

OUTCOMES OF KEY LEGISLATION AFFECTING TEXAS CHILDREN: A PRELIMINARY RECAP

This document provides a preliminary review of where significant children's legislation stands at the conclusion of the regular Texas state legislative session for 2017. We will publish a more thorough legislative recap following the June 18th deadline for the Governor to veto bills. This preliminary recap covers the following five issue areas:

Children's Mental Health
Child Protection
Early Childhood
Maternal & Child Health
Youth Justice



CHILDREN'S MENTAL HEALTH

Status as of May 29, 2017. The Governor may veto bills until June 18, 2017.

PASSED

Support Children's Mental Health in the Community

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| HB 10 by Rep. Price | The bill requires health plans to treat mental health and physical benefits equally, establishes a behavioral health ombudsman, and creates a mental health parity work group. |
| HB 13 by Rep. Price | The bill creates a matching grant program to support community mental health programs for individuals experiencing mental illness, which can include children and youth. |
| HB 1600 by Rep. S. Thompson | The bill requires a mental health screening be provided during the annual medical exam of children between ages 12 and 18 enrolled in Medicaid. |
| HB 2895 by Rep. Price | The bill requires public institutions of higher education to post on their websites mental health resources, regardless of whether the resources are provided by the college/university. |
| HB 2904 by Rep. White | The bill expands the range of responsibilities state agencies have in helping county-based Community Resource Coordination Groups identify and coordinate services for children with complex needs in the least restrictive setting appropriate. |
| SB 1021 by Sen. Nelson | The bill directs state agencies to maintain a plan to improve service delivery to children with serious mental health concerns using a system of care framework. |

Support Children's Mental Health in School

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| HB 674 by Rep. E. Johnson Similar bill: HB 2616 by Rep. Giddings Similar bill: SB 370 by Sen. Garcia | The bill limits out-of-school suspensions for students in grades pre-k through 2nd grade and permits school districts to implement positive behavior management strategies. |
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Support Children's Mental Health in School (continued)

HB 4056 by Rep. Rose

The bill directs the TEA, DSHS, and ESCs to maintain an updated list of evidence-based practices and programs that address school climate and students experiencing trauma.

SB 160 by Sen. Rodríguez

The bill eliminates the 8.5 percent cap on special education enrollment. This will result in more students with emotional disturbance receiving services, support, and protections to which they are entitled under the Individuals with Disabilities Education Act.

SB 196 by Sen. Garcia

The bill requires schools to notify parents if their child's school campus does not have a full-time school counselor, nurse, or librarian.

SB 490 by Sen. Lucio

The bill requires school districts to report the number of full-time counselors providing services to a campus.

SB 1533 by Sen. Rodríguez

The bill allows university employees to receive mental health first aid training through a state funded grant program.

Impact Children

SB 179 by Sen. Menéndez

Similar bill: HB 306 by Rep. Minjarez

The bill expands the authority of schools and law enforcement to punish cyberbullying and includes provisions aimed at creating safe and supportive school climates where bullying is less likely to occur.

DID NOT PASS

Support Children's Mental Health in The Community

HB 1599 by Rep. S. Thompson

The bill would have required group insurance plans to cover children with serious emotional disturbance.

HB 3353 by Rep. Coleman

The bill would have required HHSC to define the scope of family peer support services a certified family partner may provide to the family or primary caregiver of a child who has a serious emotional disturbance.

HB 3891 by Rep. Coleman

The bill would have required group insurance plans to cover eating disorders.

Support Children's Mental Health in School

HB 11 by Rep. Price

The bill would have taken several steps to address student mental health.

HB 3887 by Rep. Coleman

The bill would have required training for school personnel recognizing students' physical or emotional trauma.

SB 1688 by Sen. Lucio
HB 2258 by Rep. Gutierrez

The bills would have created an office of mental health within TEA.

