

86th Texas Legislative Session Recap

For the 86th Texas Legislative Session, TNOYS designed an advocacy campaign that recognized the strengths of young people and aimed to provide them with the resources and support they need to lead healthy and fulfilling lives. TNOYS staff were joined at the Texas Capitol by staff from our member organizations and young adults from our Young Adult Leadership Council (YALC), who put in countless hours sharing their perspectives with legislators to help advance policy changes that would positively impact youth. We are pleased to share that this hard work paid off in the form of several bills and budget decisions that we believe will truly make a difference in the lives of youth across systems. The summary below is intended to give youth and those who work with them an overview of the policy changes made that will impact them and their work.

Housing and Homelessness Services

More than 111,000 students in Texas schools are experiencing homelessness, and at least 15% of those are without a parent or guardian. During this past legislative session, TNOYS built on efforts we have undertaken for several years to bring greater awareness, support, and funding to this population to meet its unique needs. We shared data from our work on Youth Count! Texas, the first statewide count of homeless youth, and our 2018 joint report with Texas Appleseed, "Young, Alone, and Homeless in the Lone Star State." We also facilitated advocacy by youth from our Young Adult Leadership Council (YALC) who have first-hand experience with homelessness. We were pleased to see this increased attention help to drive a number of new policy changes that prioritize homeless youth, and for the first time, the Texas budget now has funding dedicated to supporting homeless youth and young adults.

Budget

TNOYS Priority: HB 1, TDHCA Rider 16: Funding to Address Youth Homelessness

HB 1 dedicated \$3 million in new state funding over the biennium for assisting urban areas in providing services to unaccompanied homeless youth and homeless young adults 24 years of age and younger. The Texas Department of Housing and Community Affairs (TDHCA) will distribute the new funds through the Homeless Housing and Services Program to the state's nine largest cities. The cities will then determine how to distribute the funding to community providers for services that may include case management, emergency shelter, street outreach, and transitional living.

Bills

TNOYS Priority: HB 2564 by Rep. White/Sen. Lucio works to ensure that Texas prioritizes homeless youth by adding homeless youth and young adults to the list of special populations that TDHCA must consider when evaluating housing needs across the state. It also improves collaboration by allowing the Texas Interagency Council on Homelessness to seek policy and programmatic assistance from a network of providers with expertise in assisting homeless youth.

TNOYS Priority: HB 692 by Rep. White/Sen. Watson prohibits the use of out of school suspension for youth identified as homeless except when the students have weapons, their behavior is assaultive, or drugs or alcohol are involved. The bill allows for the campus behavior coordinator to work with the school's homeless liaison to determine more appropriate disciplinary actions for students experiencing homelessness.

TNOYS Priority: HB 811 by Rep. White/Sen. West adds a student's status in foster care or homelessness to the list of mitigating factors that must be considered before exclusionary disciplinary action is taken a student so that before a foster youth or youth experiencing homelessness is removed from the classroom it is determined if given their living arrangements it is an appropriate action.

HB 123 by Rep. White/Sen. Watson exempts youth in foster care and youth who are homeless from the fees and parental consent requirements for obtaining birth certificates, state identification and drivers licenses.

Child Welfare

Given the significant reforms and funding increases for the foster care system during the 85th Legislative Session, it proved challenging to get more attention during this session for major policy changes or rate increases for placements in the foster care system. TNOYS spent a good amount of time working with stakeholders over the interim to develop policy recommendations around reforming Preparation for Adult Living (PAL), however such substantive changes to the system did not garner strong interest this session. With nearly all foster care placements in the continuum seeing rate increases last session, TNOYS prioritized increases for those that did not receive increases last session - Emergency Shelters and Supervised Independent Living.

Budget

TNOYS Priority: Budget Rider DFPS 26, Increase rates for emergency shelters

Texas Department of Family and Protective Services (DFPS) Emergency Care Services rate increased from \$129.53 to \$137.30

TNOYS Priority: DFPS Exceptional Item for SIL rate increase

The budget includes a 5% rate increase for Supervised Independent Living (SIL); because SIL rates vary, final rates will be determined through rule changes at DFPS. HB 1 also provided a new contracted case management rate specifically for youth with high needs to have the support they need in a SIL placement. DFPS expects the new funds will support 48 youth in SIL who would otherwise be in a higher level of care in extended foster care.

