pregnant Women, and the loss of health coverage that moms will experience 12 months after their pregnancy. Additionally, we must build on the momentum started this session on children’s health coverage so lawmakers are prepared next session to help eligible Texas kids get the health coverage they need.

OUTCOMES FOR KEY MATERNAL & CHILD HEALTH LEGISLATION

** Indicates a bill aligns with a recommendation of the Texas School Readiness Dashboard.*

PASSED

Support Children

HB 12 by Rep. Rose * Similar to SB 73 by Sen. Johnson and other bills	Allows moms to continue using their Medicaid health insurance for a full year after pregnancy.
HB 113 by Rep. Ortega Similar to SB 74 by Sen. Johnson	Promotes the use of community health workers in more hospitals and health care settings by allowing Medicaid health plans to contract with community health workers and report expenses as a quality improvement cost.
HB 916 by Rep. Ordaz Similar to SB 807 by Sen. Paxton	Requires Medicaid and private insurance to cover a full year supply of prescription contraception.
HB 1287 by Rep. Guillen Similar to HB 1099 by Rep. Hernandez and SB 273 by Sen. Blanco	Modernizes the SNAP Vehicle Asset Test to keep families from having to choose between reliable transportation and food.
HB 1575 by Rep. Hull	Requires HHSC to adopt standardized assessment questions to screen for, identify, and aggregate data regarding the nonmedical health related needs of pregnant women eligible for Medicaid and the Alternatives to Abortion program.
HB 2727 by Rep. Price	Allows Medicaid reimbursement for home telemonitoring services for certain high-risk pregnancies, which can help a doctor and patient monitor blood pressure and other health measures while at home.
HB 2802 by Rose Similar to SB 1127 by Sen. Blanco	Allows Medicaid health plans to text enrollees with updates and important information regarding renewal of benefits and eligibility changes.
SB 379 by Sen. Huffman Similar to HB 300 by Rep. Howard and HB 1265 by Rep. Button	Exempts diapers, maternity clothes, baby wipes, and menstrual products from sales tax.

Impact Children

HB 852 by Rep. Thierry

Updates the composition of the state's Maternal Mortality and Morbidity Review Committee by adding a second community member, requiring both community members to have experience in a relevant health care field, and adding a number of additional committee members from different health care specialties and perspectives.

Raise Concerns

HB 44 by Rep. Swanson

Removes state health funding, including Medicaid and CHIP funding, if a health provider declines to serve a potential patient because of refusal or failure to obtain certain immunizations or vaccines.

SB 14 by Sen. Campbell

Similar to HB 1686 by Oliverson

Prohibits gender-affirming care for minors, with exceptions for certain youth already in care.

DID NOT PASS

Support Children

HB 465 by Rep. Thierry

Would have established a pilot program to provide Medicaid coverage of doula services.

HB 663 by Rep. Thierry

Would have established a work group for the creation of an online maternal care data registry to aggregate data and to provide for the confidentiality and reporting of certain maternal mortality information.

HB 1288 by Rep. R. Lopez

Would have required private insurance to cover early childhood intervention Specialized Skills Training and case management.

HB 1571 by Rep. Lozano

Similar to HB 2773 by Rep. Bucy and SB 2544 by Sen. Blanco

Would have allowed schools to seek Medicaid reimbursement under the School Health and Related Services (SHARS) program for health-related services provided to students enrolled in Medicaid.

<p>HB 1578 by Rep. Allison Similar to SB 589 by Sen. Johnson</p>	<p>Would have defined health literacy, designated health literacy as a major statewide health concern, and required the statewide health coordinating council to establish an advisory committee on health literacy.</p>
<p>HB 1599 by Rep. Bucy * Similar to SB 550 by Sen. Johnson</p>	<p>Would have implemented an “express lane option” to improve access to Medicaid and CHIP health insurance for children who are already eligible but uninsured.</p>
<p>HB 1847 by Rep. Howard</p>	<p>Would have expedited the Texas Maternal Mortality and Morbidity Review Committee’s data analysis by allowing for the limited review of unredacted materials.</p>
<p>HB 2057 by Rep. Ortega</p>	<p>Would have provided Medicaid coverage for services provided by lactation consultants.</p>
<p>HB 2473 by Rep. Bucy Similar to SB 2115 by Sen. Flores</p>	<p>Would have made improvements to the Texas Information and Referral Network.</p>
<p>HB 2873 by Rep. Howard</p>	<p>Would have updated and consolidated reporting requirements for strategic plans that HHSC is currently tasked with developing to improve maternal health.</p>
<p>HB 2983 by Rep. Oliverson Similar to 1675 by Sen. Johnson</p>	<p>Would have helped Texans access healthy foods by creating a pilot program to implement food as medicine programs in Medicaid.</p>
<p>HB 3394 by Rep. Walle</p>	<p>Would have provided Medicaid coverage for doula services provided to a pregnant or postpartum recipient.</p>
<p>HB 4253 by Rep. Campos Similar to SB 1669 by Sen. Lamantia</p>	<p>Would have directed HHSC to study and make recommendations regarding the enrollment of eligible babies into children’s Medicaid.</p>
<p>SB 1458 by Sen. Miles Similar to HB 4476 by Rep. Campos</p>	<p>Would have improved health coverage of uninsured babies by providing additional Medicaid enrollment information to new parents and reminding health providers they may use a mother’s Medicaid identification number when a newborn does not have a separate Medicaid number yet.</p>