SB 1699 by Sen. Lucio

The bill would have required TEA to develop a framework to guide the use of state and local resources to more effectively address non-academic barriers to learning, such as student mental health concerns, bullying, truancy, and delinquency.

CHILD PROTECTION

Status as of May 29, 2017. The Governor may veto bills until June 18, 2017.

PASSED

Support Children

HB 4 by Rep. Burkett

The bill provides better support to kinship caregivers.

HB 7 by Rep. Wu

The bill improves the process and procedures for handling CPS court cases.

HB 249 by Rep. Hernandez

The bill consolidates investigations of abuse and neglect in licensed child care facilities into CPS.

HB 1549 by Rep. Burkett

The bill takes steps toward the prevention of child abuse and child fatality, the preservation of families, and improvements to the CPS workforce.

HB 1556 by Rep. González

Similar bill: SB 1881 by Sen. Menéndez

The bill allows foster parents to be involved in special education decisions earlier in the process.

HB 3561 by Rep. Klick

Passed as amendment to SB 11
Passed as amendment to SB 1758

The bill makes it easier for foster children, homeless children, and unaccompanied children to obtain government-issued identification and other critical personal documents.

SB 11 by Sen. Schwertner

Similar bill: HB 6 by Rep. Frank

The bill expands community-based foster care in a deliberate way and takes other steps to improve child protection.

SB 203 by Sen. West

Similar bill: HB 511 by Rep. S. Davis

The bill repeals the sunset provision for permanency care agreements, allowing kinship providers to continue receiving support after they agree to provide a permanent home to children who cannot be reunited with their parents.

SB 1220 by Sen. Miles

Similar bill: HB 1640 by Rep. Vo

The bill improves continuity of education and access to higher education, career information, and skills certification for current or former foster youth.

SB 1758 by Sen. Zaffirini

Similar bill: HB 4168 by Rep. Turner

The bill provides better support for youth who age out of foster care.

Impact Children

HB 5 by Rep. Frank

The bill makes DPFS a standalone agency, divorced from the HHSC enterprise.

SB 1208 by Sen. Schwertner

Passed as amendment to HB 7

The bill creates more flexibility in child care licensing.

Raise Concerns

HB 1542 by Rep. Price

Similar bill: SB 907 by Sen. Birdwell

The bill steers more children to cottage homes instead of foster families and other family-like settings.

HB 3859 by Rep. Frank

Similar bill: SB 892 by Sen. Perry

The bill puts the religious rights of foster care providers ahead of protecting the best interest of children.

DID NOT PASS

Support Children

HB 2330 by Rep. Dukes

The bill would have provided better support for foster children who are pregnant or minor parents.

HB 2335 by Rep. Miller

The bill would have required trauma training for certain attorneys, court-appointed volunteer advocates, child-care workers, and CPS employees.

HB 2361 by Rep. Frank

The bill would have required a study regarding the appointment and use of attorneys ad litem in CPS cases.

Impact Children

HB 39 by Rep. Wu

The bill would have closed service gaps in child welfare, increased resources to those involved in the system, and made case management more efficient.

HB 634 by Rep. González **SB 429 by Sen. Rodríguez**

The bill would have raised minimum education requirements for CPS caseworkers.

Raise Concerns

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| HB 205 by Rep. Keough | The bill would have made it harder for a court to order services that could help preserve a family. |
| HB 1620 by Rep. Sanford | The bill would have allowed unpaid, untrained volunteers to temporarily house youth with high needs in “fostels.” |
| HB 1899 by Rep. Sanford SB 816 by Sen. Campbell | The bill would have directed courts to give deference to the expressed wishes of the parent instead of considering the best interest of a child in CPS and other family law cases. |
| HB 2205 by Rep. Keumpel | The bill would have required all CPS calls made by school employees to also be made to law enforcement. |
| HB 3297 by Rep. Burrows | The bill would have increased the burden of proof for removals to clear and convincing evidence. |
| SB 1018 by Sen. Hughes HB 2225 by Rep. Raney | The bill would have carved out exceptions to the Family Code to allow DFPS to license immigrant family detention centers operated by ICE. |

EARLY CHILDHOOD

Status as of May 29, 2017. The Governor may veto bills until June 18, 2017.

