

TEXAS CHILDREN AND THE 2019 LEGISLATIVE SESSION

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

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Introduction

The 2019 Texas legislative session ended with big wins for children on pre-k funding, student mental health, and other issues; disappointments regarding foster care as well as health coverage for moms and kids; and many reasons that we're proud of what our team accomplished for Texas children.

After years of working with our partners to lay the groundwork for progress on pre-k, child care, and student mental health — and continued efforts by our staff during the session — we saw significant victories in these areas this session. In an historic move, the Legislature provided funding for full-day pre-k for currently eligible children as part of a significant new infusion of funding into public education. Along with other important child care safety legislation, lawmakers passed the bills that our team championed to improve nutrition and active play opportunities in child care and collect the data necessary to understand how better child-caregiver ratios in child care can improve kids' safety and school readiness. The Legislature also passed several of the proposals we crafted with our partners to ensure that more schools are effectively supporting student mental health, recognizing childhood trauma, establishing positive school climates, and preventing youth suicide. We appreciate state leaders' great work on these issues this session.

Our team also helped lead the way in developing and successfully pushing through proposals in areas that otherwise received less attention from state leaders, including a bill to ensure that more mothers have transportation to prenatal care and postpartum appointments; legislation to

ensure that more teen parents in foster care receive basic parenting education to keep their children healthy and safe and their young family together; and a \$31 million increase (of the \$72.6 million increase requested by state health officials) for Early Childhood Intervention (ECI) for babies and toddlers with disabilities.

These and other victories were only possible with the help of our partners and supporters as well as the legislators, staffers, and other officials who worked hard to make them happen.

In addition to these successes, we give state legislators credit for taking targeted steps forward in other areas — such as Medicaid managed care reform, funding for substance use treatment for mothers and pregnant women, and funding for Department of State Health Services (DSHS) maternal health initiatives — even though there were hopes that the Legislature would go further on these issues.

However, we are disappointed that state leaders largely put the needs of foster care children on the back burner this session and passed no legislation to address the fact that Texas has the nation's worst uninsured rates for children, women of childbearing age, and the overall population. Nonetheless, for the first time in years, there were some signs of bipartisan interest in health coverage, potentially serving as the building blocks for future progress. Our team and our partners successfully worked to pass an amendment through the House to reduce the number of eligible children who are removed

from Medicaid insurance due to red tape. Unfortunately, the Senate did not take it up. The House also passed a bill to provide health coverage to new mothers for 12 months after childbirth, a recommendation from the state’s Maternal Mortality and Morbidity Task Force that is critical for healthy babies, healthy pregnancies, and healthy mothers. We were disappointed that the Senate declined to hold a hearing on it.

On these and other issues, there is a great deal of unfinished business. Texas should stop removing eligible children from Medicaid and stop cutting off Medicaid health insurance for new mothers two months after childbirth. In fact, Texas should go further and accept federal Medicaid expansion funding to cover all uninsured adults in low-wage jobs. The state should establish limits on pre-k class size and student-teacher ratios. Texas needs to do more to ensure that all working parents — not just those with the highest incomes — have access to high-quality child care that is safe and helps

children develop the social, emotional, and learning tools they will need in school. And Texas must recommit to ensuring kids in foster care are safe, healing, and thriving and prepare for implementation of the new federal foster care law and the court rulings on the Texas foster care system.

In the following pages, we provide more information about what the Legislature did this session on these and other issues. For each of our five policy areas, we also include a list of significant bills that passed and those that did not. We have categorized those bills as either supporting children, raising concerns, or impacting children (i.e. bills that have an uncertain impact on children).

We are hopeful that this report allows Texans to better understand what the Legislature accomplished for children, where it fell short, and how we can continue to work together to support the lives of Texas children today for a stronger Texas tomorrow.



Texans Care for Children Policy Team, front to back:
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Review of Children’s Mental Health Policy Progress During the 2019 Texas Legislative Session

After the Governor named school safety and children’s mental health a priority issue following the tragic 2018 shooting at Santa Fe High School, the Legislature took significant action during the 2019 session to ensure schools, doctors, and mental health providers are better equipped to prevent and address social, emotional, and mental health challenges among Texas children. Working closely with Texans Care for Children, lawmakers passed multiple measures to ensure schools have better guidance on implementing student mental health strategies. The Legislature also passed portions of a high-profile bill to expand children’s access to psychiatric services in our communities and legislation that our staff proposed to address the rising youth suicide rate in Texas. Unfortunately, the final state budget excluded student mental health funding for the Texas Education Agency (TEA) and suicide prevention funding that was included in the House version of the budget bill.

After years of Texans Care for Children and other advocates laying the groundwork to improve the availability of **school-based supports for student mental health**, the Legislature passed HB 18 and HB 19, two bills that ensure schools are better equipped to address a range of social, emotional, and behavior challenges that interfere with students’ health and education on a daily basis. HB 18 establishes training, policy, and planning requirements for school districts related to student mental health, the use of trauma-informed practices, and helping

students develop social and emotional skills and learn about mental health. Thanks to HB 19, non-physician mental health professionals will be available as a dedicated resource to help schools meet these new requirements. Employed by local mental health authorities but working at each of the 20 education service centers (ESCs) in the state, they will provide school personnel with training and consultation services on using effective practices related to student mental health, trauma-informed practice, and substance use.

Additionally, the omnibus school safety bill passed by the Legislature, SB 11, requires districts to establish safe and supportive school programs that use multilevel systems of supports to address school climate, social and emotional development, and behavioral and mental health among students — a recommendation in our 2017 report on student mental health. SB 11 also requires school districts to adopt policies to implement trauma-informed practices and staff training, aligning with recommendations from our 2019 policy brief on trauma-informed schools. SB 11 also includes provisions from HB 4414, legislation that Texans Care for Children helped develop and champion. Those provisions require TEA to develop inventories of resources that districts can use to develop safe and supportive school programs and a statewide plan to ensure schools are safe and supportive and address student mental health.



The Legislature failed to provide dedicated funding to TEA or school districts to support student mental health. However, SB 11 directs TEA to provide school districts a per-student allotment (estimated to be approximately \$10 per student) to support school safety activities, which can be used for some mental health strategies as well as “hardening” strategies such as the hiring of school police officers. The Legislature appropriated \$100 million in a supplemental budget bill dedicated strictly to fund school “hardening” strategies.

Texans Care for Children and our partners also worked to craft and successfully pass two measures to address **suicide prevention strategies in schools and beyond** through SB 11 and other legislation. Provisions of SB 1390 included in SB 11 will promote schools’ use of comprehensive suicide prevention strategies, including responding to suicide attempts or deaths in ways that help prevent further suicidal behaviors. Additionally, HB 1390 requires state agencies to focus attention and planning on reducing suicide rates among all Texans. While the Texas House passed a budget amendment to fund suicide prevention efforts, budget writers unfortunately stripped

the amendment out of the final version of the budget.

A high profile bill on **psychiatric treatment and research**, SB 10, was blocked late in session by a House member, but legislators then attached the children-specific parts of the bill to SB 11. These provisions establish a consortium charged with leveraging health science and medical schools to provide pediatricians, primary care providers, and community mental health providers with psychiatric consultation services, training opportunities, and telehealth programs to increase children’s access to mental health treatment. Meanwhile, HB 10, which would have established the Texas Mental and Behavioral Health Research Institute, did not pass.

State leaders deserve credit for the progress they made on children’s mental health this session. While there is much more work for the state to do, it is also time for local communities to ensure that school districts maximize new funding provided by school finance reforms to implement effective student mental health strategies on their campuses.

