



children **atRisk**

88TH TEXAS LEGISLATIVE SESSION REPORT

Wins and Missed Opportunities for Texas Children

childrenatrisk.org

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EXECUTIVE SUMMARY

The 88th Regular Texas Legislative Session ended on May 29, 2023. Many legislators on both sides of the aisle prioritized kids, and CHILDREN AT RISK is celebrating some big wins for young Texans. From a constitutional amendment that will positively impact child care providers and working families to important new protections for victims of human trafficking, we have seen progress for children across a variety of issues.

Over the 140 days of the 2023 Regular Texas Legislative Session, staff at CHILDREN AT RISK registered support for bills 79 times and provided expert testimony on legislation 29 times. CHILDREN AT RISK organized four Advocacy Rallies to promote legislation on early childhood education, human trafficking, racial equity, and basic needs that brought hundreds of new and seasoned advocates to the Capitol.

There is still much work to do in Texas. Many issues went unaddressed, and several important pieces of legislation and budget items failed to pass. Texas even went backward in some areas of education and well-being. With nearly 50% of children living in low-income families, Texas citizens, policymakers, and advocates need to come together to ensure all children are safe, healthy, and receive quality education. This legislative report highlights wins and calls attention to missed opportunities so that we can all address them in the future.

CHILDREN AT RISK is particularly excited about these legislative wins and is honored to have played a key role in drafting legislation and passing the bills. We are grateful to our elected officials and partners without whom none of this work would be possible.

Early Childhood Education:

- SB 1145 and SJR 64 (West et al./Talarico et al.): A key part of supporting the child care workforce and making child care more affordable for working families is cutting costs for providers. The Texas Legislature passed a Joint Resolution and enabling legislation to put a constitutional amendment on the November ballot to create targeted property tax cuts for child care centers. Texas does not have an income tax, and property taxes are comparatively high as a result. The property tax cut must be from 50 to 100 percent. To be eligible for the tax cut, child care providers must participate in the Texas Rising Star Program (TRS) of the Texas Workforce Commission and maintain a minimum 20 percent enrollment of children receiving child care scholarships. If a child care provider is leasing a facility, the benefit must be passed down to the provider and not retained by the

property owner. If the constitutional amendment passes in November, counties and municipalities can easily adopt this tax exemption.

Equity:

- HB 567 (Bowers et al./Miles et al.): The C.R.O.W.N. (Create a Respectful and Open World for Natural Hair) Act bans race-based hair discrimination at school and work. Per the 2021 Crown Study for Girls, “half of Black mothers with daughters have encountered discrimination surrounding their hair as early as 5 years old, and a large majority reported hearing instances of such discrimination by their 12th birthdays.”¹ The C.R.O.W.N. Act will reduce the likelihood that people are removed from their schools or workplaces due to discrimination and attitudes toward their hairstyles.

Human Trafficking:

- HB 2313 (Thompson S. et al./Paxton): Like many new technologies, transportation network companies (TNCs), like Lyft and Uber, are unwittingly being used by human traffickers toward nefarious ends. To aid Texas in combating human trafficking, HB 2313 will require TNCs to provide training for drivers on how to recognize and report the trafficking of car passengers.
- SB 1527 (Huffman et al./Thompson S. et al.): A human trafficking omnibus bill including many provisions that will aid law enforcement and increase support for trafficking victims and survivors. These provisions include: 1) increasing charges to a 1st-degree felony if an actor uses strangulation or a deadly weapon, 2) adding child grooming as a human trafficking offense, 3) makes possession of more than 10 but less than 50 visual depictions of child pornography a 2nd-degree felony, and 4) makes possession of more than 50 visual depictions or a videotape/film of child pornography a 1st-degree felony, 5) removes the requirement to prove the elements of force, fraud, or coercion for vulnerable people with intellectual and developmental disabilities.

School and Child Program Safety:

- HB 1905 (Talarico et al./West): Every day, hundreds of thousands of children in Texas participate in organized activities and programs outside of public-school campus grounds. Concern is growing that the proliferation of school shootings will spill over to child care, out-of-school time programs, and private schools. HB 1905 allows Independent School Districts to open the door to training to the community at districts’ discretion. This bill maximizes taxpayer dollars and evidence-based practices and allows organizations that serve children an opportunity to better protect children, teachers, and staff. This bill was also the top priority for the Texas Family Leadership Council this session and CHILDREN AT RISK is grateful for the Council’s advocacy.