PASSED

Support Children

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|---|---|
| HB 357 by Rep. Huberty | The bill expands pre-k eligibility to include children of seriously injured or fallen first responders. |
| HB 674 by Rep. E. Johnson Similar bill: HB 2616 by Rep. Giddings Similar bill: SB 370 by Sen. Garcia | The bill limits out-of-school suspensions for students in grades pre-k through 2nd grade. |
| HB 2039 by Rep. Huberty | The bill offers an Early Childhood-3rd grade teacher certification in addition to certifications currently available. |

DID NOT PASS

Support Children

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| HB 188 by Rep. Bernal | The bill would have required school districts that offer publicly funded pre-k to maintain an average teacher-child ratio of no more than 10:1. |
| HB 196 by Rep. González HB 710 by Rep. Wu HB 1858 by Rep. Reynolds SB 35 by Sen. Zaffirini | The bills would have funded free, full-day pre-k for eligible students through the Foundation School Program. |
| HB 1389 by Rep. Giddings | The bill would have limited pre-k class sizes to no more than 22 students. |
| HB 2282 by Rep. E. Johnson | The bill would have created an optional Gold Standard Pre-K Program that would allow districts to use Foundation School Program funding to support full-day pre-k. |
| HB 2664 by Rep. Miller SB 818 by Sen. Watson | The bills would have improved nutrition and active play opportunities in child care by establishing new guidelines and incentives. |

Support Children (continued)

HB 3323 by Rep. Deshotel
SB 940 by Sen. Campbell

The bills would have improved transparency in the child care subsidy program managed by TWC.

HB 3788 by Rep. Koop
HB 3205 by Rep. Raymond
SB 2164 by Sen. Zaffirini

The bills would have directed DFPS to collect data on child care group sizes and ratios as well as safety information during inspections.

HB 3930 by Rep. Miller

The bill would have maximized non-state sources of revenue for the ECI program by requiring most private insurers to cover specific ECI services, including speech therapy and specialized skills training, when needed under a child's Individual Family Services Plan (IFSP).

HB 3967 by Rep. Walle

The bill would have established a task force to study cost savings and effectiveness of requiring insurance coverage for ECI services.

MATERNAL AND CHILD HEALTH

Status as of May 29, 2017. The Governor may veto bills until June 18, 2017.

PASSED

Support Children

HB 2466 by Rep. S. Davis

Similar bill: SB 1257 by Sen. Huffman

The bill provides more mothers with the option to be screened for maternal depression during their baby's well-check visit with a pediatrician or other health provider by covering the screening through the baby's CHIP or Medicaid insurance.

HB 1158 by Rep. S. Davis

Passed as amendment to HB 2466

The bill supports healthy pregnancies and births by asking on the Medicaid for Pregnant Women application a woman's preferred method of contact (e.g., text, call, email) so health plans may send updates and information about pregnancy health risks, well-child visits, and prenatal care.

HB 2159 by Rep. Giddings

Parts passed as amendment to SB 1566

Provisions amended to SB 1566 help prevent "school lunch shaming" – singling out or denying food to a student who does not have money for lunch – by requiring a school district's board of trustees to adopt a grace period policy that allows a student whose meal card has depleted funds to receive lunch for a period of time.

SB 790 by Sen. Miles

Similar bill: HB 279 by Rep. Howard

The bill continues the Women's Health Advisory Committee until September 2019, rather than letting it expire in September 2017, so it can continue its work advising HHSC on women's health programs.

SB 1599 by Sen. Miles

The bill promotes best practices for reporting and investigating pregnancy-related deaths.

SB 1743 by Sen. Zaffirini

Similar bill: HB 3842 by Rep. Hinojosa

The bill transfers the Texas Office for Prevention of Developmental Disabilities to the University of Texas at Austin, allowing the Office to continue its work to reduce the incidence and impact of disabilities.

