

By: Dukes, Raymond, Coleman

H.B. No. 2038

A BILL TO BE ENTITLED

AN ACT

relating to addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems, the continuation and operation of the Interagency Council for Addressing Disproportionality, and the duties of the Center for Elimination of Disproportionality and Disparities.

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

SECTION 1. Chapter 107A, Health and Safety Code, is amended by adding Sections 107A.0021, 107A.0022, and 107A.004 and amending Section 107A.003 to read as follows:

Sec. 107A.0021. DUTIES OF CENTER; REPORT. (a) The center shall:

(1) identify the social determinants and health conditions in most need of high-impact response to address disproportionality and disparities across health and human services agencies;

(2) monitor the implementation of plans to address health disparities across health and human services agencies;

(3) assist the Health and Human Services Commission and any other relevant health and human services, education, juvenile justice, child welfare, and mental health agencies in developing cross-systems performance measures aligned with the components of the Texas model for addressing disproportionality and disparities in the education, juvenile justice, child welfare,

1 health, and mental health systems adopted under Section 2.003(b),
2 Human Resources Code; and

3 (4) implement the Texas model for addressing
4 disproportionality and disparities in the education, juvenile
5 justice, child welfare, health, and mental health systems adopted
6 under Section 2.003(b), Human Resources Code.

7 (b) Not later than July 1 of each year, the center shall
8 submit a report to the executive commissioner of the Health and
9 Human Services Commission detailing the center's findings and
10 activities under Subsections (a)(1) and (2).

11 Sec. 107A.0022. CULTURAL AWARENESS. The center shall:

12 (1) advise each health and human services, education,
13 juvenile justice, child welfare, and mental health agency on the
14 implementation and delivery of cultural competency training to all
15 service delivery staff, including persons providing service
16 delivery under a single source continuum contract; and

17 (2) develop collaborative partnerships with community
18 groups, agencies, faith-based organizations, and other community
19 organizations to support the delivery of culturally competent
20 services to children and families of every race and ethnicity.

21 Sec. 107A.003. FUNDING. The Health and Human Services
22 Commission may distribute to the center unobligated and unexpended
23 appropriations to be used to carry out its powers and perform its
24 duties.

25 Sec. 107A.004. CONTRACTS. The center may not contract with
26 an entity to perform services connected with the center's
27 responsibilities, duties, or obligations under this chapter unless

the entity has been screened, reviewed, and approved by the executive commissioner of the Health and Human Services.

SECTION 2. Section 2.002, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) The council consists of:

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

(A) the Texas Education Agency;

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

(C) the Department of Assistive and Rehabilitative Services;

(D) the Department of Aging and Disability Services;

(E) the Department of State Health Services;

(F) the Department of Family and Protective Services;

(G) the Texas Juvenile Justice Department ~~[Youth Commission,~~

~~[(H) the Texas Juvenile Probation Commission];~~

(H) ~~[(I)]~~ the Health and Human Services Commission; and

(I) ~~[(J)]~~ the Office of Court Administration of the Texas Judicial System;

1 (2) one representative of the office of the attorney
2 general appointed by the attorney general;

3 (3) one representative of the Permanent Judicial
4 Commission for Children, Youth and Families appointed by the chair
5 of the commission;

6 (4) five representatives ~~[one representative]~~ of the
7 community appointed by the executive commissioner of the Health and
8 Human Services Commission, including:

9 (A) one person who works with a community-based
10 organization that works with child welfare, juvenile justice,
11 education, or children's mental health issues;

12 (B) one person who is a former foster care youth;

13 (C) one person who is a director of special
14 education for a public school district; and

15 (D) two persons who are current or former
16 recipients of services provided by the child welfare, juvenile
17 justice, education, or children's mental health systems ~~[appointed~~
18 ~~by the executive commissioner of the Health and Human Services~~
19 ~~Commission];~~

20 (5) one representative of a faith-based community
21 organization appointed by the executive commissioner of the Health
22 and Human Services Commission;

23 (6) one representative of the criminal justice
24 division of the governor's office appointed by the governor;

25 (7) ~~[one person who is a former foster care youth~~
26 ~~appointed by the executive commissioner of the Health and Human~~
27 ~~Services Commission; and]~~

1 ~~[(8)]~~ two representatives of the medical community
2 appointed by the executive commissioner of the Health and Human
3 Services Commission; and

4 (8) one representative of the business community
5 appointed by the executive commissioner of the Health and Human
6 Services Commission.

7 (f) A member of the council appointed under Subsection
8 (a)(4), (5), (7), or (8) may not serve on the council for more than
9 two years.

10 SECTION 3. Sections 2.003, 2.005, and 2.008, Human
11 Resources Code, are amended to read as follows:

12 Sec. 2.003. COUNCIL DUTIES; TEXAS MODEL FOR ADDRESSING
13 DISPROPORTIONALITY AND DISPARITIES ~~[IN PREPARATION OF REPORT]~~. (a)
14 The council's duties include:

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

19 (2) reviewing the delivery of public education
20 services to determine which of those services are delivered
21 disproportionately to children who are members of a racial or
22 ethnic minority group;

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

27 (4) reviewing current best practice standards

1 addressing the disproportionate use of children's services by
2 children who are members of a racial or ethnic minority group;

3 (5) examining the qualifications and training of
4 children's service providers and making recommendations for
5 training curriculum and other necessary changes;

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

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

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

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

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

27 (b) Based on its research and findings, the council shall

1 develop and recommend to the commissioner a Texas model for
2 addressing disproportionality and disparities in the education,
3 juvenile justice, child welfare, health, and mental health systems
4 to be implemented across the relevant state agencies.

5 Sec. 2.005. COUNCIL REPORT. Not later than December 1,
6 2014 [~~2012~~], the council shall prepare and submit to the lieutenant
7 governor, the speaker of the house of representatives, and the
8 legislature a report containing:

9 (1) the status of the implementation of the Texas
10 model for addressing disproportionality and disparities in the
11 education, juvenile justice, child welfare, health, and mental
12 health systems adopted under Section 2.003(b); [~~council's findings~~
13 ~~and recommendations for addressing the disproportionate~~
14 ~~representation of children who are members of a racial or ethnic~~
15 ~~minority group in the use of children's services]~~ and

16 (2) the council's recommendation as to whether to
17 continue the council.

18 Sec. 2.008. EXPIRATION OF CHAPTER. This chapter expires
19 December 1, 2015 [~~2013~~].

20 SECTION 4. Section 2.004(c), Human Resources Code, is
21 repealed.

22 SECTION 5. The Center for Elimination of Disproportionality
23 and Disparities within the Health and Human Services Commission is
24 not required to submit the initial report required under Section
25 107A.0021(b), Health and Safety Code, as added by this Act, before
26 July 1, 2014.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.