

By: Dukes

H.B. No. 2038

Substitute the following for H.B. No. 2038:

By: Raymond

C.S.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 and 107A.0022 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,

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

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

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

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

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

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

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

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;

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

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

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

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

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

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

10 (D) two persons who are current or former
11 recipients of services provided by the child welfare, juvenile
12 justice, education, or children's mental health systems ~~[appointed~~
13 ~~by the executive commissioner of the Health and Human Services~~
14 ~~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; and

26 (8) one representative of the business community
27 appointed by the executive commissioner of the Health and Human

1 Services Commission.

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

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

7 Sec. 2.003. COUNCIL DUTIES; TEXAS MODEL FOR ADDRESSING
8 DISPROPORTIONALITY AND DISPARITIES [~~IN PREPARATION OF REPORT~~]. (a)

9 The council's duties include:

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

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

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

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

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

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

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

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

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

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

22 (b) Based on its research and findings, the council shall
23 develop and adopt a Texas model for addressing disproportionality
24 and disparities in the education, juvenile justice, child welfare,
25 health, and mental health systems to be implemented across the
26 relevant state agencies.

27 Sec. 2.005. COUNCIL REPORT. Not later than December 1,

1 2014 [2012], the council shall prepare and submit to the lieutenant
2 governor, the speaker of the house of representatives, and the
3 legislature a report containing:

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

11 (2) the council's recommendation as to whether to
12 continue the council.

13 Sec. 2.008. EXPIRATION OF CHAPTER. This chapter expires
14 December 1, 2015 [2013].

15 SECTION 4. Section 2.004(c), Human Resources Code, is
16 repealed.

17 SECTION 5. The Center for Elimination of Disproportionality
18 and Disparities within the Health and Human Services Commission is
19 not required to submit the initial report required under Section
20 107A.0021(b), Health and Safety Code, as added by this Act, before
21 July 1, 2014.

22 SECTION 6. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2013.