87R8773 MM-F

By:  Cain H.B. No. 4446

A BILL TO BE ENTITLED

AN ACT

relating to a program to provide certain children with character development opportunities, career advancement assistance, and access to certain extracurricular and wellness services.

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

SECTION 1.  Subtitle I, Title 4, Government Code, is amended by adding Chapter 543 to read as follows:

CHAPTER 543. OPPORTUNITY AND ASSISTANCE PROGRAM FOR CERTAIN CHILDREN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 543.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Health and Human Services Commission.

(2)  "Eligible child" means:

(A)  a child receiving educational services under the supervision of the Texas Juvenile Justice Department;

(B)  a child in the managing conservatorship of the Department of Family and Protective Services;

(C)  a child who is eligible to participate in the Head Start program as defined by Chapter 72, Human Resources Code;

(D)  a student described by Section 29.916(a)(1), Education Code;

(E)  a child with an intellectual disability; and

(F)  any other child to whom the executive commissioner is able to extend program access after prioritizing access for children described by Paragraphs (A)-(E).

(3)  "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4)  "Program" means the opportunity and assistance program established under this chapter.

Sec. 543.002.  GIFTS, GRANTS, AND DONATIONS. The commission may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this chapter.

Sec. 543.003.  REPORT TO GOVERNOR AND LEGISLATURE. Not later than December 1 of each even-numbered year, the commission shall submit a report to the governor and members of the legislature regarding the program and activities of program participants.

Sec. 543.004.  RULES. The executive commissioner may adopt rules necessary to implement this chapter.

SUBCHAPTER B. PROGRAM ADMINISTRATION, OPPORTUNITIES, AND ASSISTANCE

Sec. 543.051.  PROGRAM ESTABLISHMENT. The executive commissioner by rule shall establish and administer the opportunity and assistance program to provide character development opportunities, career advancement assistance, access to University Interscholastic League sponsored activities, and counseling and wellness services to eligible children.

Sec. 543.052.  ADMINISTRATION OF PROGRAM. (a) The executive commissioner shall:

(1)  adopt rules as necessary to administer the program; and

(2)  work collaboratively with school districts, the University Interscholastic League, and other local authorities as necessary to fulfill the commission's duties under this chapter.

(b)  In developing the program, the executive commissioner may partner with online and local providers to offer program participants the character development opportunities and career advancement assistance described by Sections 543.053 and 543.054.

Sec. 543.053.  CHARACTER DEVELOPMENT OPPORTUNITIES. The program must include character development opportunities designed to promote and assist program participants in developing the character qualities of:

(1)  courage;

(2)  trustworthiness, including honesty, reliability, punctuality, and loyalty;

(3)  integrity;

(4)  respect and courtesy;

(5)  responsibility, including accountability, diligence, perseverance, and self-control;

(6)  fairness, including justice and freedom from prejudice;

(7)  caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;

(8)  good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;

(9)  gratitude; and

(10)  teamwork, good sportsmanship, and perseverance learned through participation in competitive or professional extracurricular activities.

Sec. 543.054.  CAREER ADVANCEMENT ASSISTANCE. The program must include opportunities designed to assist program participants in general career advancement. The opportunities must include:

(1)  training and information on where program participants can obtain affordable and local access to career and technical skills courses; and

(2)  instruction or access to instruction on general skills including:

(A)  constructing a resume;

(B)  interviewing for a job;

(C)  managing finances;

(D)  constructing and following a realistic and consistent schedule;

(E)  managing finances, work, family, and mental health in times of personal, community, or global crisis;

(F)  finding and obtaining higher education financial aid opportunities; and

(G)  skills learned through participation in competitive extracurricular activities that could be used as a career path for the program participant or could be used to obtain higher education financial aid opportunities for the program participant.

Sec. 543.055.  ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In order to maximize access to character development opportunities and career advancement assistance described by Sections 543.053 and 543.054, the executive commissioner, in collaboration with school districts and the University Interscholastic League, shall facilitate access to University Interscholastic League activities for all program participants described by Sections 543.001(2)(A)-(E) and for as many program participants described by Section 543.001(2)(F) as can reasonably be accommodated. A school district and the University Interscholastic League may not prohibit a program participant who is otherwise eligible to participate in a league activity from participating in the activity in substantially the same manner as a student enrolled at a school in the school district.

(b)  Except as provided by Subsection (g), a public school that participates in an activity sponsored by the University Interscholastic League shall provide a program participant described by Section 543.001(2)(D) who otherwise meets league eligibility standards to represent that school in a league activity with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

(c)  A program participant described by Section 543.001(2)(D) who seeks to participate or participates in a league activity on behalf of a school is subject to the policies regarding registration, age eligibility, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior, and performance that apply to students enrolled in the school.

(d)  The parent or person standing in parental relation to a program participant described by Section 543.001(2)(D) is responsible for oversight of academic standards relating to the participant's participation in a league activity. As a condition of eligibility to participate in a league activity during the first six weeks of a school year, a program participant described by Section 543.001(2)(D) must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. The program participant demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. For purposes of this subsection, a school district shall accept assessment results administered or reported by a third party.

(e)  The demonstration of academic proficiency under Subsection (d) of a program participant described by Section 543.001(2)(D) is sufficient for purposes of that subsection for the school year in which the participant achieves the required score and the subsequent school year.

(f)  After the first six weeks of a school year, the parent or person standing in parental relation to a program participant described by Section 543.001(2)(D) participating in a league activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the participant is receiving a passing grade in each course or subject being taught.

(g)  A program participant described by Section 543.001(2)(D) is not authorized by this section to participate in a league activity during the remainder of any school year during which the participant was previously enrolled in a public school.

(h)  The University Interscholastic League may not prohibit a program participant described by Section 543.001(2)(D) from participating in league activities in the manner authorized by this section.

(i)  With respect to the education program of a program participant described by Section 543.001(2)(D), nothing in this section shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over the participant or a parent or person standing in parental relation to the participant beyond the control, regulatory authority, or supervision required to participate in a league activity.

(j)  Subject only to eligibility requirements under this section for a program participant described by Section 543.001(2)(D) to participate in a league activity:

(1)  the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a program participant described by Section 543.001(2)(D) may not be required to be changed in order for the participant to participate in a league activity; and

(2)  for a program participant described by Section 543.001(2)(D) participating in an education program on January 1, 2021, the education program provided to that participant may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

Sec. 543.056.  COUNSELING AND WELLNESS SERVICES. (a) The executive commissioner shall develop partnerships with local and online health care providers and counseling services providers to provide voluntary counseling and health services to program participants who are not otherwise eligible for those services under Medicaid or the child health plan program.

(b)  The services described by Subsection (a) must include:

(1)  voluntary testing services made available to a program participant's parent or managing conservator to screen the participant for infection from common childhood diseases;

(2)  general counseling services designed to help a program participant process emotions brought on by unexpected and destabilizing changes in the participant's family and community;

(3)  services for the prevention and treatment of intellectual disabilities; and

(4)  services to treat physical injuries caused by participation in organized extracurricular sports through the University Interscholastic League.

SECTION 2.  The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to establish the program under Chapter 543, Government Code, as added by this Act, beginning in the 2021-2022 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.