

1-1 By: West S.B. No. 501  
1-2 (In the Senate - Filed February 1, 2011; February 17, 2011,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 28, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 28, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 501 By: West

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the disproportionality of certain groups in the  
1-11 juvenile justice, child welfare, health, and mental health systems  
1-12 and the disproportionality of the delivery of certain services in  
1-13 the education system.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Title 1, Human Resources Code, is amended by  
1-16 adding Chapter 2 to read as follows:

1-17 CHAPTER 2. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY

1-18 Sec. 2.001. INTERAGENCY COUNCIL FOR ADDRESSING  
1-19 DISPROPORTIONALITY. The Interagency Council for Addressing  
1-20 Disproportionality is established to:

1-21 (1) examine the level of disproportionate involvement  
1-22 of children who are members of a racial or ethnic minority group at  
1-23 each stage in the juvenile justice, child welfare, and mental  
1-24 health systems, including:

1-25 (A) the points of entry;

1-26 (B) each point at which a treatment decision is  
1-27 made; and

1-28 (C) the outcomes for the children exiting the  
1-29 systems;

1-30 (2) examine issues relating to the disproportionate  
1-31 delivery of various educational services to children who are  
1-32 members of a racial or ethnic minority group in the education  
1-33 system;

1-34 (3) make recommendations to:

1-35 (A) reduce the involvement of children who are  
1-36 members of a racial or ethnic minority group in the juvenile  
1-37 justice, child welfare, and mental health systems; and

1-38 (B) improve the children's success in the  
1-39 education system; and

1-40 (4) assist the Health and Human Services Commission in  
1-41 eliminating health and health access disparities in Texas among  
1-42 racial, multicultural, disadvantaged, ethnic, and regional  
1-43 populations.

1-44 Sec. 2.002. COMPOSITION OF COUNCIL; MEETINGS. (a) The  
1-45 council consists of:

1-46 (1) one representative from each of the following  
1-47 agencies appointed by the executive director, director, or  
1-48 commissioner of each agency:

1-49 (A) the Texas Education Agency;

1-50 (B) the Center for Elimination of  
1-51 Disproportionality and Disparities within the Health and Human  
1-52 Services Commission;

1-53 (C) the Department of Assistive and  
1-54 Rehabilitative Services;

1-55 (D) the Department of Aging and Disability  
1-56 Services;

1-57 (E) the Department of State Health Services;

1-58 (F) the Department of Family and Protective  
1-59 Services;

1-60 (G) the Texas Youth Commission;

1-61 (H) the Texas Juvenile Probation Commission;