Review of Policy Progress During the 2023 Texas Legislative Session:

Child Protection

While child protection issues, such as foster care reform and child abuse prevention, were not in the legislative limelight, it was a transformational session for child protection in many ways. Lawmakers took important steps to improve foster care facilities, ensure more children are placed with family or trusted caregivers rather than strangers, and help older youth leaving foster care become more financially independent. The Legislature also passed an historic \$548 million All Funds increase for the Department of Family and Protective Services (DFPS) in the next state budget, including a significant investment in prevention efforts, a boost for Community-Based Care, a shift to “rate modernization” to increase funding where it is needed most in the foster care system, and funding to support and stabilize the DFPS workforce. However, a number of the positive steps this session come with an asterisk, as described below, and there were important proposals that the Legislature failed to pass as well.

Significant improvements this session include:

- **The Legislature fully funded the foster care “rate modernization” proposal from DFPS and the Health and Human Services Commission (HHSC).** This \$220 million increase in funding will result in a 12-20 percent pay increase to foster care providers. The Legislature approved ongoing rate enhancements for providers serving children with high needs and added \$31 million in general revenue to increase funding for providers serving all other children in foster care before rate modernization goes into effect on January 1, 2025. This funding will improve providers’ ability to meet the unique needs of children in foster care, improve placement stability, and strengthen the quality of foster care services.
- **Legislators passed two important bills to improve the quality of foster care facilities.** SB 1930 improves legal representation of youth in foster care and ensures they spend more time in loving homes with caring families instead of impersonal facilities with a high risk of abuse. The bill ensures judges proactively monitor the child’s progress in the Residential Treatment Center (RTC) and the child’s plan of service, which includes information about successfully returning the child to a family. The bill also outlines new duties for attorneys or CASA volunteers representing children placed in RTCs and ensures parents can participate in meetings about their child’s treatment in an RTC. We were also pleased to see the Legislature pass SB 593, which right-sizes state foster care regulations so the providers managing these facilities — and the state’s oversight of these providers — can stay focused on critical safety standards instead of burdensome regulations that make it harder for foster care providers to remain open.
- **Lawmakers passed SB 1379 to create a pilot program to help youth in foster care set up bank accounts.** This bill will support the financial independence of youth exiting foster care.

- **The Legislature also approved \$57 million in general revenue to stabilize the DFPS workforce and strengthen administrative functions.** This funding will offset increased travel costs, enhance support staff salaries, stabilize frontline staff salaries, and more. This funding will allow frontline staff to focus more on their job of supporting children and families as opposed to administrative tasks and enable DFPS to fill critical roles to guide child-focused reforms.

Several other positive steps come with an asterisk:

- **The Legislature approved a significant increase in child abuse prevention services, providing an additional \$65 million to connect over 20,000 additional families with evidence-based services over the next biennium.** However, it will be important to monitor how the state manages those services now that SB 24 is moving them from DFPS to HHSC and allowing programs with limited to no evidence base to compete for the state contracts to provide those services.
- **By passing DFPS Rider 43, the Legislature made progress on leveraging the federal Family First Prevention Services Act (FFPSA) to connect more families to services that can keep children out of foster care.** The rider continues the Family First Act pilot programs initiated by the Legislature in 2021 and directs DFPS to expand the availability of the programs to more families. Unfortunately, SB 1853, which would have provided flexibility to reach more families through the pilot programs, did not pass. Additionally, the Legislature missed an opportunity this session to provide clear direction to DFPS to seek federal approval for a long-term Family First Act implementation plan.
- **Another bright spot this session was the Legislature’s work on placing more children with grandparents or other kinship caregivers instead of strangers in foster care.** Currently, most kinship caregivers do not get licensed, so they do not receive the same funding and support as foster families. To address that challenge, the Legislature passed a budget rider (Special Provisions Section 26 in Article II) to develop a new, easier-to-obtain license specifically for kinship care. However, it will take time to develop and implement the license. In

the meantime, the Legislature provided \$7 million in general revenue to help more kin become licensed and provide other concrete financial support, as well as increase mental health support for kinship caregivers in Community-Based Care regions. Any unlicensed kinship caregivers will continue to receive less funding than licensed foster families and only receive funding for a limited time; however, when rate modernization takes effect, their payments will double.