Outcomes for Key Children's Mental Health Legislation

PASSED

Support Children's Mental Health in the Community

HB 3980 by Rep. Hunter

Similar bill: SB 1176 by Sen. Menéndez

This bill requires a report on suicide rates across the lifespan, state agencies' activities related to suicide, and policy recommendations to reduce suicide rates among all Texans.

SB 10 by Sen. Nelson

Passed as an amendment to SB 11

This bill establishes the Texas Child Mental Health Care Consortium to increase children's access to mental health care. The bill leverages health science and medical schools within the state to provide psychiatric consultation services and training opportunities to pediatricians and primary care providers; expand the use of telehealth and telemedicine programs to provide children with mental health care services; and expand the child psychiatry workforce in the state.

SB 1177 by Sen. Menéndez

This bill provides Medicaid managed care organizations (MCOs) with the flexibility to cover home- or community-based services "in lieu of" more restrictive mental health services when they are medically appropriate, evidence-based, and with patient consent.

Support Children's Mental Health in School

HB 18 by Rep. Price

This omnibus student mental health bill includes multiple strategies aimed at increasing the capacity of school districts and school personnel to support the mental health and development of students, including training, policy, and planning requirements related to student mental health, the use of trauma-informed practices, social and emotional skill development, and comprehensive suicide prevention.

Support Children's Mental Health in School (continued)

HB 19 by Rep. Price

This bill directs local mental health authorities (LMHAs) to provide a mental health professional at each regional education service center (ESC) to serve as a resource to school districts and school personnel, offering training and consultation services on using effective practices to address student mental health within the school environment.

HB 4414 by Rep. Allison

Passed as an amendment to SB 11
Similar bill: SB 1563 by Sen. Lucio

This bill requires the Texas Education Agency (TEA) and regional ESCs to develop statewide and regional inventories of resources schools can consider using to support student mental health and create safe and supporting learning environments. The bill also requires TEA to develop a statewide plan for student mental health, including legislative recommendations, to ensure all students have access to mental health resources.

SB 11 by Sen. Taylor

This omnibus school safety bill includes several provisions that address safe and supportive school climates, including the use of trauma-informed practices, multi-tiered systems of student support, and suicide prevention. The bill also provides school districts with an annual "school safety" funding allotment to support a range of approved safety and security activities, which schools can use to support student mental health and suicide prevention strategies.

SB 1390 by Sen. Menéndez

Passed as an amendment to SB 11 and HB 18

This bill promotes comprehensive suicide prevention strategies in school, including requiring school districts to have plans in place on how they will respond to suicide attempts or deaths within a school community that will help prevent further suicidal behaviors.

Impact Children

HB 906 by Rep. S. Thompson

This bill establishes a task force to study and evaluate state-funded mental health services and trainings provided at school districts.

DID NOT PASS

Support Children's Mental Health in the Community

HB 10 by Rep. S. Thompson	This bill would have established the Texas Mental and Behavioral Health Research Institute focusing on child and adolescent behavioral health needs and funds research on behavioral health issues.
HB 501 by Rep. S. Thompson	This bill would have required group health benefit plans to provide coverage for serious emotional disturbance in children and ensure children receive the same mental health coverage and parity protections as adults.
HB 2080 by Rep. Coleman	This bill would have created a Medicaid benefit for children with serious emotional disturbance for family partner peer support services provided by certified family partners.

Support Children's Mental Health in School

HB 1335 by Rep. Price Similar bill: SB 2003 by Sen. Whitmire	This bill would have created a grant program for public school districts seeking to establish school-based behavioral health centers.
HB 2511 by Rep. Allen	This bill would have required campus improvement plans to include strategies to promote nurturing classroom environments, positive relationships between teachers and students, and building resilience in students.
HB 4454 by Rep. Rodriguez	This bill would have required the State Board of Education to adopt developmentally appropriate, evidence-based standards for social and emotional learning and required each public school district to provide these standards in each grade level.
SB 426 by Sen. Lucio Similar bill: HB 727 by Rep. M. González	This bill would have required districts to adopt policies regarding the percentage of work time for school counselors to spend on duties relating to counseling programs.

Review of Child Protection Policy Progress During the 2019 Texas Legislative Session

State leaders paid little attention to Child Protective Services (CPS) issues during the 2019 legislative session despite the serious ongoing challenges in the state's foster care system. Nonetheless, Texans Care for Children secured an important victory for pregnant and parenting youth in foster care and their children.

Texas leaders made important progress on CPS during the 2017 legislative session, but as they returned to the Capitol in 2019 they still faced a number of areas with significant needs, including: supporting families to allow more children to stay safely with their parents; improving safety in foster care; and ensuring that children in foster care are healing and thriving. Problems in these areas were highlighted in many places, including reporting by the state's foster care ombudsman, the lawsuit against the state's foster care system, and research by Texans Care for Children. Additionally, the federal Family First Prevention Services Act (FFPSA), which will take effect in Texas on October 1, 2021, after the state's decision to delay implementation, created new opportunities and challenges for the state to meet its child protection goals.

Unfortunately, this year the Legislature largely embraced the status quo for foster care and CPS. A handful of important, positive child protection bills passed, but they mostly make narrow improvements rather than implementing still-needed, significant reforms. Similarly, **funding for the Department of**

Family and Protective Services (DFPS) in the state budget largely maintains the status quo, providing marginal increases for the state's effective Prevention and Early Intervention programs; limited increases to maintain lower caseloads for investigators and potentially reduce caseloads for foster care caseworkers; and inadequate funding for staff to support older youth in foster care and other current challenges. The budget decisions contrast with the pre-session requests from DFPS, which identified significant funding needs.

The Legislature made some progress towards keeping families together. **Parental substance use** is one of the main reasons children enter foster care in Texas. The Legislature passed a notable increase in funding for substance use prevention and treatment for pregnant women and mothers. Lawmakers also passed a few bills that should improve data related to parental substance use and prenatal exposure as well as improve family reunification in CPS cases.

One of the bright spots was passage of HB 475, a bill Texans Care for Children helped craft and champion. The bill implements one of the recommendations from our 2018 report on supporting **pregnant and parenting youth in foster care** to help keep them and their children safe and healthy. The bill seeks to reduce the likelihood that children of youth in foster care will be removed by CPS by providing parenting information to pregnant and parenting youth in foster care if they are

not receiving that information through the state's Helping through Intervention Program (HIP) program. The HIP program is unavailable in many rural communities and other parts of the state. The Legislature did not pass other bills that were filed to support pregnant and parenting youth in foster care.

It was concerning to see that a number of legislators filed bills that had the potential to make it **more difficult to remove children from dangerous situations** rather than supporting families in crisis. While these bills

did not pass, it will be important to monitor child protection debates to ensure they do not gain further traction.

Very limited progress was made to improve **child safety in foster care**. The funding provided by the Legislature may be insufficient to reduce caseloads, and two bills that would have furthered this goal did not pass. A bill that would have strengthened the oversight provided by the Foster Care Ombudsman also did not pass.



The Legislature fully funded **Community Based Care** (CBC), which seeks to improve support and the quality of homes for youth in foster care. They expanded Phase I (in which a local contractor takes over the responsibility of finding safe, high-quality, nearby homes for children in a region) to the Lubbock area and to the counties surrounding San Antonio, bringing the number of Phase 1 regions to five. The Legislature also provided funding to start Phase II (in which the local contractor also on takes case management for kinship, family reunification, permanency, and other responsibilities) in the three regions that already implemented Phase I. Stakeholders and advocates will be monitoring the continued rollout of CBC in regions across Texas, especially the new rollout of Phase II.