1-62 (I) the Health and Human Services Commission; and

1-63 (J) the Office of Court Administration of the

2-1 Texas Judicial System;  
2-2 (2) one representative of the office of the attorney  
2-3 general appointed by the attorney general;  
2-4 (3) one representative of the Permanent Judicial  
2-5 Commission for Children, Youth and Families appointed by the chair  
2-6 of the commission;  
2-7 (4) one representative of a community-based  
2-8 organization that works with child welfare, juvenile justice,  
2-9 education, or children's mental health issues appointed by the  
2-10 executive commissioner of the Health and Human Services Commission;  
2-11 (5) one representative of a faith-based community  
2-12 organization appointed by the executive commissioner of the Health  
2-13 and Human Services Commission;  
2-14 (6) one person who is a former foster care youth  
2-15 appointed by the executive commissioner of the Health and Human  
2-16 Services Commission; and  
2-17 (7) two representatives of the medical community  
2-18 appointed by the executive commissioner of the Health and Human  
2-19 Services Commission.  
2-20 (b) A representative of an agency appointed to the council  
2-21 must have an overall understanding of the agency's mission and  
2-22 purpose and substantial experience and expertise relating to the  
2-23 administration of the agency's policies, programs, and activities.  
2-24 (c) The representative from the Center for Elimination of  
2-25 Disproportionality and Disparities within the Health and Human  
2-26 Services Commission serves as the presiding officer of the council.  
2-27 (d) A person who is appointed to the council must complete a  
2-28 cultural competency training program approved by the presiding  
2-29 officer of the council.  
2-30 (e) The council shall meet at least quarterly.  
2-31 Sec. 2.003. COUNCIL DUTIES IN PREPARATION OF REPORT. The  
2-32 council's duties include:  
2-33 (1) reviewing the delivery of public and private child  
2-34 welfare, juvenile justice, and mental health services to evaluate  
2-35 the disproportionate rates of use of the services by children who  
2-36 are members of a racial or ethnic minority group;  
2-37 (2) reviewing the delivery of public and private  
2-38 education services to determine which of those services are  
2-39 delivered disproportionately to children who are members of a  
2-40 racial or ethnic minority group;  
2-41 (3) reviewing federal, state, and local funds  
2-42 appropriated to address the disproportionate use of children's  
2-43 services by children who are members of a racial or ethnic minority  
2-44 group;  
2-45 (4) reviewing current best practice standards  
2-46 addressing the disproportionate use of children's services by  
2-47 children who are members of a racial or ethnic minority group;  
2-48 (5) examining the qualifications and training of  
2-49 children's service providers and making recommendations for  
2-50 training curriculum and other necessary changes;  
2-51 (6) recommending methods to improve use of available  
2-52 public and private funds to address the disproportionate use of  
2-53 children's services by children who are members of a racial or  
2-54 ethnic minority group;  
2-55 (7) providing information concerning identified unmet  
2-56 children's service needs and providing recommendations concerning  
2-57 the development of resources to meet the identified needs;  
2-58 (8) examining outcomes for children who are members of  
2-59 a racial or ethnic minority group who have exited or will exit the  
2-60 public and private child welfare, juvenile justice, mental health,  
2-61 and education systems;  
2-62 (9) recommending administrative and legislative  
2-63 actions related to appropriate programs and services to reduce and  
2-64 eliminate disparities in the systems and improve the long-term  
2-65 outcomes for children who are members of a racial or ethnic minority  
2-66 group who are served by the systems; and  
2-67 (10) preparing a report consisting of the council's  
2-68 findings and recommendations and the presentation of an  
2-69 implementation plan to address disproportionate representation of

3-1 children who are members of a racial or ethnic minority group in the  
 3-2 use of children's services.

3-3 Sec. 2.004. ADDITIONAL COUNCIL DUTIES. (a) The council  
 3-4 shall:

3-5 (1) investigate and report on issues related to health  
 3-6 and health access disparities among racial, multicultural,  
 3-7 disadvantaged, ethnic, and regional populations;

3-8 (2) develop short-term and long-term strategies to  
 3-9 eliminate health and health access disparities among racial,  
 3-10 multicultural, disadvantaged, ethnic, and regional populations;

3-11 (3) monitor the progress of each health and human  
 3-12 services agency in eliminating health and health access  
 3-13 disparities; and

3-14 (4) advise each health and human services agency on  
 3-15 the implementation of any targeted programs or funding authorized  
 3-16 by the legislature to address health and health access disparities.

3-17 (b) In performing the duties described by Subsection (a),  
 3-18 the council shall consult with each health and human services  
 3-19 agency, the Center for Elimination of Disproportionality and  
 3-20 Disparities, and any other relevant division of the Health and  
 3-21 Human Services Commission.

3-22 (c) If the council develops information in the course of  
 3-23 performing its duties under this section, the council shall attach  
 3-24 that information to the report required by Section 2.005.

3-25 Sec. 2.005. COUNCIL REPORT. Not later than December 1,  
 3-26 2012, the council shall prepare and submit to the lieutenant  
 3-27 governor, the speaker of the house of representatives, and the  
 3-28 legislature a report containing the council's findings and  
 3-29 recommendations for addressing the disproportionate representation  
 3-30 of children who are members of a racial or ethnic minority group in  
 3-31 the use of children's services and the council's recommendation as  
 3-32 to whether to continue the council.