- **The Legislature increased funding for a state-level mental health team to support youth in foster care, which should further reduce the Children Without Placement crisis.** The Legislature added five FTEs to the DFPS mental health team to coordinate mental health services for youth in foster care and recommend strategies to strengthen service options. They also dedicated 20 inpatient mental health beds and three new mobile crisis teams funded through HHSC to children in DFPS conservatorship. Unfortunately, the approved measures may not fully address this ongoing crisis. The Legislature failed to approve other DFPS-requested funding for mental health services that the expert panel in the federal lawsuit recommended to reduce the Children Without Placement crisis, such as respite, YES Waiver slots, capacity building grants, or Community Resource Coordination Groups. Additionally, legislation to further address the Children Without Placement crisis, SB 1853, did not pass. The bill would have prevented DFPS from recommending that a child remain in an unlicensed temporary placement if a suitable licensed placement is available. There were also talks about DFPS potentially avoiding responsibility for Children Without Placement. Fortunately, that legislation did not move forward.

A few proposed policy changes related to family preservation did not pass but will see continued discussion:

- **SB 1853 would have allowed Family-Based Safety Services (FBSS) and Family First Act services to be incorporated into Community-Based Care (CBC).** Allowing CBC to provide family preservation services and expanding access to Family First Act services will likely be an ongoing discussion in the next legislative session.

- **Joint Managing Conservatorship (JMC), which involves DFPS acting as a co-parent for children with unmet mental health needs, was a significant topic of debate.** During legislative hearings, concerns arose about the children who enter foster care through JMC but end up as Children Without Placement (with temporary accommodations like hotel rooms or in placements outside Texas) because of the limited resources available to DFPS. Proposed bills with different approaches and goals aimed to improve the situation and ensure children receive appropriate care within JMC. None made it through the legislative process. It will be important to continue the conversation and explore alternatives to JMC that increase access to children’s mental health services without over relying on the foster care system, such as providing support through the YES Waiver, Family First Act services, or the RTC Project.

Our disappointments this session include the Legislature’s failure to pass several important bills to support older youth and the Legislature’s decision to eliminate anonymous reports of suspected child abuse or neglect. Many bills to help older youth in foster care gained traction in the House but did not move in the Senate. The bills would have improved access to higher education and housing and diverted

youth from the juvenile justice system. The most concerning child protection bill that did pass this session was HB 63, which prohibits DFPS from conducting even a preliminary investigation when it receives anonymous reports of child abuse or neglect. About one thousand anonymous reports last year resulted in a substantiated finding of abuse or neglect. HB 1667 offered legislators a better option, but it did not pass. The bill would have discouraged anonymous reporting without eliminating it, reduced mandatory reporting, and improved support for families in low-risk situations.

Moving forward, significantly more work needs to be done on Texas child protection policy. Legislators clearly recognized the importance of investing in services that keep children safely with their families and out of foster care. However, effectively implementing these programs and leveraging the opportunities under the Family First Act will take sustained attention, particularly as prevention programs shift from DFPS to HHSC. The extensive foster care reforms and investments passed this session will also require robust work by DFPS, HHSC, and other stakeholders — including the federal court overseeing the Texas foster care lawsuit. Additionally, advocates and legislators will need to continue building momentum to pass legislation to better support older youth in foster care.



OUTCOMES FOR KEY CHILD PROTECTION LEGISLATION

** Indicates a bill aligns with a recommendation of the Texas School Readiness Dashboard.*

PASSED

Support Children

HB 3765 by Rep. Bucy	Ensures that children in foster care have appropriate luggage for moving their personal belongings.
SB 593 by Sen. Sparks Similar to HB 1517 by Rep. Frank	Right-sizes state regulations for foster care providers to promote safety and avoid unnecessary burdensome rules.
SB 1379 by Sen. Parker Similar to HB 2645 by Rep. Lujan	Helps youth develop greater financial independence when they age out of foster care by establishing a pilot program to help youth set up checking or savings accounts.
SB 1849 by Sen. Kolkhorst Similar to HB 4236 by Rep. Noble	Improves data-sharing among state agencies and service providers regarding misconduct by former employees.
SB 1930 by Sen. Kolkhorst Similar to HB 1972 by Rep. Campos and HB 2541 by Rep. Garcia	Ensures children in foster care spend more time with families rather than in facilities by enhancing legal representation while children are in facilities and requiring judges to actively monitor progress and the timeline for a swift return to families.
SB 2120 by Sen. Zaffirini	Provides legal representation and services to indigent parents or children named in a suit filed by DFPS.

Impact Children

HB 730 by Rep. Frank	Changes procedures for parents during an investigation or during a Parent Child Safety Placement.
HB 3462 by Rep. Noble	Standardizes the regulations governing the five HHSC ombudsman offices, including the DFPS ombudsman.

SB 24 by Sen. Kolkhorst

Transfers the state's Prevention and Early Intervention (PEI) program from DFPS to HHSC, removes evidence-based requirements for several PEI services, and codifies the state's existing Alternatives to Abortion program.

Raise Concerns

HB 63 by Rep. Swanson

Eliminates anonymous reporting of suspected child abuse or neglect.

HB 1087 by Rep. Hull

Requires DFPS petitions to include affidavits describing reasonable efforts made to prevent child removal. If reasonable efforts are lacking, the court is prohibited from terminating parental rights at the end of the trial, despite grounds for termination and the child's best interest. This will likely lead to more children being placed in long-term foster care with no opportunity for another permanent home.