In 2017, the Legislature commissioned a Workgroup to develop recommendations that would better support youth making the difficult **transition from foster care to adulthood**. Unfortunately, lawmakers did not hold a hearing on SB 480, the bill to implement the Workgroup's recommendations. This bill would have ensured more youth understand the medications they are taking, removed barriers that prevent youth from finding stable housing, and more. Although the Legislature passed HB 53 to help improve financial literacy and HB 123 to make it easier for youth to get a Driver's License or state identification, there is still much more work to do to meaningfully support transition-aged youth in foster care.

Prior to the legislative session, the House Human Services Committee and the Children's Commission at the Texas Supreme Court worked intensively on strategies to expand **trauma-informed care** in the Texas child

welfare system. Ten bills were filed this session in efforts to further this goal, but none of them passed.

The Legislature only passed two bills related to the **FFPSA, the new federal law** that will significantly shape states' child protection efforts in the coming months and years. Lawmakers passed SB 355 to require DFPS to develop a strategic plan for implementing prevention programs that comply with the FFPSA, as well as the continued rollout of CBC and methods to maximize state and federal resources in the evolving child welfare landscape. By passing SB 781, they also directed DFPS to weigh the costs and benefits of developing or upgrading foster homes to meet the heightened standards the FFPSA will require to continue to receive federal funding. Unfortunately, the Legislature failed to pass bills or provided funding to ensure that Texas is ready to implement the law when it takes effect in October 2021, meaning the state may lose federal funding for foster homes and face delays in leveraging the new prevention opportunities.

Over the next two years, state leaders will need to recommit to protecting children in Texas, do a better job of supporting at-risk families so that more children can stay safely with their families rather than entering foster care, and improve support for youth in foster care. They will have to do so in the context of preparing for the opportunities and challenges presented by the FFPSA, implementing the final orders that federal courts issue in response to the lawsuit against the state's foster care system, and continuing the rollout of Community Based Care to ensure strong outcomes for children.

Outcomes for Key Child Protection Legislation

PASSED

Support Children

HB 53 by Rep. Minjarez

This bill requires Preparation for Adult Living (PAL) training for youth transitioning out of foster care to cover new topics including civic engagement and financial literacy.

HB 72 by Rep. White

Similar bill: SB 1493 by Sen. Paxton

This bill allows adoptive parents to opt into STAR Health Medicaid for a child with a chronic health condition and establishes a program that protects the continuity of care for each child following adoption.

HB 123 by Rep. White

Similar bill: SB 481 by Sen. Watson

This bill allows youth in foster care, youth experiencing homelessness, and unaccompanied minors to receive a copy of their birth certificate without parental consent and with no fee, and apply for a Driver's License or state ID without paying a fee.

HB 475 by Rep. Howard

Similar bill: SB 1290 by Sen. Watson

This bill ensures pregnant and parenting youth in foster care receive basic parenting education and services that will help preserve their young families. The bill addresses youth in regions of the state that are not served by the Helping through Intervention and Prevention (HIP) program.

HB 811 by Rep. White

Similar bill: SB 424 by Sen. West

This bill requires public schools to consider whether a child is experiencing homelessness or is in foster care when taking disciplinary action.

HB 1702 by Rep. Howard

Similar bill: SB 1357 by Sen. Hancock

This bill helps colleges and universities identify students who were formerly in foster care, requires schools to provide information to those students about available supports, and encourages staff to receive relevant training.

HB 1780 by Rep. Miller

This bill requires courts to consider whether a parent made a good faith effort to complete substance use treatment in determining whether to extend the dismissal date in CPS cases to give more families an opportunity to successfully reunify.

Support Children (continued)

HB 2737 by Rep. Wu

This bill requires the Children’s Commission to develop guidelines for judges that will establish greater uniformity in how Texas handles juvenile justice or CPS cases involving children with mental illness; placement of children and termination of parental rights in CPS cases; and the release of detained children, certification of juveniles to stand trial as adults, and the use of restraints or clothing worn during juvenile proceedings.

HB 3390 by Rep. Sanford

This bill requires guardians ad litem, attorneys ad litem, and CPS caseworkers to ask children, in a developmentally appropriate way, about any adult who could be a caregiver for the child. This bill will ensure that judges ask children about the relationships in their lives at every permanency hearing.

HB 3809 by Rep. Goldman

This bill extends the statute of limitations for child sexual abuse for individuals and culpable organizations.

SB 355 by Sen. West

Similar bill: HB 4263 by Rep. Klick

This bill requires the Department of Family and Protective Services to develop a strategic plan to improve coordination and effectiveness of services for children at risk of entering foster care by leveraging federal funds made available through the Family First Prevention Services Act. This bill also requires strategic planning for Community Based Care as well as methods to maximize state and federal resources in the evolving child welfare landscape.

Impact Children

SB 195 by Sen. Perry

This bill requires DFPS to publicly report state-level data related to parental substance use and prenatal substance exposure.

SB 781 by Sen. Kolkhorst

Similar bill: HB 1698 by Rep. Leman

This bill changes the licensing process for General Residential Operations and Residential Treatment Centers, removes evaluation as a minimum standards enforcement mechanism, requires DFPS to develop protocols to reduce runaways and increase normalcy activities, moves residential child care licensing toward performance-based contracting, and requires DFPS to develop a strategic plan for developing foster care facilities eligible for federal financial participation under the Family First Prevention Services Act.

Raise Concerns

HB 2363 by Rep. Harris

This bill allows foster parents to store loaded guns in a locked storage container. Previously, guns had to be unloaded, locked, and stored separately from ammunition.

HB 2764 by Rep. Frank

This bill requires DFPS to review and simplify minimum standards so they are more flexible and caps training for foster parents at 35 hours.

DID NOT PASS

Support Children

HB 45 by Rep. Minjarez

This bill would have required DFPS to work with community-based organizations to establish a mentor program to serve youth age 14 and older in foster care.

HB 141 by Rep. M. González

Similar bill: SB 255 by Sen. Rodríguez

This bill would have required DFPS to hire caseworkers with at least a bachelor's degree in social work.

HB 473 by Rep. Howard

Similar bill: SB 1288 by Sen. Watson

This bill would have improved state data collection and reporting on pregnant and parenting youth in foster care to inform state decisions about expanding services and supports.

HB 474 by Rep. Howard

Similar bill: SB 1289 by Sen. Watson

This bill would have ensured DFPS' foster care needs assessment helps the state implement the federal Family First Prevention Services Act (FFPSA) by collecting information on placements that will continue to be reimbursable using federal funding.

HB 576 by Rep. White

This bill would have provided monetary assistance to low-income parental child safety placements.

HB 988 by Rep. Walle

This bill would have set caseload limits for certain Child Protective Services (CPS) and Adult Protective Services (APS) caseworkers as well as child-care licensing inspectors. This bill would have required the DFPS abuse and neglect hotline to maintain low hold times and low call abandonment rates.

HB 1162 by Rep. Jarvis Johnson

This bill would have required courts to provide a guardian ad litem or attorney ad litem for a child for the entire time the child remains in the conservatorship of DFPS.

