

A BILL TO BE ENTITLED

AN ACT

relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Human Resources Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY

Sec. 2.001. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY. The Interagency Council for Addressing Disproportionality is established to:

(1) 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:

(A) the points of entry;

(B) each point at which a treatment decision is made; and

(C) the outcomes for the children exiting the systems;

(2) 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

1 system;

2 (3) make recommendations to:

3 (A) reduce the involvement of children who are
4 members of a racial or ethnic minority group in the juvenile
5 justice, child welfare, and mental health systems; and

6 (B) improve the children's success in the
7 education system; and

8 (4) assist the Health and Human Services Commission in
9 eliminating health and health access disparities in Texas among
10 racial, multicultural, disadvantaged, ethnic, and regional
11 populations.

12 Sec. 2.002. COMPOSITION OF COUNCIL; MEETINGS. (a) The
13 council consists of:

14 (1) one representative from each of the following
15 agencies appointed by the executive director, director, or
16 commissioner of each agency:

17 (A) the Texas Education Agency;

18 (B) the Center for Elimination of
19 Disproportionality and Disparities within the Health and Human
20 Services Commission;

21 (C) the Department of Assistive and
22 Rehabilitative Services;

23 (D) the Department of Aging and Disability
24 Services;

25 (E) the Department of State Health Services;

26 (F) the Department of Family and Protective
27 Services;

- 1 (G) the Texas Youth Commission;
2 (H) the Texas Juvenile Probation Commission;
3 (I) the Health and Human Services Commission; and
4 (J) the Office of Court Administration of the
5 Texas Judicial System;
6 (2) one representative of the office of the attorney
7 general appointed by the attorney general;
8 (3) one representative of the Permanent Judicial
9 Commission for Children, Youth and Families appointed by the chair
10 of the commission;
11 (4) one representative of a community-based
12 organization that works with child welfare, juvenile justice,
13 education, or children's mental health issues appointed by the
14 executive commissioner of the Health and Human Services Commission;
15 (5) one representative of a faith-based community
16 organization appointed by the executive commissioner of the Health
17 and Human Services Commission;
18 (6) one representative of the criminal justice
19 division of the governor's office appointed by the governor;
20 (7) one person who is a former foster care youth
21 appointed by the executive commissioner of the Health and Human
22 Services Commission; and
23 (8) two representatives of the medical community
24 appointed by the executive commissioner of the Health and Human
25 Services Commission.
26 (b) A representative of an agency appointed to the council
27 must have an overall understanding of the agency's mission and

1 purpose and substantial experience and expertise relating to the
2 administration of the agency's policies, programs, and activities.

3 (c) The representative from the Center for Elimination of
4 Disproportionality and Disparities within the Health and Human
5 Services Commission serves as the presiding officer of the council.

6 (d) A person who is appointed to the council must complete a
7 cultural competency training program approved by the presiding
8 officer of the council.

9 (e) The council shall meet at least quarterly.

10 Sec. 2.003. COUNCIL DUTIES IN PREPARATION OF REPORT. The
11 council's duties include:

12 (1) reviewing the delivery of public and private child
13 welfare, juvenile justice, and mental health services to evaluate
14 the disproportionate rates of use of the services by children who
15 are members of a racial or ethnic minority group;

16 (2) reviewing the delivery of public and private
17 education services to determine which of those services are
18 delivered disproportionately to children who are members of a
19 racial or ethnic minority group;

20 (3) reviewing federal, state, and local funds
21 appropriated to address the disproportionate use of children's
22 services by children who are members of a racial or ethnic minority
23 group;

24 (4) reviewing current best practice standards
25 addressing the disproportionate use of children's services by
26 children who are members of a racial or ethnic minority group;

27 (5) examining the qualifications and training of

1 children's service providers and making recommendations for
2 training curriculum and other necessary changes;

3 (6) recommending methods to improve use of available
4 public and private funds to address the disproportionate use of
5 children's services by children who are members of a racial or
6 ethnic minority group;

7 (7) providing information concerning identified unmet
8 children's service needs and providing recommendations concerning
9 the development of resources to meet the identified needs;

10 (8) examining outcomes for children who are members of
11 a racial or ethnic minority group who have exited or will exit the
12 public and private child welfare, juvenile justice, mental health,
13 and education systems;

14 (9) recommending administrative and legislative
15 actions related to appropriate programs and services to reduce and
16 eliminate disparities in the systems and improve the long-term
17 outcomes for children who are members of a racial or ethnic minority
18 group who are served by the systems; and

19 (10) preparing a report consisting of the council's
20 findings and recommendations and the presentation of an
21 implementation plan to address disproportionate representation of
22 children who are members of a racial or ethnic minority group in the
23 use of children's services.