DID NOT PASS

Support Children

HB 347 by Rep. Jarvis Johnson

Would have required law enforcement to find a caregiver for a child following a parent's arrest or incarceration, thereby reducing unnecessary CPS involvement with the child's family.

HB 811 by Rep. Meza

Similar to SB 673 by Sen. Zaffirini

Would have exempted medical providers, in certain circumstances, from reporting to DFPS a mother who has used a controlled substance during pregnancy.

HB 1323 by Rep. Talarico

Would have strengthened outreach about higher education opportunities for youth leaving foster care and streamlined access to the tuition and fee waiver.

HB 1342 by Rep. Wu

Similar to SB 1330 by Sen. Perry

Would have improved data sharing between DFPS and the Texas Juvenile Justice Department.

HB 1435 by Jarvis Johnson

Would have required county sheriffs to designate a family liaison officer to facilitate communication between prisoners and their families

HB 1667 by Rep. Jetton	Would have changed CPS reporting requirements, creating greater opportunities to provide preservation services to families without an investigation.
HB 1680 by Rep. Howard	Would have allowed minors to consent to receiving home visiting services so that teen parents can access support for their new family.
HB 2066 by Rep. Cook Similar to SB 441 by Sen. Menéndez	Would have diverted youth in foster care away from the juvenile justice system by requiring DFPS-approved crisis response training for staff in foster care facilities, directing local juvenile justice boards to include children in foster care facilities in their existing diversion policies, and tracking how many youth are referred to the juvenile justice system.
HB 2108 by Rep. Allison Similar to SB 937 by Sen. Eckhardt	Would have expanded access to higher education tuition and fee waivers for adoptees by including adults who were adopted before 2009.
HB 2181 by Rep. Rose	Would have directed the Texas Department of Housing and Community Affairs to administer a youth and young adult homeless housing and services grant program.
HB 2481 by Rep. Garcia Similar to SB 137 by Sen. West	Would have provided access to counseling and a crisis management program to relatives or other designated caregivers and children in foster care.
HB 2794 by Rep. Lujan Similar to SB 2109 by Sen. Johnson	Would have allowed CASA programs to use state funding to serve on court-ordered services cases in addition to cases involving a suit affecting the parent-child relationship and clarified that judges may appoint a guardian ad litem in cases relating to certain court-ordered services.
HB 2822 by Rep. Garcia	Would have required the Texas Interagency Council for the Homeless to conduct a study and craft recommendations on the unique housing needs of youth who are aging out of foster care or exiting the juvenile justice system.
HB 2898 by Rep. Garcia	Would have classified suicide as a preventable death for purposes relating to the review and investigation of child fatalities.
HB 2996 by Rep. Zweiner	Would have allowed cities to require landlords to accept housing vouchers for youth experiencing homelessness.

HB 3189 by Rep. Garcia

Would have directed DFPS and other agencies to adequately inform potential relative and designated caregivers of a child of the minimum living standards used to evaluate the individual's home as a prerequisite to placing the child with that caregiver.

HB 4065 by Rep. Rose

Similar to SB 2423 by Sen. Johnson

Would have required DFPS to include in its annual report data on suicide attempts by children in foster care and to provide notice to the parent of a child in foster care who attempts suicide.

HB 4905 by Rep. Campos

Similar to HB 5030 by Rep. Frank

Would have ensured that DFPS may only co-parent a child (through joint managing conservatorship) when it is in the best interest of the child and DFPS has the resources to help address the child's needs.

SB 1853 by Sen. Kolkhorst *

Would have broadened the definition of groups or populations eligible for reimbursement under the Family First Prevention Services Act for services provided in Community Based Care.

Raise Concerns

HB 1229 by Rep. Harris

Similar to SB 1165 by Sen. Birdwell

Would have ensured that current and prospective foster parents will not be required to provide a registry of weapons present in their home and that any information about such weapons will not be used against them by the state or by a child-placing agency.

SB 2591 by Sen. West

Would have eliminated judges' discretion in granting joint managing conservatorship, which is reserved for families who have exhausted resources seeking mental health care for their child. The bill may have increased the number of children with significant mental health needs who enter foster care without safe, suitable placements.

Review of Policy Progress During the 2023 Texas Legislative Session:

Early Learning

Despite a few modest steps forward, the Texas Legislature did very little this session to address children's early learning needs. The session stands in stark contrast to the progress lawmakers made during the 2021 session to support child care as well as emergent bilingual students and progress during the 2019 session to support full-day pre-k, early literacy, and overall funding for schools.