Support Children (continued)

HB 1224 by Rep. White	This bill would have required peace officers or a person that has custody of an arrested child to notify DFPS to determine if the child is in foster care. It also would have required DFPS to develop procedures to review reports of arrested children and provide services to ensure the child's best interests are being represented.
HB 1362 by Rep. Wu	This bill would have required DFPS to conduct a workload study to help the agency determine safe and appropriate caseworker caseload levels, which would help the state comply with the lawsuit against the Texas foster care system.
HB 1536 by Rep. Miller Similar bill: SB 2419 by Sen. Fallon	This bill would have expanded trauma-informed care across the Texas child welfare system.
HB 1846 by Rep. Klick Similar bill: SB 1660 by Sen. Zaffirini	This bill would have required courts to review DFPS' efforts to ensure each child has regular, ongoing opportunities to engage in age-appropriate normalcy activities at each permanency hearing.
HB 1907 by Rep. Howard Similar bill: SB 1291 by Sen. Watson	This bill would have established optional trainings for professionals working with youth in foster care to help them communicate important information about healthy relationships, health care, and available supports for pregnant and parenting youth in foster care.
HB 2614 by Rep. Cole	This bill would have established a pilot program to assist youth in foster care in achieving financial security and independence as they transition to independent living.
HB 3370 by Rep. Deshotel Similar bill: SB 1347 by Sen. Watson	This bill would have required the foster care ombudsman to notify youth about the outcome of the investigation into a complaint filed by that youth and required the ombudsman to report to DFPS monthly on their investigations.
HB 3950 by Rep. Frank	This bill would have created a joint legislative committee to evaluate and develop a strategic plan for continued rollout of Community Based Care and implementation of the Family First Prevention Services Act.
HB 3393 by Rep. Jarvis Johnson	This bill would have established a workgroup at DFPS to develop a plan to ensure that youth formerly in foster care who complete the Preparation for Adult Living program are able to receive college credit for completing the program.
HB 3786 by Rep. Coleman	This bill would have encouraged counties to consider developing family drug courts.

Support Children (continued)

HB 4138 by Rep. Klick

This bill would have prevented unnecessary disruptions in health care coverage for young adults who were formerly in foster care by streamlining the process to determine Medicaid eligibility through automatic enrollment and recertification of eligible individuals.

HB 4183 by Rep. Parker

This bill would have required state agencies to develop a strategic plan to prevent and address adverse childhood experiences.

SB 98 by Sen. Menéndez

This bill would have increased the number of kinship caregivers eligible to receive financial assistance by removing the licensing requirement.

SB 333 by Sen. West

This bill would have required attorneys ad litem to be appointed to children in long-term foster care.

SB 480 by Sen. Watson

Similar bill: HB 3379 by Rep. Klick

This bill would have improved services and supports for older youth in foster care and youth transitioning out of care, drawing on recommendations from the DFPS SB 1758 Workgroup.

SB 951 by Sen. Watson

Similar bill: HB 2926 by Rep. Hinojosa

This bill would have established a Family First Prevention Services Act task force to assess the readiness of this state to implement the new federal law by 2021.

SB 1333 by Sen. West

This bill would have expanded trauma-informed care across the Texas child welfare system based on recommendations made in the Statewide Collaborative on Trauma-Informed Care's Blueprint.

SB 1535 by Sen. Menéndez

This bill would have required better communication between DFPS, Child Care Licensing, and the Foster Care Ombudsman (FCO). This bill also would have required Single Source Continuum Contractors (SSCCs) under Community Based Care to give the FCO access to internal records outside of the DFPS IMPACT system and strengthened communication between the FCO and SSCCs.

Raise Concerns

HB 1109 by Rep. Swanson

This bill would have allowed Child Placing Agencies to waive training requirements for foster parents.

HB 1910 by Rep. Dean

This bill would have prevented courts from considering a parent's acknowledgement or failure to acknowledge a child's gender identity or expression when making decisions regarding conservatorship or termination of parents' rights.

HB 2134 by Rep. Klick

This bill would have required all children involved in child abuse and neglect investigations to receive a specialty physician consultation, regardless of whether it is directed by the parent, attorney, department, or a medical professional. This bill also would have prevented DFPS and courts from using the best evidence to determine whether a child has experienced maltreatment.

HB 2756 by Rep. Leach

Similar bill: SB 2365 by Sen. Hughes

This bill would have made it more difficult to protect children and reunify families involved with CPS. It likely would have changed the process for emergency removals and required a finding of parental fitness at the outset of a CPS case, which would have to be disproven before families could be reunified.

HB 3331 by Rep. Frank

Similar bill: SB 2091 by Sen. Hughes

This bill would have changed reasonable efforts findings by adding a balancing test that focused on the trauma of removal while ignoring the trauma associated with prolonged abuse or neglect. It would have changed the evidentiary standard for non-emergency removals, excluded certain acts or omissions from the definition of neglect, and more.

HB 4189 by Rep. Middleton

This bill would have hampered the ability of professional reporters to report suspected abuse or neglect to DFPS. This bill would have required actual knowledge of abuse or neglect rather than a suspicion of abuse or neglect.

Review of Early Childhood Policy Progress During the 2019 Texas Legislative Session

State leaders made significant progress on early childhood policy during the legislative session, most notably passing a school finance bill that includes landmark funding for full-day pre-k for currently eligible children. After making the case for full-day pre-k funding for many years, Texans Care for Children worked with partners to put the issue front and center during the school finance hearings leading up to the legislative session and to keep it there during the session. The Legislature also passed a number of bills to address safety in child care, a departure from past sessions when child care received little attention from legislators. Texans Care for Children helped lead the efforts to successfully pass a bill to improve nutrition and active play standards in child care and another bill to collect caregiver-child ratio and group size data to better understand how these factors affect children's safety and school readiness. Additionally, Texans Care for Children helped secure a significant increase in funding for Early Childhood Intervention (ECI) for babies and toddlers with disabilities and developmental delays after years of state underfunding of this critical program.

By providing funding for **full-day pre-k** for currently eligible four-year-olds in HB 3, rather than just continuing the state policy of providing funding for half-day pre-k, the Legislature arguably took the biggest step in years for an issue on the Texans Care for Children agenda. State leaders made school finance a priority throughout last year and the session, culminating in a bill that provides

an additional \$6 billion for education and \$5 billion to reduce school property taxes. The bill does not include new mechanisms to collect additional revenue to pay for the ongoing expenditures.

The full-day pre-k funding in HB 3 is provided through a new Early Education Allotment, which will distribute to districts an estimated \$780 million per year for full-day pre-k or other early reading and mathematics strategies. The funding will be distributed as a 0.1 "weight" in the state's funding formulas for each student in kindergarten through third grade who is classified as economically disadvantaged and/or an English Language Learner. While the state currently requires districts to provide half-day pre-k funding to eligible students, leaving districts the option of using local funding to extend programs to full-day, under HB 3, districts will be required to offer full-day programs to eligible four-year-old students. Before seeking a waiver or building new classroom space to meet the requirement, districts must explore partnerships with quality child care or Head Start providers. HB 3 includes other early childhood provisions, such as a requirement for pre-k to meet state quality guidelines and a provision directing the Texas Education Agency (TEA) to collect data on pre-k class sizes and student-teacher ratios.

Legislators also passed a number of bills — SB 568, SB 569, SB 706, and SB 708 — to address **child care** safety this session, prompted in part by the Unwatched investigative series that

the Austin American-Statesman published in late 2018. The bills ensure that parents, state regulators, and policymakers have more information, including data on safety violations, regarding child care providers. Among other provisions, the bills also beef up monitoring of the most informal child care providers by increasing oversight over “listed family homes” and ensuring the state investigates illegal child care operations. Beyond safety issues, the Legislature passed another good bill, HB 680, to improve data collection and transparency in the subsidized child care program managed by the Texas Workforce Commission.