SB 1929 by Sen. Kolkhorst

Parts passed as amendment to SB 1

The bill directs the Texas Maternal Mortality Task Force to further study trends and disparities in pregnancy-related deaths and evaluate options for reducing pregnancy-related deaths and for treating postpartum depression among low-income women.

DID NOT PASS

Support Children

HB 1161 by Rep. S. Davis

The bill would have improved women's preventive care and birth outcomes by requiring Medicaid and some private insurance plans to allow enrollees to receive a 12-month supply of their prescribed contraception at one time.

HB 1408 by Rep. Cortez SB 53 by Sen. Zaffirini

The bill would have established 12-month continuous eligibility for Children's Medicaid to reduce gaps in kids' coverage and align with Texas CHIP and 18 other state Medicaid programs.

HB 2135 by Rep. Coleman

The bill would have required Medicaid for Pregnant Women and CHIP Perinatal program to cover postpartum depression screening and treatment services for up to a year after a child's birth.

HB 2403 by Rep. Thierry

The bill would have directed Texas' Maternal Mortality and Morbidity Task Force to evaluate health conditions and factors that disproportionately affect the most at-risk population, specifically Black women, and review best practices and programs in other states that have reduced maternal mortality and morbidity rates.

HB 2599 by Rep. Farrar

This bill would have extended Medicaid coverage for mothers to cover a full year after delivering a baby rather than the current two months of postpartum coverage.

HB 2604 by Rep. Farrar

The bill would have directed HHSC to develop and implement a five-year strategic plan to improve access to postpartum depression screening, referral, treatment, and support services.

HB 2664 by Rep. Miller SB 818 by Sen. Watson

The bill would have updated child care standards for nutrition, active play, and screen time so more young children receive nutritious foods and develop positive habits early.

HB 3151 by Rep. Sheffield

The bill would have created a pilot project to align the eligibility dates for families with multiple children enrolled in Medicaid and CHIP, enabling parents to enroll all of their children in coverage on one date annually.

Support Children (continued)

HB 3930 by Rep. Miller

The bill would have required most private insurers to cover specific ECI services, including speech therapy and specialized skills training, when needed under a child's Individual Family Services Plan (IFSP).

HB 3967 by Rep. Walle

The bill would have established a task force to study cost savings and effectiveness of requiring insurance coverage for ECI services.

SB 809 by Sen. Miles

The bill would have reduced gaps in coverage and teen pregnancy by automatically enrolling eligible women into the Texas women's health program when they are no longer eligible for Children's Medicaid or Texas CHIP.

YOUTH JUSTICE

Status as of May 29, 2017. The Governor may veto bills until June 18, 2017.

PASSED

Support Children

HB 674 by Rep. E. Johnson

Similar bill: HB 2616 by Rep. Giddings
Similar bill: SB 370 by Sen. Garcia

The bill limits out-of-school suspensions for students in grades pre-k through 2nd grade.

HB 932 by Rep. J. Johnson

Similar bill: SB 796 Sen. West

The bill requires improved data collection and information sharing for youth involved in both the juvenile justice and child welfare systems and directs TJJD and DFPS to develop reports on youth involved in both systems.

HB 1204 by Rep. White

The bill creates a mechanism to divert some ten- and eleven-year-olds from the juvenile justice system.

HB 1521 by Rep. White

Similar bill: SB 1857 by Sen. Whitmire

The bill requires improved information sharing between DFPS and juvenile probation in order to better serve youth in both systems and improve efficiency in both systems.

HB 2907 by Rep. White**SB 1836 by Sen. Burton**

Passed as amendment to HB 1204

The bill commissions a study on how youth who are charged with fine-only misdemeanors should be handled in the justice system.

SB 1304 by Sen. Perry

Similar bill: HB 2863 by Rep. White

The bill improves the handing of juvenile records, making the process more efficient and ensuring that youths' records do not make it more difficult to become successful adults.