HHSC Budget Rider: Requires the Health and Human Services Commission (HHSC) to develop a new foster care rate methodology, allowing the agency to contract with an outside entity and requiring they seek input from stakeholders on the methodology.

TNOYS Priority: Fully funding implementation of Community-Based Care

The budget for next biennium funds stage II, including case management, in the three Regions currently implementing Community-Cased Care (3B, 2, 8A) and funds two new regions to begin implementing Community-Based Care (Regions 8B and 1).

TNOYS Priority: Increase staff and funding for PAL

- \$1,551,150 increase in funds for 11 new employees for additional PAL staff for independent living assessments legislatively required last session as well as to reduce caseloads.
- \$500,000 increase for purchased services to ensure resources are available to contractors.

DFPS Budget: Increase CPS frontline staff

\$3,286,545 for 30 new employees to address increased caseloads within Child Protective Services (CPS), such as foster care eligibility specialists, local permanency specialists and human services technicians.

DFPS Budget: Increase Funds for Prevention and Early Intervention (PEI)

While DFPS requested increased funds across Prevention and Early Intervention services, only Texas Nurse Family Partnership (TNFP) and Healthy Outcomes through Prevention and Early Support (HOPES) received an increase in HB 1.

- **HOPES** - \$1,455,749 in increased funds
- **TNFP** - \$2,889,823 in increased funds, as well as 1 new state employee to expand TNFP to a new region

Bills

HB 53 by Rep Minjarez/Sen. Powell expands life-skills training for youth aging out of foster care to include financial literacy such as budgeting and taxes as well as civic engagement and insurance.

HB 72 by Rep. White/Sen. Paxton allows for youth adopted out of foster care to remain on STAR Health.

HB 123 by Rep. White/Sen. Watson exempts youth in foster care and youth who are homeless from the fees and parental consent requirements for obtaining birth certificates, state identification, and driver licenses.

HB 475 by Rep. Howard/Sen. Watson ensures that youth in foster care who are parenting or pregnant receive developmentally appropriate information and support to ensure their children are safe and healthy.

TNOYS Priority: HB 811 by Rep White/Sen. West adds a student's status in foster care or with homelessness to the list of mitigating factors that must be considered before exclusionary disciplinary action is taken against a student. This helps ensure that a foster youth or youth experiencing homelessness will not be removed from the classroom unless that is determined to be an appropriate action given their living arrangements.

HB 1702 by Rep. Howard/Sen. Hancock improves higher-ed foster care liaison outreach to youth in or formerly in foster care.

HB 2764 by Rep. Frank/Sen. Hughes caps the number of training hours that a child placing agency can require to prepare new foster parents at 35 hours, allowing exceptions for those who will be taking in high-needs youth. It also allows child placing agencies to waive minimum standards for foster parents if they do not relate to the child in their care.

HB 3390 by Rep. Sanford/ Sen. Paxton directs caseworkers, guardians ad litem, and attorneys ad litem to ask youth in care if there is a person with a significant relationship with the youth and their family who could be a designated caregiver.

SB 355 by Sen. West/Rep. Klick requires DFPS to develop a strategic plan around implementing foster care prevention services as it relates to the Family First Preventions Services Act and includes requirements to coordinate the foster care prevention with Community-Based Care.

SB 781 by Sen. Kolkhorst/Rep. Leman seeks to improve services in residential treatment centers (RTCs) and reduce occurrences of youth from running away from RTCs. The final version of the bill is very different than the much talked about bill as filed. It requires DFPS to develop a strategy to reduce runaways from RTCs as well as monitor and coordinate with general residential operations (GRO) to ensure quality of care for youth. When applying to operate a GRO, the applicant now must develop an operational plan to include plans for community engagement, education, and addressing runaways; Residential Child Care Licensing (RCCL) is permitted to deny a license for a new residential operation if it is determined that the community does not have sufficient resources to support the youth who will reside in the facility or the facility does not have the support of the community. Before an operational license is renewed, RCCL must hold a public hearing if it is requested by a local county commissioner. Finally, SB 781 requires that DFPS develop a strategic plan regarding the residential placement requirements in the Family First Prevention Services Act including making recommendations on the implementation of the requirements for qualified residential treatment providers.