In particular, we're concerned that the Legislature did not take any significant steps to address the scale of the child care crisis facing Texas parents, young children, child care providers, and employers. On the other hand, thanks to advocates and legislative partners, there was also an unprecedented discussion in and around the Legislature about the state investing in child care and playing a more significant role. The House budget bill's "wish list" included a \$2.3 billion proposal to provide bedrock child care funding, which would have represented the state's first significant investment in ensuring that high-quality child care remains open, available, and affordable for working parents. The proposal would have continued the state's successful stabilization grants to approximately 13,000 child care providers and over 90,000 Texas early educators when federal pandemic relief funding for the grants expires. According to a recent survey from the Texas Association for the Education of Young Children, 44 percent of more than 1,500 responding child care programs indicated their program is likely or maybe likely to close within the next year when that federal funding ends. Ultimately, the Legislature did not approve the \$2.3 billion proposal or appropriate any state funding to support child care other than the funding required to continue to draw down federal funding for child care subsidies and to maintain the state's child care quality rating system.

We are also disappointed that multiple bills to strengthen child care, such as HB 1979 and HB 1834, did not pass. HB 1979 would have updated regulations for Local Workforce Development Boards with the

standards needed to maximize child care funding, improve transparency, and enroll as many families as possible in high-quality child care. It overwhelmingly passed the House but did not have a hearing in the Senate. HB 1834 would have ensured that child care funding for lower income neighborhoods, including in rural communities, matches the funding the state provides to higher income neighborhoods. It had a hearing in the House but the committee did not vote on it. Senate versions of both bills never had a hearing.

This session, the Legislature's handling of early learning in public schools was also concerning.

- Lawmakers did not provide the school funding necessary to keep up with inflation and enrollment growth amidst significant teacher shortages and other challenges facing schools.
- Despite the Legislature directing the Texas Education Agency (TEA) and other agencies in 2021 to work together on a state strategic plan for bilingual education, lawmakers failed to pass any of the agency's legislative recommendations to increase the number of certified bilingual educators and help more Emergent Bilingual students become strong readers by third grade. Rep. Bobby Guerra and other legislators filed several bills drawing on the recommendations. HB 2164, which would have directed TEA to provide greater support for dual language immersion, passed the House but failed to receive a hearing in the Senate. Others were attached as amendments to education bills that ultimately did not pass.

- After years of bipartisan work to improve pre-k quality, the Legislature took a step backward this session, passing HB 2729 to reduce qualifications for pre-k teachers serving in partnerships with private child care providers until the bill sunsets in 2029. Pre-k programs proven to produce long-term positive effects on student outcomes all contain highly qualified educators, which is why Texas has been credited nationally for requiring pre-k teachers employed by school districts to be certified, have a Bachelor's degree, and have specialized training in early learning.

Fortunately, there were a few modest steps forward this session:

- The Legislature passed SB 1145 to give cities and counties the option of exempting certain child care centers from property taxes collected by that taxing entity. The bill, championed by Children at Risk, should give some child care providers a financial boost at a time when many are struggling to stay open. The exemption would apply to providers if at least 20% of their students receive subsidies. The bill does not apply to property taxes collected by school districts or to home-based child care providers that already have a homestead exemption. Before it goes into effect, the bill must be approved by voters statewide this November.
- The Legislature also passed HB 1615 to take the positive step of codifying the Texas Workforce Commission's current program for supporting and expanding pre-k partnerships between child care providers and local school districts. Additionally, building on the vision of HB 1979, the bill adds a representative of the child care workforce to Local Workforce Development Boards.
- Additionally, as explained in greater detail in the health section of this report, the Legislature passed a significant increase in Early Childhood Intervention (ECI) funding for infants and toddlers with disabilities and developmental delays.

There is much more work ahead of us on early learning. Certainly, we will look for opportunities to support early learning at the Legislature during any special session called by the Governor related to school funding. In November, there will be an important statewide vote to give cities and counties the option of implementing the child care property tax exemption passed by the Legislature. We need to assess the next steps to build on the recommendations from TEA for supporting Emergent Bilingual students. We need to come together to keep strengthening pre-k quality and ensure that all children, including those with disabilities and developmental delays, can access effective pre-k programs. Finally, the child care crisis facing our state and other states shows no signs of improving without substantial support from federal and state policymakers. The Texas School Readiness Dashboard indicates that the lack of access to high-quality child care for many Texas families is undermining the state's school readiness goals. We will continue working with advocates, child care providers, families, business leaders, and elected officials to advance policies and investments to ensure that child care programs can stay open and working families can find high-quality, affordable child care for their children during the critical early years of brain development.



OUTCOMES FOR KEY EARLY LEARNING LEGISLATION

** Indicates a bill aligns with a recommendation of the Texas School Readiness Dashboard.*

PASSED

Support Children

HB 1615 by Rep. Button

Codifies the Texas Workforce Commission's current program for supporting and expanding pre-k partnerships between child care providers and local school districts and adds a representative of the child care workforce to Local Workforce Development Boards, which oversee child care policy and funding.

SB 222 by Sen. Nichols *

Similar to HB 1580 by Rep. Metcalf

Provides paid family leave after birth or adoption for state employees participating in the Employees Retirement System of Texas.

SB 1145 by Sen. West

Similar to HB 3621 by Rep. Talarico

Allows municipalities or counties to exempt licensed child care facilities from property taxes collected by that taxing entity if at least 20% of their students receive subsidies. It will need to be approved by the voters in November 2023 before it takes effect.