SB 1548 by Sen. Menéndez

Similar bill: HB 3538 by Rep. Minjarez

The bill allows juvenile probation departments to provide services such as mentoring or mental health services for up to six months after a youth is discharged from probation if the youth agrees.

Impact Children

HB 156 by Rep. Raymond

The bill creates a pilot program allowing schools to send youth to ROTC programs rather than disciplinary alternative placements or juvenile justice alternative programs.

HB 678 by Rep. Wu

The bill changes procedures regarding which judges can enter a plea or a stipulation of evidence by a child to improve court efficiency.

SB 179 by Sen. Menéndez

Similar bill: HB 306 by Rep. Minjarez

The bill expands the authority of schools and law enforcement to punish cyberbullying and includes provisions aimed at creating safe and supportive school climates where bullying is less likely to occur.

DID NOT PASS

Support Children

HB 122 by Rep. Dutton

HB 676 by Rep. Wu

SB 941 by Sen. Hughes

The bill would have raised the age of juvenile court jurisdiction to include 17-year-olds.

HB 211 by Rep. Canales

The bill would have allowed youth committed to TJJD to participate in UIL sponsored activities, providing youth with incentives and opportunities to develop and grow.

HB 679 by Rep. Wu

The bill would have prohibited the indiscriminate shackling of youth in court, instead requiring courts to develop a policy to determine which youth may be shackled while in the courtroom.

HB 1015 by Rep. Dutton

The bill would have shifted the ages at which a youth may become involved with the juvenile justice system, raising the lower age of the system from 10 to 12 and the upper age limit from 16 to 17.

HB 1732 by Rep. Giddings

The bill would have required that schools track and report data on student interactions with police, including arrests, Class C complaints, and use of force.

Support Children (continued)

HB 1972 by Rep. Giddings

The bill would have required school police officers from districts with a student enrollment between 5,000 and 30,000 to participate in the youth-specific training that is already required of officers from districts that have a student enrollment above 30,000.

SB 1977 by Sen. Whitmire

The bill would have expanded the role of the independent ombudsman to include juvenile justice-involved youth in state hospitals and provided the ombudsman with appropriate access to records to ensure youth safety in juvenile probation facilities.

HB 1999 by Rep. Israel

The bill would have made the purchase, possession, or consumption of alcohol by a minor a civil offense rather than criminal offense, keeping minors from getting criminal records.

HB 2245 by Rep. Dukes

The bill would have limited the use of Tasers, pepper spray, and stun guns on students in schools.

**HB 2879 by Rep. Dutton
SB 1828 by Sen. Rodríguez**

The bill would have reformed the sex offender registry for juveniles adjudicated of sex offenses to keep youth off of public registries.

HB 3519 by Rep. White

The bill would have waived or reduced the fines and fees resulting from involvement with juvenile probation if paying the fines or fees would cause undue burden on the youth or the youth's parents.

SB 294 by Sen. Hinojosa

The bill would have prohibited the use of Tasers and stun guns on students in school.

SB 424 by Sen. Rodríguez

The bill would have limited the use of secure confinement for the youngest youth in the juvenile justice system.

SB 672 by Sen. Lucio

The bill would have required that school districts report the number of school police and security guards assigned to each campus.

Impact Children

SB 1350 by Sen. Watson

The bill would have continued the pilot project allowing for youth to be committed to the Travis County post-adjudication secure facility rather than to state-secure facilities.

Raise Concerns

HB 2872 by Rep. Burns

The bill would have rolled back previous reforms and allowed school police officers to write Class C tickets to students in Disciplinary Alternative Education Programs instead of filing a complaint with the courts.

**SB 1728 by Sen. Birdwell
HB 2441 by Rep. Goldman**

The bill would have made it easier for a juvenile court proceedings to be opened up to the media and the public, creating more opportunity for youths to be identified publicly.