¹ Dove CROWN research study for girls. (2021). Conducted by JOY Collective. Retrieved 07/12/23 Online from https://static1.squarespace.com/static/5edc69fd622c36173f56651f/t/623369f7477914438ee18c9b/1647536634602/2021_DOVE_CROWN_girls_study.pdf

Health:

- Approximately half of pregnant women in Texas receive health coverage through Medicaid. HB 12 extends health coverage from 60 days to 12 months postpartum.

We thank all the people from across Texas who shared their stories, showed up to the Texas Capitol, made phone calls, and sent letters to improve the lives of children! The hard work and diligence paid off.

EARLY CHILDHOOD EDUCATION

As the 88th Legislature approached Texas, child care was still suffering the effects of the COVID-19 pandemic. Families had returned to needing child care but the Early Childhood Workforce had not returned. The child care industry was reporting a 24% loss of its workforce while many other industries had returned to pre-pandemic levels.² The teacher shortage was not only affecting K-12 schools but also child care. Child Care Deserts were also plaguing communities across the state. Child care deserts have increased by 62% across the state since March 2020. A third of all zip codes in Texas qualify as child care deserts, meaning that three times more children live in the zip code than the number of available child care slots.³ Texas had approximately 55 child care seats for 100 children ages 0-5 of working families and only 36 seats per 100 children of low-income working families. And the \$5.9 Billion of COVID-19 Relief monies from the federal government which in part provided direct funding through Stabilization Grants to support over 80% of Texas Child Care throughout the pandemic was ending. Without State investment in child care, the concern of more programs closing and fewer educators in the field was mounting. Our child care crisis would not only return but worsen.

Exposure to high-quality early childhood education (ECE) is the foundation for future academic success, especially for children from low-income backgrounds. For many of these children, ECE can buffer the negative effects associated with poverty and later academic achievement. Early learning is foundational to school readiness but also the Texas economy. Businesses depend on child care to maintain a reliable workforce. Parents need choices in their communities that they can afford, that allow them to work, and that prepare their children to be successful in school. Families are forced to become one-income households due to the inability to find high-quality, affordable child care. Therefore, Texas employers are missing out on valuable employees and talent. The lack of robust child care infrastructure in Texas is costing the state and Texas employers an estimated 9.39 billion dollars every year.⁴

Recognizing that Texas had a historic \$33 Billion budget surplus, and the federally funded COVID relief dollars were coming to an end, the time to invest in child care was now, therefore, the bold

² Coffey, M., & Khattar, R. (2022). The child care sector will continue to struggle hiring staff unless it creates good jobs. *Center for American Progress*. Retrieved Online 07/03/23 from <https://www.americanprogress.org/article/the-child-care-sector-will-continue-to-struggle-hiring-staff-unless-it-creates-good-jobs/>

³ CHILDREN AT RISK. (2022). *Summary for Texas*. Child Care Desert Dashboard. Retrieved September 19, 2022, from <https://childrenatrisk.org/childcaredesertmap/>

⁴ U.S. Chamber of Commerce Foundation. (2021). *How childcare impacts Texas's workforce productivity and the state economy: Untapped potential in TX*. Retrieved Online 07/03/23 from https://www.uschamberfoundation.org/sites/default/files/EarlyEd_TEXAS_2021_DIGITAL.pdf

decision was made to ask for \$2.29 Billion of state dollars for child care. This funding included the continuation of the Stabilization Grants for all child care providers across Texas and provided funding for recruitment and retention stipends for the Early Childhood Education Workforce. For the first time in history, a House Budget Rider authored by Representative Walle for the full amount was placed in Article XI of the State Budget. While ultimately the money did not make it into the final budget, testimony was provided in both the House and Senate Finance Committees and numerous bipartisan conversations happened in both the House and the Senate about the State's responsibility to provide funding for our child care system beyond what is needed to draw down the federal funding. This ask is not only a large amount, but also a culture shift to prioritize young children and their families as they navigate work and family during the years before public school. The interim time before the 89th Legislative Session in January 2025, will be used to work with Representative Walle and our other ECE champions to determine the next steps. The Early Childhood Education community from across the State come together in this historic ask. Through the efforts of many statewide and local organizations, child care providers, business leaders, advocates, and stakeholders, together brought the message of how child care is vital to our state's economy and Texas' future.