Child Sex Trafficking

Recognizing that trafficking is an issue that impacts youth and adults across systems and agencies, the Texas Legislature focused much of its efforts in this area during the 86th Legislative Session on prevention and training to identify potential victims and survivors of trafficking. At the same time, there were mixed efforts around the criminalization of trafficking survivors. On the youth side, legislation was passed, but vetoed by Governor Abbott, that would have prohibited youth from entering the justice system for prostitution/being trafficked. The Governor vetoed the bills over concerns that it could create an incentive to use more youth in prostitution.

Bills

SB 20 by Sen. Huffman/Rep. Thompson S requires HHSC in conjunction with an institution of higher education to develop a program to improve quality and access to care for victims of child sex trafficking. The bill also funds and requires the creation of two grant programs through the Office of the Governor and HHSC for training and prevention of trafficking.

SB 72 by Sen. Nelson/Rep. Guillen creates the human trafficking prevention coordinating council, composed of representatives from the Governor's Office and several state agencies, to develop and implement a five-year strategic plan for preventing human trafficking in this state.

HB 292 by Rep. Thompson/Sen. Huffman adds trafficking of persons into the basic training curriculum for peace officers.

HB 403 Rep. Thompson/Sen. Huffman requires training on sexual abuse, human trafficking, and other maltreatment of children for school board members and superintendents of independent school districts.

Youth Justice

While there were a number of major juvenile justice issues that had support in and passed out of the House, there did not seem to be an appetite in the Senate for juvenile justice reform, so no substantial changes were made to the Texas juvenile justice system this session. TNOYS and members of the Young Adult Leadership Council actively supported legislation that would have kept 10- and 11-year-olds out of the juvenile justice system and instead getting services through community based providers as well as decriminalization of Class C misdemeanors for youth; both issues passed the House but could not get hearings in the Senate.

Bills

SB 1702 by Sen. Whitmire/Rep. Dutton renews an expiring provision that provides the independent ombudsman for TJJJ access to inspect or investigate reported rights violations in any facility where an adjudicated youth is placed.

SB 1887 by Sen. Huffman/Rep. Murr allows for transfer of juvenile court cases to courts with a youth/families CPS case to follow the practice of "one family/one court."

HB 2184 by Rep. Allen/Sen. Huffman requires coordination and planning of a public school student's transition from an alternative education program back to a regular classroom. Alternative education program includes DAEP, JJAEP and juvenile justice placements.

HB 2229 by Rep. Johnson, J/Sen. Whitmire requires that a report on dual-status youth created by the Texas Juvenile Justice Department (TJJD) include data disaggregated by age, race, gender and offense and be made publicly available. The report is only required to cover youth in foster care who are in the deepest end of the juvenile justice system.

HB 2737 by Rep. Wu/Sen. Johnson requires the Texas Supreme Court and the Permanent Judicial Commission on Children, Youth and Families to provide judicial guidance to create uniformity across the state in CPS and juvenile cases including on: termination of parental rights, placement of youth with serious mental health issues, certification of youth as adults, and appearance of youth before a court, including use of restraints and clothing.

Public Education

It was evident from the start of this session that the Legislature's focus as it related to schools would be school finance and safety. TNOYS' focus as it relates to schools is on supporting students who are involved in or at risk of being involved in other systems. Recognizing that youth in foster care and youth experiencing homelessness are more likely to end up in the school to prison pipeline, TNOYS and YALC members supported legislation to reduce disciplinary actions against these populations. Overall, youth fared well in school-related legislation.

Budget

HB 1, TEA Rider 22: Increased Funding for Communities in Schools

In response to school safety concerns, the Legislature looked to increase a variety of supports to students in school, including nearly doubling state funding for Communities in Schools (CIS). HB 1 included \$30 million in new funds over the biennium to CIS.

Bills

HB 18 by Rep. Price/Sen. Watson focuses on increasing school capacity to support student mental health and suicide prevention, through training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs and services, and health care services for students.

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SB 11 By Sen. Taylor/Rep. Bonnen is the major school safety bill from this session, which includes hardening of schools but also includes provisions increasing trauma informed care in schools, requiring schools to create threat assessment teams to reduce the number of referrals to law enforcement, and requiring the Texas Education Agency (TEA) to develop an inventory of mental health resources that could be available to schools as well develop a statewide plan for students to have access to mental health supports. Finally, it creates the Texas Child Mental Health Care Consortium.