Legislators passed two child care bills that Texans Care for Children worked to develop and shepherd through the process after building momentum on the issues for multiple sessions. SB 952 recognizes the important role that child care providers play in helping parents ensure their children develop healthy

habits and a healthy weight. The bill improves minimum child care standards for nutrition and active play, areas already regulated through state licensing standards. This bill ensures that minimum standards reflect the recommendations of child health and development experts, such as the American Academy of Pediatrics, the American Public Health Association, the American Heart Association, and the National Resource Center for Health and Safety in Child Care and Early Education. SB 708, noted above, addresses longstanding concerns about the state’s standards for child-caregiver ratios, which allow child care providers to assign up to 11 two-year-olds to a single teacher, for example. For many years, Texans Care for Children and others have expressed concerns that the state’s current standards undermine children’s safety, development, and learning. To allow parents and policymakers to make more informed decisions about child care, SB



708 directs the Health and Human Services Commission (HHSC) to collect data on caregiver-child ratios and group size standards, as well as serious violations and injuries.

This session the Legislature also boosted **ECI funding** by \$31 million after Texans Care for Children and others highlighted the urgent need for additional state resources. The boost fell short of the \$72.6 million requested by HHSC, but it was the biggest increase in years. Outside of the state budget, legislators also filed bills to try to help compensate for the state's recent underfunding of ECI, but those bills did not pass.

The Legislature also declined to pass the proposed bills and funding to help ensure Texas achieves an accurate **2020 Census** count. Young children are historically undercounted in the census. By promoting census participation, states and communities

can maximize the amount of federal funding they receive for critical early childhood and education programs over the subsequent decade, including child care, ECI, and federal education funding.

This session represented a significant step forward for early childhood, highlighted by passage of full-day pre-k funding, but there is still much more work to do. State leaders should strengthen the quality of pre-k by working towards establishing limits on class size and student-teacher ratios. After years of inattention to child care policy, state leaders should build on this session's child care safety efforts and work to ensure that all working Texas parents — including those in lower wage jobs — have access to affordable child care that keeps children safe and helps them develop the social, emotional, and learning tools they will need in school and life.



Outcomes for Key Early Childhood Legislation

PASSED

Support Children

HB 3 by Rep. Huberty

Similar bill: SB 4 by Sen. Taylor

This bill, the major school finance legislation of the session, provides ongoing investments in early childhood education, including funding for full-day prekindergarten. It also establishes new kindergarten through third grade reading standards, directs districts to develop an early childhood literacy and mathematics proficiency plan, provides funding for districts to provide additional days of instruction to reduce summer slide in the early years, and narrows the number of approved kindergarten readiness assessments to ensure data can be easily compared across the state. Pre-k eligibility requirements will remain unchanged.

HB 55 by Rep. M. González

Passed as an amendment to HB 3

This bill directs TEA to collect important information about the state's pre-k program, including the number of students, certified teachers, and teacher's aides in each class offered by each district and whether programs were full-day or half-day.

HB 65 by Rep. E. Johnson

Similar bill: SB 304 by Sen. Miles

This bill directs TEA to collect information from school districts about out-of-school suspensions, including the basis for suspensions, the number of days students were suspended, and the number of suspensions that were inconsistent with the student code of conduct.

HB 680 by Rep. Deshotel

Similar bill: SB 1002 by Sen. Watson

This bill requires the Texas Workforce Commission (TWC) to assess and report the average cost of child care and the total number of providers and children participating in the state's quality rating system, Texas Rising Star. The bill also requires TWC to allow Local Workforce Development Boards to contract with high-quality child care providers in high-need areas and provides additional professional development to child care teachers and providers.

SB 568 by Sen. Huffman

Similar bill: HB 4261 by Rep. G. Bonnen

This bill ensures more information is available to parents on the safety records of child care centers and strengthens the child care license renewal process, among other reforms.

Support Children (continued)

SB 569 by Sen. Huffman

Similar bill: HB 4259 by Rep. G. Bonnen

This bill increases oversight for a group of small in-home child care operations the state classifies as “listed family homes.”

SB 706 by Sen. Watson

Similar bill: HB 1431 by Rep. Guerra

This bill reinstates an investigation unit within the Health and Human Services Commission (HHSC) to seek out illegally operating child care facilities.

SB 708 by Sen. Zaffirini

Similar bill: HB 1682 by Rep. Raney

This bill directs HHSC to collect data on caregiver-child ratios and group size standards, as well as serious violations and injuries.

SB 952 by Sen. Watson

Similar bill: HB 1808 by Rep. Lucio III

This bill updates and clarifies minimum child care standards for nutrition and active play, areas already regulated through state licensing standards.

SB 1679 by Sen. West

Similar bill: HB 2020 by Rep. J. Turner

This bill provides automatic pre-k eligibility for four-year-old pre-k students who already attended three-year-old pre-k to eliminate the process of families re-establishing their eligibility in consecutive years.

DID NOT PASS

Support Children

HB 12 by Rep. S. Davis

Similar bill: SB 2225 by Sen. Zaffirini

This bill would have helped babies and toddlers with disabilities and Early Childhood Intervention (ECI) providers by creating a telehealth pilot program, requiring some health plans to cover specified ECI services that are Medicaid-reimbursable, and creating a provider ombudsman in the HHSC.

HB 255 by Rep. Blanco

This bill would have created a Complete Count Commission to develop, recommend, and assist in the administration of an outreach strategy to encourage full participation in the 2020 federal Census in Texas.

HB 1635 by Rep. Miller

Similar bill: SB 1956 by Sen. Zaffirini

This bill would have required most private insurance companies to cover certain ECI services.

HB 1966 by Rep. Wu

Similar bill: SB 873 by Sen. Johnson

This bill would have clarified that child care facilities may provide notice on the percentage of children attending the facility who are immunized.

Support Children (continued)

HB 3659 by Rep. C. Turner

This bill would have required licensed child care homes, registered child care homes, and listed family homes to obtain and maintain liability insurance.

HB 3738 by Rep. Goldman

This bill would have required HHSC to create and maintain a single, user-friendly statewide website to help families assess the quality and safety of child care centers and homes.

HB 3739 by Rep. Goldman

This bill would have established a pilot program to expand participation in the Texas Rising Star program.

HB 4450 by Rep. M. González

Similar bill: SB 1817 by Sen. Zaffirini

This bill would have ensured child care facilities promote inclusive practices that integrate children with disabilities and special needs.

HB 4753 by Rep. Lopez

This bill would have required the TWC to study the trends in and projections for the cost of child care in the state.

SB 705 by Sen. Watson

Similar bill: HB 2866 by Rep. Deshotel

This bill would have improved a public DFPS database that allows parents to view child care violations over the past two years by requiring more details about the incidents to be posted and by extending the time frame to five years. It also would have required parental notification if there is an instance of sexual abuse at the child care center where their children are enrolled.

SB 2361 by Sen. West

Similar bill: HB 1763 by Rep. Blanco

This bill would have allowed the otherwise ineligible children of educators employed by a Texas school district to qualify for free public pre-k.

Raise Concerns

HB 1133 by Rep. Stickland

This bill would have allowed class sizes in K – 4 to exceed 22 students as long as the average across that grade was no more than 22 students.

VETOED

Support Children

HB 448 by Rep. C. Turner

This bill would have required a person driving a vehicle with a child under the age of two to secure the child in a rear-facing car seat.