SB 1327 by Sen. Blanco

Improves the availability of child care by allowing new directors to begin serving while giving them a 12-month grace period to complete the necessary education requirements.

Raise Concerns

HB 2729 by Rep. Harris

Removes education and certification requirements for pre-k teachers participating in pre-k partnerships between public school and private child care providers.

DID NOT PASS

Support Children

HB 11 by Rep. Dutton

Would have helped teachers offset the costs of receiving Bilingual and Special Education Certifications, provided free public pre-k to the children of public school teachers, and increased pre-k funding through the Early Education Allotment, among several other public education provisions in the bill.

HB 211 by Rep. M. González *

Would have improved services for children with disabilities or special needs in child care programs.

HB 940 by Rep. Dutton

Would have created a private child care task force to examine strategies to lower child care costs for working Texas families.

HB 1614 by Rep. Dutton *

Would have created a grant program to support and incentive pre-k partnerships between public schools and high-quality child care providers.

HB 1834 by Rep. S. Thompson *

Similar to SB 353 by Sen. Zaffirini

Would have ensured that child care funding for lower income neighborhoods, including in rural communities, matches the funding the state provides to higher income neighborhoods.

HB 1979 by Rep. Raney *

Similar to SB 1844 by Sen. Blanco

Would have updated regulations for Local Workforce Development Boards with the standards needed to maximize childcare funding, improve transparency, and enroll as many families as possible in high-quality childcare.

HB 2264 by Rep. Talarico

Would have supported the pipeline of child care educators by requiring a public junior college to award at least six semester credit hours or the equivalent to a student enrolled in the junior college who holds a Child Development Associate (CDA) credential.

HB 2604 by Rep. Morales-Shaw *

Would have provided 12 weeks of paid family leave after the birth or adoption of a child.

HB 3318 by Rep. Allen

Similar SB 1977 by Sen. Springer

Would have established full-day pre-k eligibility for four-year-olds receiving special education services if included in the student's Individualized Education Plan (IEP).

HB 3771 by Rep. Julie Johnson

Would have created a new voluntary partnership program between the State of Texas and private employers under which the state will match employer contributions to their employees' child care costs.

Support Emergent Bilingual Students

HB 1069 by Rep. Guerra

Would have established a Texas State Seal of Bilingualism and Biliiteracy to recognize students graduating from Texas high schools with proficiency in English and another language.

HB 2147 by Rep. Garcia

Would have waived the fees for educators seeking a bilingual education certification, reducing the financial burden for educators to teach in dual language immersion programs.

HB 2164 by Rep. Guerra

Would have required TEA to create rules for a robust monitoring system for bilingual education and special language programs.

HB 2168 by Rep. Guerra

Would have created high school career technical education pathways for bilingual/ESL and Spanish language teachers with a scholarship program.

HB 3303 by Rep. Guerra

Would have addressed barriers to bilingual education certification by creating a new certification for 7th through 12th grade teachers and adjusting requirements for the certification exam so that candidates would only retest on the domains they did not master.

SB 442 by Sen. Menéndez

Would have required school districts to use 90% (rather than the current 55%) of the funding from their bilingual education allotment to support bilingual education, helping emergent bilingual students become strong readers and master both English and their home language.

Review of Policy Progress During the 2023 Texas Legislative Session:

Children's Mental Health

After the height of the COVID pandemic and the 2022 school massacre in Uvalde, state leaders have publicly emphasized the importance of addressing the state's decade-long rise in children's mental health challenges. With a \$33 billion surplus, the Legislature also had funding available to make big investments in mental health this session. However, there were mixed results on children's mental health policy this session. The Legislature deserves credit for increasing the state's investment in mental health. Our greatest disappointment, however, was the Legislature's failure to provide dedicated funding to school districts to support student mental health.

The largest mental health investment this session for children and adults was through SB 30, the supplemental budget bill. It provided \$2.2 billion to expand the number of hospital beds at existing mental health hospitals, build new mental health hospitals and facilities, and make other mental health infrastructure investments. Staffing those beds and facilities, however, will continue to be a challenge.

The Legislature took a number of other modest steps in the right direction on children's mental health. Legislators bumped up funding for community mental health services for children (through Local Mental Health Authorities) by \$33 million, for a total of \$221 million. The Legislature passed SB 26 to create an "Innovation Grant" program to expand access to mental health services for children and families statewide and appropriated \$15 million for it. Lawmakers also increased funding for youth mobile crisis outreach teams from \$8 million to \$14 million in the two-year budget, which will help support three additional youth mobile crisis outreach teams for children in foster care. To support student mental health, the Legislature increased funding for the important TCHATT telehealth program from \$50 million to \$142 million for the biennium with the aim of extending TCHATT to all school districts. They also increased Mental Health First Aid training requirements for teachers through HB 3. To begin to address shortages in the mental health workforce serving children and adults, the

Legislature passed multiple bills expanding access to the state's Loan Repayment Program for Mental Health Professionals.

We applaud those steps to support children's mental health, but they leave a significant gap.

