



# INTRODUCTION

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An excerpt  
from our report  
***Texas Children  
and the 2017  
Legislative Session***

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June 27, 2017

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When the legislative session began in January, there were high expectations for what the Legislature would accomplish for Texas kids.

Some issues were on the Legislature's agenda after public attention zeroed in on the consequences of state leaders' neglect and past policy decisions. Those issues included strengthening Child Protective Services (CPS) to keep kids safe, lifting the cap on special education enrollment, addressing the state's maternal mortality crisis, and reversing the state Medicaid cuts to therapies for kids with disabilities.

Other issues had picked up momentum before the session as state leaders and advocates declared them priorities and then put their shoulders into the job. Those included mental health, pre-k, and "raise the age" juvenile justice reform.

## **Looking back on the session, there were some important victories for children.**

On the CPS front, the Legislature deserves a lot of credit for providing a significant funding boost and passing important reforms. Additional funding to hire CPS caseworkers and raise their pay is already decreasing turnover and ensuring more children are checked on in a timely fashion. The state's increased investment in foster care reimbursement rates will ensure more homes and appropriate services are available. SB 11 took helpful steps by expanding community-based foster care in a measured way, improving oversight over foster homes, and more. Other bills strengthened prevention services, boosted

support for kinship providers who take in young relatives, and improved other facets of the foster care system. Unfortunately, the Legislature also passed bills that put the interests of private foster care agencies over the interests of children in foster care.

It's important to note that there will be more work to do on CPS, especially once the federal court issues its final order after years of reviewing evidence in the lawsuit against the state's foster care system. We still have a long way to go to ensure that more children are safe with their families and the children who enter the foster care system have safe and stable homes where they can thrive.

Beyond CPS, you may have seen some of the headlines about the Legislature passing other important bills to improve access to postpartum depression screenings; end discretionary suspensions for students in pre-k through second grade; lift the special education enrollment cap; and ensure parity between mental health and physical health insurance benefits.

The Legislature also passed numerous bills that will probably never be in the headlines but will make a real difference in kids' lives. Examples include bills to strengthen Community Resource Coordination Group (CRCG) services for children with complex mental health challenges; improve adolescents' access to mental health screenings; improve coordination when CPS and the juvenile justice system are working with the same youth; ensure fewer young people are held back by juvenile records; encourage trauma-informed practices in schools; and allow teachers to focus their training on the unique needs of students in the early grades.



In many cases, legislators raised important issues and laid the groundwork for future progress.

They passed a bill to divert some 10- and 11-year-olds from the juvenile justice system, an important acknowledgment that community interventions are more effective for young children than the juvenile justice system. While legislators failed to pass a bill to improve nutrition standards in child care, the bill made it to the House floor and started an important discussion about how strategies to address the state's obesity crisis must begin in early childhood by helping young children develop healthy habits.

State leaders should also plan to follow up on the initial steps this Legislature took to study the state's maternal mortality crisis and develop new policy recommendations to improve maternal health. After the session ended, we were pleased to see that Governor Abbott directed the Legislature in the upcoming special session to extend the state's maternal mortality task force, though we were disappointed that he vetoed legislation to continue the Women's Health Advisory Committee beyond this year.

### **Despite these gains, we unfortunately have to conclude that the Legislature fell far short of Texans' expectations.**

That sentiment extends beyond the scope of the children's issues on which we're focused. Organizations that focus on school finance, immigrant families, LGBTQ rights, and other issues have expressed disappointment and outrage with the way the Legislature's decisions this session will affect Texas children.

One of the greatest disappointments among our policy priorities was that the Legislature largely failed to reverse the therapy cuts for children with disabilities. For two years, parents of kids



with speech delays, autism, and other disabilities pleaded with the Legislature to reverse the 2015 cut that has led to reduced access to needed therapies. Already, four non-profit community programs have dropped out of the state's Early Childhood Intervention (ECI) program for babies and toddlers with disabilities. The House pushed to undo most of the cuts, but ultimately accepted the Senate's insistence on providing only a 25 percent restoration of funding.

The Legislature also cut appropriations for pre-k, eliminating the funding for the high-quality grant program established in 2015. That year, the \$118 million appropriated for the pre-k grant program was hailed as a big win for Texas kids. Instead of building on this smart investment, legislators passed a budget rider simply directing all school districts to comply with the grant program's quality standards using existing resources.

Another priority this session was passing "raise the age" legislation to make the juvenile justice system, rather than the adult system, the default for 17-year-olds who get in trouble. After passing the House on a late-session amendment in 2015, we were pleased to see the House pass the bill early this session with passionate, vocal support from legislators across the political spectrum. After the strong showing in the House, it was disappointing that the Senate did not even hold a hearing on the bill.

While the Legislature made progress on mental health, we were disappointed that the House's omnibus student mental health bill narrowly fell short of the legislative deadline for a House vote.

We were also concerned to see a few harmful bills pass. One will steer more young foster children to group "cottage homes" rather than foster families, while another gives priority to the religious views of faith-based foster care providers over the needs of children.

One of the reasons the Legislature failed to accomplish more for children was because of its approach to the budget. This was considered a "tight budget" session, in large part because of recent state tax cuts and other fiscally-constraining decisions made by the Legislature. Yet legislators left a staggering \$11 billion unspent in the Rainy Day Fund, using just \$1 billion from the Fund while shortchanging many priorities for kids. It's also worth noting that the Legislature would have created a full-blown budget catastrophe for future legislatures (and children) if they passed the legislation to phase out the state's business tax without replacing the revenue it provides for education and health care. Fortunately, that bill did not pass.

### **Looking back on the session, we also need to acknowledge all the hard work that went into it.**

We're proud of everything that our staff was able to accomplish, from crafting bills, pushing them through, and quietly improving legislation to shaping the discussions on key children's issues in committee hearings, floor debates, and media coverage. We are so grateful for the dedicated work of our partner organizations, parents, community leaders, and others who worked collaboratively and led other critical policy efforts that we happily supported.

Of course, none of the successes for Texas kids would have been possible without the lawmakers and Capitol staffers who worked so hard to make them happen. We appreciate their drive and desire to improve the lives of children and look forward to working with them throughout the interim to continue our progress. ■