Review of Maternal and Child Health Policy Progress During the 2019 Texas Legislative Session

State leaders made no progress on the state's worst-in-the-nation uninsured rates for children, women of childbearing age, and other adults this session, but there were some bright spots as well as signs of new momentum. The House, but not the Senate, passed maternal and child health coverage bills that languished in previous sessions. The Legislature passed targeted measures on maternal health and on Medicaid managed care reform that fell short of expectations but still made important improvements. Along with our team's work on these bills, Texans Care for Children's staff also championed successful legislation to ensure more Texas mothers have transportation to prenatal and postpartum care appointments.

The **Children's Health Coverage** bill, HB 342, became a higher profile bill this session after receiving little attention in 2017. State data released this year revealed that eligible Texas children are often removed from Medicaid health insurance due to the repeated documentation that Texas requires many families to provide to verify their income from month to month. HB 342 sought to address this problem by reducing red tape and keeping eligible kids enrolled in health coverage. Legislators on both sides of the aisle worked closely with Texans Care for Children and other partners to pass a compromise version of the bill out of the House Committee, but it was not scheduled for a full House vote. The full House did pass the compromise version as an amendment to SB 1105, but Senators did not bring that bill back up for a vote in the

Senate. While legislation did not pass on the issue, the progress that was made may pave the way for a future policy change to ensure that more eligible children maintain the health coverage they need to do well in school and thrive.

State leaders raised expectations for progress on maternal health in 2019 by directing the state's Maternal Mortality and Morbidity Task Force in 2017 to study **maternal health** and make recommendations for action. Supporting maternal health is critically important for preventing maternal deaths as well as addressing the much more common — and often devastating — health challenges that can arise for babies, pregnant women, and new mothers. The House took a big step forward by passing HB 744, which would have implemented the Task Force recommendation to extend mothers' postpartum Medicaid coverage to 12 months after childbirth, replacing the current state policy that leaves many Texas mothers uninsured just two months after delivery. Unfortunately, the Senate did not take up the legislation. The Legislature also failed to move on bills to accept Medicaid expansion funding to cover uninsured low-wage workers.

While the Legislature fell short of meeting expectations on maternal health, it did pass some important, limited measures. Texans Care for Children played a leading role in crafting and guiding HB 25, a bill that passed to establish a pilot program to ensure more Texas mothers can use the state's Medicaid

transportation program to attend prenatal and postpartum care appointments. Prior to HB 25, mothers who needed to take their newborn babies or other young children with them were unable to use the program. The most significant maternal health bill that passed was HB 1111, which passed as an amendment to SB 748. It establishes a pregnancy medical home pilot program to coordinate maternity care; establishes a pilot program to improve care coordination services for women at higher risk for poor pregnancy, birth, or postpartum outcomes; and directs HHSC to develop a program to deliver prenatal and postpartum care through telehealth services, among other provisions. Additionally, SB 750 and its accompanying \$15 million in the state budget have the potential to support additional postpartum health services for a portion of the women enrolled in the state's Healthy Texas Women program. The budget also includes an additional \$7 million requested by the Department of State Health Services for maternal health initiatives and a notable increase in funding for substance use prevention and treatment for pregnant women and mothers.

Expectations were also high this session for reform of the state's **Medicaid managed care** program, in which the state contracts with private health insurance companies to serve as a middle man between medical providers and Medicaid enrollees, such as children in foster care and Texans with disabilities. The Dallas Morning-News' investigation into the system helped highlight many areas that were ripe for reform. The Legislature did not pass the bill that included the most sweeping reforms and patient protections, HB 2453. However, elements of that bill and others passed as amendments to SB 1095, SB 1207, and HB 4533. The most significant reforms that passed this session will create an external

medical review to resolve a Medicaid client's appeal after a health insurer denies or reduces doctor-ordered treatments; streamline and add a bit of oversight to prior authorizations (the rules insurers have for what services are and are not covered); and improve medication access for kids with disabilities.

Following the legislative session, it will be important for state leaders to work to reduce the uninsured rate for children, mothers, and all low-wage workers, building on the legislation that passed the House but stalled in the Senate.



Outcomes for Key Maternal and Child Health Legislation

PASSED

Support Children by Supporting Maternal Health

HB 25 by Rep. M. González

Similar bill: SB 937 by Sen. Zaffirini

This bill creates a pilot program that removes obstacles in the current medical transportation program and ensures more Texas mothers can attend prenatal and postpartum care appointments.

HB 253 by Rep. Farrar

This bill requires the HHSC to develop and implement a five-year strategic plan to improve access to screening, referral, treatment, and support services for postpartum depression.

HB 405 by Rep. Minjarez

This bill designates June as Neonatal Abstinence Syndrome Awareness Month, with the goal to raise awareness of prenatal substance exposure and the impact on babies and to increase awareness of substance use treatment and recovery supports available in Texas.

HB 475 by Rep. Howard

Similar bill: SB 1290 by Sen. Watson

This bill ensures pregnant and parenting youth in foster care receive basic parenting education and services that will help preserve their young families. The bill addresses youth in regions of the state that are not served by the Helping through Intervention and Prevention (HIP) program.

HB 541 by Rep. M. González

This bill clarifies that Texas mothers may use a breast pump in public.

HB 650 by Rep. White

This bill takes steps to improve health outcomes for women involved in the justice system through correctional officer training related to care for pregnant women, pregnancy and parenting classes, nutrition support for pregnant women, and a prohibition on shackling women while pregnant.

HB 1111 by Rep. S. Davis

Passed as an amendment to SB 748

This bill establishes a pregnancy medical home pilot program to coordinate maternity care; establishes a pilot program to improve care coordination services for women at higher risk for poor pregnancy, birth, or postpartum outcomes; and directs HHSC to develop a program to deliver prenatal and postpartum care through telehealth services, among other provisions.

Support Children by Supporting Maternal Health (continued)

SB 436 by Sen. Nelson

Similar bill: HB 1292 by Rep. Price

This bill seeks to improve screening to better identify and care for women with opioid use disorder; improve referrals to treatment and continuity of care; increase medication-assisted treatment options; and optimize health care provided to pregnant women with opioid use disorder and to newborns.

SB 559 by Sen. Miles

Passed as an amendment to SB 750
Similar bill: HB 1255 by Rep. Hinojosa

This bill improves maternal health data in Texas by requiring a hospital or birthing center to send patient records to DSHS within 30 days of the state's request regarding a pregnancy-related death.

SB 750 by Sen. Kolkhorst

This bill directs HHSC to evaluate and develop a limited postpartum care package for new mothers enrolled in Healthy Texas Women (HTW) program and to develop strategies to ensure continuity of care for new mothers who transition from Medicaid for Pregnant Women into HTW, among other provisions.

SB 1564 by Sen. West

This bill improves access to medication-assisted treatment for Texans with substance use disorder by authorizing Medicaid reimbursement for the prescribing of buprenorphine by an advanced practice registered nurse.

SB 2132 by Sen. Powell

This bill improves awareness of the HTW program by adding information to the notice sent to new mothers enrolled in HTW after having a baby.

Support Children by Reforming Medicaid Managed Care

HB 72 by Rep. White

Similar bill: SB 1493 by Sen. Paxton

This bill allows adoptive parents to opt into STAR Health Medicaid for a child with a chronic health condition and establishes a program that protects the continuity of care for each child following adoption.

HB 1576 by Rep. Phelan

This bill significantly transforms the medical transportation program by requiring Medicaid health plans, rather than current transportation providers or regional brokers, to manage and coordinate the transportation benefit. Health plans may arrange ridesharing for a client or use existing medical transportation providers that offer handicap accessible vehicles.