24 Sec. 2.004. ADDITIONAL COUNCIL DUTIES. (a) The council
25 shall:

26 (1) investigate and report on issues related to health
27 and health access disparities among racial, multicultural,

1 disadvantaged, ethnic, and regional populations;

2 (2) develop short-term and long-term strategies to
3 eliminate health and health access disparities among racial,
4 multicultural, disadvantaged, ethnic, and regional populations;

5 (3) monitor the progress of each health and human
6 services agency in eliminating health and health access
7 disparities; and

8 (4) advise each health and human services agency on
9 the implementation of any targeted programs or funding authorized
10 by the legislature to address health and health access disparities.

11 (b) In performing the duties described by Subsection (a),
12 the council shall consult with each health and human services
13 agency, the Center for Elimination of Disproportionality and
14 Disparities, and any other relevant division of the Health and
15 Human Services Commission.

16 (c) If the council develops information in the course of
17 performing its duties under this section, the council shall attach
18 that information to the report required by Section 2.005.

19 Sec. 2.005. COUNCIL REPORT. Not later than December 1,
20 2012, the council shall prepare and submit to the lieutenant
21 governor, the speaker of the house of representatives, and the
22 legislature a report containing the council's findings and
23 recommendations for addressing the disproportionate representation
24 of children who are members of a racial or ethnic minority group in
25 the use of children's services and the council's recommendation as
26 to whether to continue the council.

27 Sec. 2.006. REIMBURSEMENT FOR EXPENSES. A council member

1 is not entitled to compensation but may be entitled to
2 reimbursement for the member's travel expenses as provided by
3 Chapter 660, Government Code, and the General Appropriations Act.

4 Sec. 2.007. APPLICABILITY OF OTHER LAW. Chapter 2110,
5 Government Code, does not apply to the council.

6 Sec. 2.008. EXPIRATION OF CHAPTER. This chapter expires
7 December 1, 2013.

8 SECTION 2. Chapter 107A, Health and Safety Code, is amended
9 to read as follows:

10 CHAPTER 107A. CENTER FOR [~~OFFICE FOR THE~~] ELIMINATION OF
11 DISPROPORTIONALITY AND [~~HEALTH~~] DISPARITIES

12 Sec. 107A.001. CENTER FOR [~~OFFICE FOR THE~~] ELIMINATION OF
13 DISPROPORTIONALITY AND [~~HEALTH~~] DISPARITIES. The executive
14 commissioner of the Health and Human Services Commission shall
15 maintain a center for [~~an office for the~~] elimination of
16 disproportionality and [~~health~~] disparities in the Health and Human
17 Services Commission to:

18 (1) assume a leadership role in working or contracting
19 with state and federal agencies, universities, private interest
20 groups, communities, foundations, and offices of minority health to
21 develop health initiatives to decrease or eliminate health and
22 health access disparities among racial, multicultural,
23 disadvantaged, ethnic, and regional populations, including
24 appropriate language services; and

25 (2) maximize use of existing resources without
26 duplicating existing efforts.

27 Sec. 107A.002. POWERS OF CENTER [~~OFFICE~~]. The center

1 [~~office~~] may:

2 (1) provide a central information and referral source,
3 including a clearinghouse for health disparities information, and
4 serve as the primary state resource in coordinating, planning, and
5 advocating access to health care services to eliminate health
6 disparities in this state;

7 (2) coordinate conferences and other training
8 opportunities to increase skills among state agencies and
9 government staff in management and in the appreciation of cultural
10 diversity;

11 (3) pursue and administer grant funds for innovative
12 projects for communities, groups, and individuals;

13 (4) provide recommendations and training in improving
14 minority recruitment in state agencies;

15 (5) publicize information regarding health
16 disparities and minority health issues through the use of the
17 media;

18 (6) network with existing minority organizations,
19 community-based health groups, and statewide health coalitions;

20 (7) solicit, receive, and spend grants, gifts, and
21 donations from public and private sources; and

22 (8) contract with public and private entities in the
23 performance of its responsibilities.

24 Sec. 107A.003. FUNDING. The Health and Human Services
25 Commission may distribute to the center [~~office~~] unobligated and
26 unexpended appropriations to be used to carry out its powers.

27 SECTION 3. Chapter 107, Health and Safety Code, is

1 repealed.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.