The Legislature made little progress on prevention and other strategies that reach children before a crisis. Additionally, the Legislature's efforts on children's mental health this session will only reach a narrow population of students at a time when a large proportion of the state's students are facing mental health challenges. Consider that the TCHATT telehealth program with school districts championed by the Legislature provided services to 0.3 percent of the students on the campuses it served in fiscal year 2022. However, in 2021, 33 percent of Texas high school students reported persistently feeling stressed, anxious, or depressed during the previous month and 22 percent seriously considered suicide, according to the Texas Youth Risk Behavior Survey.

To fill in this gap, we joined with our partners in calling for the Legislature to create a Student Mental Health Allotment to provide dedicated funding to school districts to support mental health, particularly as federal pandemic relief funding for student mental health expires. If passed, the funding would have helped districts hire TCHATT liaisons; hire social workers and licensed counselors; and collaborate

with community-based organizations like Local Mental Health Authorities to provide options for parents who decide to seek mental health support for their kids. If the Legislature provided this direct funding to districts, it could have also gone towards implementing programs to prevent suicide, bullying, and substance use and helping students develop skills to manage anxiety and conflict in order to promote a positive school climate. Campuses would see significant benefits in learning and academic performance, student health and safety, and student behavior.

Unfortunately, the Legislature did not create the Student Mental Health Allotment or take other steps to provide direct mental health funding to school districts.

The Legislature did consider proposals to significantly increase funding for the School Safety Allotment, which districts can use for school security as well as mental health. However, through HB 3, the Legislature only marginally increased school safety funding while also pushing all school campuses to provide an armed guardian, making it even harder for districts to use a portion of the school safety funding for mental health strategies. The Legislature also failed to pass bills that would have expanded school districts' ability to bill Medicaid for student mental health services. Additionally, the Legislature did not provide overall funding for school districts to a level that keeps up with student enrollment growth and inflation, despite the shortage of teachers in many schools and other challenges.

While the Student Mental Health Allotment did not pass, this session showed that there is growing awareness at the Legislature about the need to provide this dedicated mental health funding to school districts.

It was the first session that the bill was filed, and during debates on school safety legislation on the House floor and Senate floor, there were important conversations about the need for policymakers to work during the interim to ensure schools have the necessary resources to support student mental health.



The Legislature's work on student mental health also fell short in other areas.

We are disappointed that the Legislature failed to provide any additional funding to increase reimbursement rates so YES Waiver services can reach more children with complex mental health challenges. The House and Senate proposed small increases for YES Waiver services in their respective budgets but removed the funding in the conference committee. Moreover, a number of bills to support children's mental health passed the House but not the Senate. For example, the Senate did not pass bills that were filed to ensure that health insurance, including Medicaid, covers certain children's mental health services such as Multisystemic Therapy or legislation that was filed to allow schools to bill Medicaid for mental health services in more circumstances.

As the Legislature considers its next steps on children's mental health after this legislative session, we are hopeful that it will build off the initial discussions this session regarding a Student Mental Health Allotment and commit to prioritizing children's mental health.

OUTCOMES FOR KEY CHILDREN'S MENTAL HEALTH LEGISLATION

* Indicates a bill aligns with a recommendation of the Texas School Readiness Dashboard.

PASSED

Support Children

HB 1211 by Rep. Guillen

Extends eligibility for the Loan Repayment Program for Mental Health Professionals to include licensed specialists in school psychology.

HB 2059 by Rep. Price

Expands eligibility of individuals who can participate in the state's mental health first aid training program, including youth, first responders, and military service members and veterans who want to participate.

HB 2100 by Rep. Price

Similar to SB 804 by Sen. Schwertner
Also passed as an amendment to SB 532

Extends eligibility for the Loan Repayment Program for Mental Health Professionals to include mental health professionals working in every Local Mental Health Authority and state hospital.

SB 26 by Sen. Kolkhorst

Develops a Quality Incentive Payment Program for local mental health providers; requires audits for Local Mental Health Authorities and Local Behavioral Health Authorities; and establishes an Innovation Matching Grant Program to help community-based mental health programs provide early intervention and treatment for children and families.

SB 532 by Sen. West

Similar to HB 1551 by Rep. Anchia

Reduces the number of years (from five to three) required for a person to participate in the Loan Repayment Program for Mental Health Professional and requires public universities to share information about mental health services on campus.

Impact Children

SB 798 by Sen. Middleton

Similar to HB 5006 by Rep. Buckley

Eliminates the requirement of 2 years of classroom teaching experience before becoming a certified school counselor.

SB 850 by Sen. Blancox

Adds Educational Service Centers to the Texas Child Mental Health Care Consortium.

SB 1727 by Sen. Schwertner

Continues the functions of the Texas Juvenile Justice Department (TJJD) for two more years, setting up another Sunset review for the 2025 session, and makes additional juvenile justice policy changes.

Raise Concerns

HB 3 by Rep. Burrows

Takes the positive step of requiring district employees who interact with students to complete Mental Health First Aid training but also pushes campuses to provide an armed guardian on school campuses and only marginally increases school safety funding for districts. As a result, the bill makes it even harder for districts to use a portion of the school safety funding for mental health strategies.