Support Children by Reforming Medicaid Managed Care (continued)

SB 1096 by Sen. Perry

This bill improves medication access for kids with disabilities by prohibiting prior authorizations for drugs prescribed to a child enrolled in the STAR Kids Medicaid managed care program; and streamlines some prior authorization processes when a child is hospitalized.

SB 1105 by Sen. Kolkhorst

Passed as an amendment to HB 4533

This bill directs HHSC to implement a no-wrong-door system for Medicaid managed care grievances; establish a procedure for expedited resolution of a Medicaid-related grievance; and publish quality and health outcome data for each Medicaid health plan in an easy-to-read format.

SB 1207 by Sen. Perry

This bill improves the coordination of benefits for children who have both private health insurance and Medicaid coverage in STAR Kids; creates an external medical review process to resolve a Medicaid client's appeal after HHSC or a Medicaid health plan denies or reduces health care services; streamlines several prior authorizations processes for health providers and health plans; and requires health plan notices to clients about denial of services to include a clear, easy-to-understand explanation of the reason for the denial. It includes select provisions of HB 2453 and HB 4178.

Support Children's Health Directly

HB 3345 by Rep. Price

This bill requires certain private health plans regulated by the state to cover and reimburse health providers for health services delivered through telehealth on the same basis and to the same extent that the plan covers the service in an in-person setting.

SB 21 by Sen. Huffman

Similar bill: HB 749 by Rep. Zerwas

This bill raises the age of tobacco sales from age 18 to 21.

SB 670 by Sen. Buckingham

This bill eliminates some restrictions on the use of telemedicine in Medicaid so that safety-net health centers can offer telehealth benefits to kids and families.

SB 747 by Sen. Kolkhorst

This bill prohibits health plans that cover newborn care from limiting or excluding coverage of newborn screening tests and requires DSHS to publish on its website the cost of and instructions for submitting reimbursements for a newborn screening test kit.

Support Children's Health Directly (continued)

SB 748 by Sen. Kolkhorst

This bill creates a newborn screening preservation account to establish a consistent and long-term funding stream to repair, upgrade, and expand screenings conducted by the DSHS public health lab.

SB 952 by Sen. Watson

Similar bill: HB 1808 by Rep. Lucio III

This bill updates and clarifies minimum child care standards for nutrition and active play, areas already regulated through state licensing standards.

SB 1834 by Sen. Alvarado

Similar bill: HB 3541 by Rep. Rose

This bill creates a pilot program that incentivizes Texas-grown fresh fruits and vegetables under the supplemental nutrition assistance program (SNAP).

Impact Children By Impacting Maternal Health

SB 195 by Sen. Perry

This bill requires DFPS to collect and publicly report state-level data related to parental substance use and prenatal substance exposure.

DID NOT PASS

Support Children by Supporting Maternal Health

HB 60 by Rep. Ortega

This bill would have required institutions of higher education to e-mail students each fall with information about the Healthy Texas Women and Family Planning Program.

HB 565 by Rep. Coleman

Similar bill: HB 590 by Rep. Israel
Similar bill: HB 826 by Rep. Bernal
Similar bill: SB 327 by Sen. Alvarado

This bill would have used federal Medicaid expansion funding to cover uninsured low-wage adults.

HB 744 by Rep. Rose

Similar bill: HB 1110 by Rep. S. Davis
Similar bill: HB 241 by Rep. Farrar
Similar bill: HB 411 by Rep. Thierry
Similar bill: HB 610 by Rep. Walle
Similar bill: SB 147 by Sen. Rodríguez

This bill would have extended the length of time eligible women are covered by Medicaid from 60 days after childbirth to 12 months.

HB 800 by Rep. Howard

This bill would have included contraception as a covered benefit under the Children's Health Insurance Program (CHIP) when teens have parental consent.

Support Children by Supporting Maternal Health (continued)

HB 840 by Rep. Bucy

Similar bill: SB 524 by Sen. Johnson

This bill and the accompanying constitutional amendment would have provided Texas voters an opportunity to vote on using federal Medicaid expansion funding to cover uninsured low-wage adults.

HB 937 by Rep. S. Davis

Similar bill: SB 795 by Sen. Alvarado

This bill would have allowed women with Medicaid or private health insurance to receive up to a twelve-month supply of prescription contraception at one time.

HB 1589 by Rep. Ortega

This bill would have improved awareness about the HTW program by notifying pregnant women enrolled in Medicaid that they will be auto-enrolled into the HTW program.

HB 2091 by Rep. Ortega

This bill would have promoted the use of community health workers, also known as promotoras, by allowing Medicaid health plans to report associated expenses as a quality improvement cost rather than an administrative expense.

HB 2618 by Rep. Walle

This bill would have created a pilot program to place mental health peer specialists in safety-net health centers to serve women at risk of or who have developed postpartum depression.

SB 429 by Sen. Lucio

This bill would have directed the state to develop a comprehensive plan for increasing and improving the workforce to serve persons with mental health and substance use conditions.

SB 2150 by Sen. Kolkhorst

This bill would have aligned state law with federal law to allow Texas to apply for grant funding under the Preventing Maternal Deaths Act, which makes grants available to state maternal mortality review committees. This bill also would have allowed family members, health care facilities, and health care professionals to report pregnancy-related deaths to the state health agency.

Support Children by Reforming Medicaid Managed Care

HB 2453 by Rep. S. Davis

Similar bill: SB 1139 by Sen. Watson

This bill would have strengthened Medicaid managed care by improving key areas, such as contract oversight, network adequacy enforcement, prior authorizations, appeals and fair hearings, utilization review, care coordination, transparency, and accountability. (Select provisions are included in SB 1207, which passed.)

Support Children by Reforming Medicaid Managed Care (continued)

HB 3721 by Rep. Deshotel

This bill would have required HHSC to contract with an independent review organization to review and resolve a Medicaid client's appeal made after a Medicaid health plan denies or reduces health services because of medical necessity.

HB 4178 by Rep. Frank

Similar bill: SB 2239 by Sen. Kolkhorst

This bill would have improved the appeal and fair hearing process after a Medicaid client appeals a denial of services; streamlined enrollment and coordination of benefits; and simplified the prior authorization process for Medicaid managed care.

SB 1140 by Sen. Watson

Similar bill: HB 3478 by Rep. S. Davis

This bill would have directed HHSC to contract with at least three independent review organizations to resolve a Medicaid client's appeal after HHSC or a Medicaid health plan denies or reduces health care services. The independent review organization would have provided objective, unbiased review of medical necessity determinations done by clinical staff with training and experience in the health service at issue.

Support Children's Health Directly

HB 342 by Rep. Cortez

Similar bill: SB 637 by Sen. Zaffirini

This bill would have provided continuous Medicaid coverage to eligible children, reducing the current mid-year requests for additional income verification documentation.

HB 1063 by Rep. Price

This bill would have repealed the expiration of the Medicaid telemonitoring reimbursement program so that the program can continue. The bill also would have required Medicaid to cover home telemonitoring services to certain pediatric patients who are diagnosed with end-stage solid organ disease, had received an organ transplant, or require mechanical ventilation.

VETOED

Support Children's Health Directly

HB 455 by Rep. Allen

Similar bill: SB 364 by Sen. Watson

This bill would have required school districts to adopt a formal recess policy, including the number of minutes for recess and whether or not recess may be withheld as a form of punishment.

