

BILL ANALYSIS

C.S.H.B. 945
By: Dukes
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In response to recent legislation, agencies across Texas have engaged in efforts to address issues of disproportionality within the child welfare system. While the resulting statewide analysis of child welfare reform efforts suggests that progress has been made to reduce such disproportionality, statistics still indicate that African-American children have a higher rate of removal and remain in the child welfare system longer than other children. Disproportionality may also exist within certain areas of the juvenile justice, mental health, and education systems. There is concern that a greater number of minorities are funneled through the juvenile justice system and receive disciplinary action within a school system.

To address any disproportionality that exists within the child welfare, juvenile justice, mental health, and education systems and help the state to better and more comprehensively act to address that issue, C.S.H.B. 945 seeks to establish an Interagency Council for Addressing Disproportionality.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 945 amends the Human Resources Code to establish the Interagency Council for Addressing Disproportionality to examine the level of disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, and mental health systems, including the points of entry, each point at which a treatment decision is made, and the outcomes for the children exiting the systems; examine issues relating to the disproportionate delivery of various educational services to children who are members of a racial or ethnic minority group in the education system; make recommendations to reduce the involvement of the children who are members of a racial or ethnic minority group in the juvenile justice, child welfare, and mental health systems and improve the children's success in the education system; and assist the Health and Human Services Commission (HHSC) in eliminating health and health access disparities in Texas among racial, multicultural, disadvantaged, ethnic, and regional populations.

C.S.H.B. 945 sets forth the composition of the council and requires a representative of an agency appointed to the council to have an overall understanding of the agency's mission and purpose and substantial experience and expertise relating to the administration of the agency's policies, programs, and activities. The bill specifies that the representative from the Center for Elimination of Disproportionality and Disparities within HHSC serves as the presiding officer of the council and requires a person who is appointed to the council to complete a cultural competency training program approved by the presiding officer. The bill requires the council to meet at least quarterly and specifies that the council's duties include the following:

- reviewing the delivery of public and private child welfare, juvenile justice, and mental

health services to evaluate the disproportionate rates of use of the services by children who are members of a racial or ethnic minority group;

- reviewing the delivery of public and private education services to determine which of those services are delivered disproportionately to children who are members of a racial or ethnic minority group;
- reviewing federal, state, and local funds appropriated to address the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- reviewing current best practice standards addressing the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- examining the qualifications and training of children's service providers and making recommendations for training curriculum and other necessary changes;
- recommending methods to improve use of available public and private funds to address the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- providing information concerning identified unmet children's service needs and providing recommendations concerning the development of resources to meet the identified needs;
- examining outcomes for children who are members of a racial or ethnic minority group who have exited or will exit the public and private child welfare, juvenile justice, mental health, and education systems;
- recommending administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the systems and improve the long-term outcomes for children who are members of a racial or ethnic minority group who are served by the systems; and
- preparing a report consisting of the council's findings and recommendations, and the presentation of an implementation plan to address disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services.

C.S.H.B. 945 requires the council to investigate and report on issues related to health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations; develop short-term and long-term strategies to eliminate health and health access disparities among such populations; monitor the progress of each health and human services agency in eliminating health and health access disparities; and advise each health and human services agency on the implementation of any targeted programs or funding authorized by the legislature to address health and health access disparities. The bill requires the council, in performing its duties relating to health and health access disparities, to consult with each health and human services agency, the Center for Elimination of Disproportionality and Disparities, and any other relevant division of HHSC. The bill requires the council to attach any information developed by the council in the course of performing its duties relating to health and health access disparities to the council's legislative report.

C.S.H.B. 945 requires the council, not later than December 1, 2012, to prepare and submit to the lieutenant governor, the speaker of the house of representatives, and the legislature a report containing the council's findings and recommendations for addressing the disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services and the council's recommendation as to whether to continue the council. The bill specifies that a council member is not entitled to compensation but may be entitled to reimbursement for the member's travel expenses as provided by the Travel Regulations Act and the General Appropriations Act. The bill exempts the council from provisions of law relating to state agency advisory committees and establishes that provisions of the bill relating to the council expire December 1, 2013.

C.S.H.B. 945 amends the Health and Safety Code to remove references in provisions of law relating to an office for the elimination of health disparities within HHSC to instead refer to a center for elimination of disproportionality and disparities and makes related conforming changes.

C.S.H.B. 945 repeals Chapter 107, Health and Safety Code, relating to the health disparities task force.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 945 differs from the original by including among the purposes of the Interagency Council for Addressing Disproportionality the examination of issues relating to the disproportionate delivery of various educational services to certain children and making recommendations to improve those children's success in the education system as separate purposes of the council, whereas the original includes a reference to the education system among the systems to which the council's examination of the level of disproportionate involvement of certain children applies. The substitute contains a provision not included in the original including among the council's purposes assisting the Health and Human Services Commission (HHSC) in eliminating health and health access disparities in Texas among racial, multicultural, disadvantaged, ethnic, and regional populations.

C.S.H.B. 945 differs from the original in the composition of the council by including one representative from HHSC; one representative from the Office of Court Administration of the Texas Judicial System; one representative of the Permanent Judicial Commission for Children, Youth and Families; one representative of a community-based organization that works with child welfare, juvenile justice, education, or children's mental health issues; one representative of a faith-based community organization; one person who is a former foster care youth; and two representatives of the medical community, whereas the original does not include such persons among the council's members.

C.S.H.B. 945 contains a provision not included in the original requiring a person who is appointed to the council to complete a cultural competency training program approved by the presiding officer of the council. The substitute differs from the original by specifying that the purpose of the council's duty to review the delivery of education services is to determine which of those services are delivered disproportionately to children who are members of a racial or ethnic minority group, whereas the original specifies that the purpose of such review is to evaluate the disproportionate rates of use of the services by such children.

C.S.H.B. 945 contains provisions not included in the original requiring the council to perform certain additional duties relating to health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations; requiring the council to consult with each health and human services agency, the Center for Elimination of Disproportionality and Disparities, and any other relevant division of HHSC in performing those duties; and requiring the council to attach information developed in the course of performing those duties to the council's legislative report.

C.S.H.B. 945 contains a provision not included in the original specifying that a council member is not entitled to compensation but may be entitled to reimbursement for the member's travel expenses. The substitute contains a provision not included in the original exempting the council from provisions of law relating to state agency advisory committees.

C.S.H.B. 945 contains a provision not included in the original removing references in provisions of law relating to an office for the elimination of health disparities within HHSC to instead refer to a center for elimination of disproportionality and disparities and making related conforming changes.

C.S.H.B. 945 contains a provision not included in the original repealing provisions of law relating to the health disparities task force. The substitute differs from the original in nonsubstantive ways.