DID NOT PASS

Support Children

HB 15 by Rep. S. Thompson

Would have created a Texas Mental Health and Brain Research Institute.

HB 98 by Rep. Moody *

Similar to SB 113 by Sen. Menéndez

Would have allowed schools to seek Medicaid reimbursement under the School Health and Related Services (SHARS) program for mental health services provided to students enrolled in Medicaid.

HB 340 by Rep. S. Thompson

Would have required health insurance plans to cover mental health services for serious emotional disturbance of a child.

HB 1898 by Rep. Jetton

Similar to SB 1365 by Sen. Hinojosa

Would have established a grant program to fund children's hospitals' delivery of mental and behavioral health services.

HB 1157 by Rep. Lozano

Similar to SB 891 by Sen. Zaffirini, SB 1101 by Sen. Paxton, and HB 2881 by Rep. Plesa

Would have allowed for excused absences from school for students to attend mental health care appointments.

<p>HB 1167 by Rep. Romero Similar to SB 47 by Sen. Zaffirini</p>	<p>Would have streamlined the licensing process for professional counselors, social workers, and other mental health professionals and updated standards for qualified mental health professionals that seek licensure reciprocity in Texas.</p>
<p>HB 1248 Rep. Guillen</p>	<p>Would have extended eligibility for the Homes for Texas Heroes home loan program to include social workers.</p>
<p>HB 1167 by Rep. Romero Similar to SB 47 by Sen. Zaffirini</p>	<p>Would have streamlined the licensing process for professional counselors, social workers, and other mental health professionals and updated standards for qualified mental health professionals that seek licensure reciprocity in Texas.</p>
<p>HB 1248 Rep. Guillen</p>	<p>Would have extended eligibility for the Homes for Texas Heroes home loan program to include social workers.</p>
<p>HB 1358 by Rep. Harless</p>	<p>Would have added bullying prevention to school campus improvement plans.</p>
<p>HB 1502 by Rep. Plesa</p>	<p>Would have required trauma-informed care training for certain judges and attorneys.</p>
<p>HB 1571 by Rep. Lozano *</p>	<p>Would have allowed schools to seek Medicaid reimbursement under the SHARS program for health-related services, including mental health services, provided to students enrolled in Medicaid.</p>
<p>HB 1879 by Rep. Darby</p>	<p>Would have allowed licensed marriage and family therapist associates, licensed master social workers, and licensed professional counselor associates under clinical supervision to be reimbursed through Medicaid while completing their clinical training.</p>
<p>HB 2237 by Rep. S. Thompson * Similar to SB 1384 by Sen. Miles</p>	<p>Would have created the Child First grant program, which would enable community organizations to provide early childhood mental health or prevention services for low-income, high-risk families.</p>
<p>HB 2337 by Rep. Oliverson</p>	<p>Would have required Medicaid coverage for certain intensive outpatient services and partial hospitalization services.</p>
<p>HB 2361 by Rep. Price</p>	<p>Would have allowed a Local Mental Health Authority to hire a person who is a licensed master social worker or who has been issued a licensed professional counselor associate license by the Texas State Board of Examiners of Professional Counselors if granted a waiver by the Health and Human Services Commission.</p>

HB 2404 by Rep. A. Johnson

Similar to SB 2278 by Sen. Blanco

Would have required Medicaid coverage for functional family therapy services.

HB 2557 by Rep. Buckley

Similar to SB 1100 by Sen. Paxton

Would have added Texas to the Licensed Professional Counselors Compact, which aims to remove obstacles to licensed professional counselors practicing interstate via telehealth or physically moving between states and obtaining another state's license.

HB 2638 by Rep. A. Johnson

Similar to SB 2279 by Sen. Blanco

Would have required Medicaid coverage for multisystemic therapy services.

HB 3140 by Rep. K. King

Would have extended eligibility for the Teach for Texas Loan Repayment Assistance Program to include mental health professionals in public schools.

HB 3723 by Rep. Gerdes

Would have created the Rural Workforce Training Grant Program.

SB 948 by Sen. West

Similar to HB 2451 by Rep. Allison

Would have created a mental health allotment to provide school districts with dedicated funding to support comprehensive student mental health initiatives, including to support salaries of a school counselor or school social worker.

Raise Concerns

SB 595 by Sen. Kolkhorst

Similar to HB 1149 by Rep. Swanson and provisions of HB 890 by Rep. K Bell

Would have required written parental consent before providing any psychiatric or psychological test, exam, or treatment — a requirement supported by advocates — but is defined in a broad manner to include regular surveys, check-ins, or screenings. It could have unintended consequences in mental health crisis situations, in routine staff conversations with students about their mood or well-being, and other scenarios.



Texans Care for Children is a statewide, non-profit, non-partisan, multi-issue children's policy organization. We drive policy change to improve the lives of Texas children today for a stronger Texas tomorrow. We envision a Texas in which all children grow up to be healthy, safe, successful, and on a path to fulfill their promise. www.txchildren.org

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