Review of Children's Youth Justice Policy Progress During the 2019 Texas Legislative Session

The Legislature took some steps forward this session on school discipline practices, passing targeted legislation regarding suspensions and the role of school police officers on campuses. Lawmakers also took at least one step backwards on school discipline as part of its focus on school safety. Additionally, the Legislature passed a handful of bills to make improvements to juvenile justice but showed little interest in high priority proposals to close unsafe secure facilities run by the Texas Juvenile Justice Department (TJJD) or raise the age of juvenile court jurisdiction.

Building on its efforts in 2017, this session the Legislature continued to work to address **school discipline measures such as suspensions**. Lawmakers passed HB 65 to collect more data on suspensions, HB 692 to prohibit out-of-school suspensions of students experiencing homelessness, and HB 811 to require districts to consider if a child is in foster care or experiencing homelessness when it makes school discipline decisions. The progress on this front is also reflected in legislation passed this session to support student mental health, trauma-informed schools, and positive school climates, which represent a more effective approach to improving student behavior. However, legislators also passed a bill that raises some concerns. SB 2432 requires students to be placed in a disciplinary alternative education program (DAEP) for harassment of a school employee, which includes making obscene comments with the intent to annoy or embarrass the school employee. At the end of

session, legislators removed a good provision of the bill requiring districts to employ an evidence-based threat assessment before removing students from school.

Lawmakers also passed HB 878, SB 712, and SB 1707 to address **school police officers** and other personnel who are involved in school safety or discipline matters. Taking action on a concern that Texans Care for Children and other advocates have raised in recent years, the Legislature passed HB 878 as an amendment to SB 11. The legislation requires all school districts to ensure that school police officers are trained to work with youth, building on current state law that requires the training only in large districts.

During recent years, one of the top priorities for juvenile justice advocates has been **raising the age** of juvenile court jurisdiction, but momentum stalled again this session. In 2017, the bill to make the juvenile justice system the default for 17-year-olds passed the House but did not receive a Senate hearing. This year, however, the bill, HB 344, was not scheduled for a vote of the full House after it passed the House Committee. Because of legislative inaction, Texas will continue to automatically send 17-year-olds to the adult justice system for even minor misdemeanors.

Over the last two years, advocates and others raised a number of concerns about how unsafe and ineffective state-run **juvenile lockups** are, prompting discussions about potentially

closing one or even all of the costly facilities and moving youth to local facilities and programs. However, the Legislature did not take up these proposals this session.

Following the legislative session, state leaders and advocates must continue working to raise the age of juvenile court jurisdiction and

plot a course forward for continued reform of the juvenile justice system. On the school discipline front, it will be important to continue to monitor and limit practices that are often ineffective and even counterproductive, such as suspensions, and continue to implement more effective practices in our schools.



Outcomes for Key Youth Justice Legislation

PASSED

Support Children

HB 65 by Rep. E. Johnson

This bill requires school districts to report information on students facing suspensions and expulsions, including the race, sex, and age of students as well as the basis for these suspensions.

HB 692 by Rep. White

Similar bill: SB 1001 by Sen. Watson

This bill prohibits school districts from placing a student who was homeless in out-of-school suspension.

HB 811 by Rep. White

Similar bill: SB 424 by Sen. West

This bill requires school districts to consider if a student is in foster care or homeless as part of decisions related to school discipline.

HB 878 by Rep. Allen

Passed as an amendment to SB 11

This bill requires any school district with school resource or police officers in their schools, regardless of the size of the district, to adopt a policy requiring those officers to be trained in working with youth.

HB 1760 by Rep. White

Similar bill: SB 1025 by Sen. Perry

This bill improves the handling of certain juvenile records so that treatment and service providers can have appropriate access but confidential information is protected from further disclosure.

HB 2184 by Rep. Allen

Similar bill: SB 1155 by Sen. Huffman

This bill requires alternative education programs and school districts to work together to plan for and support the reentry of justice-involved youth back into their public school classrooms.

HB 2229 by Rep. Jarvis Johnson

This bill requires the TJJD to collect data on youth in the agency's custody who have been in foster care in order to inform efforts to prevent foster youth from entering the juvenile justice system.

HB 2737 by Rep. Wu

This bill requires the Children's Commission to develop guidelines for judges that will establish greater uniformity in how Texas handles juvenile justice or CPS cases involving children with mental illness; placement of children and termination of parental rights in CPS cases; and the release of detained children, certification of juveniles to stand trial as adults, and the use of restraints or clothing worn during juvenile proceedings.

Support Children (continued)

SB 712 by Sen. Lucio

Similar bill: HB 3630 by Rep. Meyer

This bill protects students by prohibiting school district employees, volunteers or independent contractors from using interventions that involve electric shock or releasing noxious fumes; employ ridicule, verbal abuse or humiliation; interfere with the student's ability to communicate; immobilize or restrain the student; or interfere with the student's breathing.

SB 1702 by Sen. Whitmire

Similar bill: HB 3648 by Rep. Guillen

This bill allows the Texas Juvenile Justice Department (TJJD) ombudsman to inspect facilities owned by TJJD and other post-adjudication correctional and residential facilities where juveniles are placed and investigate complaints alleging violations of the rights of the youth in these facilities.

SB 1707 by Sen. Lucio

Similar bill: HB 3470 by Rep. Allen

This bill requires school districts that have school resource or police officers working in their schools to adopt and publicize policies delineating the responsibilities of these officers, which may only include tasks related to law enforcement, not routine school discipline.

SB 1746 by Sen. Miles

Similar bill: HB 2116 by Rep. White

This bill expands the list of students considered at risk of dropping out of school to include students who have been incarcerated or have a parent or guardian who has been incarcerated during the student's lifetime.

Raise Concerns

SB 2432 by Sen. Taylor

This bill requires students to be placed in a disciplinary alternative education program for harassment of a school employee, which includes making obscene comments with the intent to annoy or embarrass the school employee.

DID NOT PASS

Support Children

HB 344 by Rep. Dutton

This bill would have raised the age of juvenile court jurisdiction to include 17-year-olds.

Support Children (continued)

HB 1189 by Rep. Jarvis Johnson

This bill would have required courts to prescribe community service to youth in foster care in the place of fines and costs that might otherwise be charged.

HB 1364 by Rep. Wu

This bill would have ensured that more 10- and 11-year-old children avoid involvement with the juvenile justice system and instead receive more developmentally appropriate services in their communities.

HB 2991 by Rep. Talarico

This bill would have required schools to create and implement a positive behavior program for all grade levels that includes restorative practices and establishes a restorative justice coordinating council to assist TEA in developing guidance and resources for districts.

HB 4606 by Rep. White

Similar bill: SB 2242 by Sen. Whitmire

This bill would have increased the availability of youth diversion programs for a child who is alleged to have engaged in conduct that constitutes a Class C misdemeanor, other than a traffic offense.

Raise Concerns

HB 1381 by Rep. Wray

This bill would have enhanced the criminal penalty for aggravated assault committed in or on school property or on a passenger transportation vehicle of a primary or secondary school.

VETOED

Support Children

HB 1771 by Rep. Thierry

This bill sought to prevent children under age 17 from being prosecuted or referred to juvenile court for prostitution and requires law enforcement to make best efforts to connect the child with relatives, treatment services, and/or DFPS if the child cannot be returned to her family.

HB 3195 by Rep. Wu

This bill would have given TJJD flexibility to reduce the amount of time certain youth would need to spend in highly structured residential programs and improves the process of transition planning and reentry into the community.



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