3-33 Sec. 2.006. REIMBURSEMENT FOR EXPENSES. A council member  
 3-34 is not entitled to compensation but may be entitled to  
 3-35 reimbursement for the member's travel expenses as provided by  
 3-36 Chapter 660, Government Code, and the General Appropriations Act.

3-37 Sec. 2.007. APPLICABILITY OF OTHER LAW. Chapter 2110,  
 3-38 Government Code, does not apply to the council.

3-39 Sec. 2.008. EXPIRATION OF CHAPTER. This chapter expires  
 3-40 December 1, 2013.

3-41 SECTION 2. Chapter 107A, Health and Safety Code, is amended  
 3-42 to read as follows:

3-43 CHAPTER 107A. CENTER FOR [~~OFFICE FOR THE~~] ELIMINATION OF  
 3-44 DISPROPORTIONALITY AND [~~HEALTH~~] DISPARITIES

3-45 Sec. 107A.001. CENTER FOR [~~OFFICE FOR THE~~] ELIMINATION OF  
 3-46 DISPROPORTIONALITY AND [~~HEALTH~~] DISPARITIES. The executive  
 3-47 commissioner of the Health and Human Services Commission shall  
 3-48 maintain a center for [~~an office for the~~] elimination of  
 3-49 disproportionality and [~~health~~] disparities in the Health and Human  
 3-50 Services Commission to:

3-51 (1) assume a leadership role in working or contracting  
 3-52 with state and federal agencies, universities, private interest  
 3-53 groups, communities, foundations, and offices of minority health to  
 3-54 develop health initiatives to decrease or eliminate health and  
 3-55 health access disparities among racial, multicultural,  
 3-56 disadvantaged, ethnic, and regional populations, including  
 3-57 appropriate language services; and

3-58 (2) maximize use of existing resources without  
 3-59 duplicating existing efforts.

3-60 Sec. 107A.002. POWERS OF CENTER [~~OFFICE~~]. The center  
 3-61 [~~office~~] may:

3-62 (1) provide a central information and referral source,  
 3-63 including a clearinghouse for health disparities information, and  
 3-64 serve as the primary state resource in coordinating, planning, and  
 3-65 advocating access to health care services to eliminate health  
 3-66 disparities in this state;

3-67 (2) coordinate conferences and other training  
 3-68 opportunities to increase skills among state agencies and  
 3-69 government staff in management and in the appreciation of cultural

4-1 diversity;  
4-2 (3) pursue and administer grant funds for innovative  
4-3 projects for communities, groups, and individuals;  
4-4 (4) provide recommendations and training in improving  
4-5 minority recruitment in state agencies;  
4-6 (5) publicize information regarding health  
4-7 disparities and minority health issues through the use of the  
4-8 media;  
4-9 (6) network with existing minority organizations,  
4-10 community-based health groups, and statewide health coalitions;  
4-11 (7) solicit, receive, and spend grants, gifts, and  
4-12 donations from public and private sources; and  
4-13 (8) contract with public and private entities in the  
4-14 performance of its responsibilities.  
4-15 Sec. 107A.003. FUNDING. The Health and Human Services  
4-16 Commission may distribute to the center [~~office~~] unobligated and  
4-17 unexpended appropriations to be used to carry out its powers.  
4-18 SECTION 3. Chapter 107, Health and Safety Code, is  
4-19 repealed.  
4-20 SECTION 4. This Act takes effect immediately if it receives  
4-21 a vote of two-thirds of all the members elected to each house, as  
4-22 provided by Section 39, Article III, Texas Constitution. If this  
4-23 Act does not receive the vote necessary for immediate effect, this  
4-24 Act takes effect September 1, 2011.

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