CHILD CARE QUALITY/ACCESS

With the budget surplus, the Texas Legislature wanted to provide property tax relief to Texas. **SB 1145 and SJR 64 (West et al./Talarico et al.)** will make it permissible for City and County tax authorities to give property tax relief to some child care programs. To be eligible, child care providers must participate in the child care scholarship program at the Texas Workforce Commission and must maintain enrollment of at least 20% of kids on scholarships. These bills require a Constitutional Amendment and will be on the November 2023 ballot for all Texas voters. This historic vote will be the first time Texas voters will be able to vote statewide on the importance of child care in their communities.

In the wake of the school shooting in Uvalde, Texas, it became clear that much attention has been spent on preparing school district personnel and communities to respond to an active shooter situation, but little had been done to support educators and staff in child care, out-of-school time, and private schools. **HB 1905 (Talarico et al./West et al.)** allows for school districts to make school safety training courses available to private schools, child care programs, and out-of-school time providers in their communities when appropriate.

HB 1615 (Button, et al./Birdwell et al.) solidified into statute two programs the Texas Workforce Commission (TWC) has implemented to support high-quality child care. First, the Pre-K Partnership Program within TWC will support child care programs to reach the requirements to

be an eligible provider to partner with local school districts to form a Pre-K Partnership between child care programs and Independent School Districts. The second program is the Child-Care Professional Development Scholarship Program. This program has been offered through TWC since 2011 and has financially supported thousands of early childhood educators who received their Child Development Associate (CDA), associate, or bachelor's degree in early childhood education. By solidifying both programs, we anticipate these supports having a long-term effect on high-quality child care for years to come. HB 1615 also added language requiring a member of the child-care workforce to serve on each Local Workforce Development Board.

In the most rural parts of the State where families are struggling to find child care, new child care owners are struggling to meet the qualifications to serve as a director of their program. **SB 1327 (Blanco/Rose)** passed into law and provides an Interim Director as an added resource. This new child care owners 12 months to obtain and meet the education requirements as long as all other requirements are met.

With the recognition that both child care programs and school districts are experiencing a teacher shortage, **HB 2729 (Harris, C./Creighton)** aimed at addressing this challenge for Pre-K Partnership classrooms by lowering the qualifications for Pre-K teachers. Pre-K Partnership classrooms are now allowed to employ a teacher with 2 years of experience in a nationally accredited or Texas Rising Star program and either a CDA or certified Montessori training. While this might help find educators to be in partnership classrooms in the short term, it does not provide a long-term solution to recruit and retain more educators in this field which cannot be done without addressing a pathway to achieve higher education and compensation.

MISSED OPPORTUNITIES

In every legislative session, many good bills do not make it across the finish line for one reason or another. This year, the Texas Legislature failed to pass some legislation that could have strengthened the early childhood education system for children and families.

HB 1834 (Thompson, S. et al.) would have allowed TWC to pay providers the reimbursement rate based on their Texas Rising Star Quality rating, even if their published rate to families is a lower amount. HB 1834 generated important conversations about the need for additional state dollars to adjust payment rates while maintaining the number of children in care.

Pre-K Partnerships have many obstacles and barriers that make the implementation challenging. One of those obstacles is the different income level eligibility requirements for the two programs.

To be eligible for Pre-K, a family needs to be at a certain threshold, and to be eligible for child care scholarships, that same family requires a different threshold. **HB 1614 (Dutton/Menendez)** would have streamlined the eligibility requirements for children enrolled in a Partnership classroom.

With 28 Local Workforce Development Boards (LWDB) across the state, there is a wide range of support and programs to ensure high-quality child care is available to families in their areas. **HB 1979 (Raney, et al.)** would have allowed LWDBs to provide data and help inform the target number of children served in their area based on local needs. HB 1979 would have also provided some consistency of information on each LWDB's website as well as increased the number of child care workforce representation on each LWDB. This bill had a historic vote in the Texas House with 139 yeas and only 2 nays. Yet, it failed to receive a hearing in the Senate.

An early childhood educator's journey to receive their higher education can be filled with many roadblocks including transitioning from receiving a CDA to deciding to go back to school for an associate degree in early childhood education. Many community colleges give credits for a CDA but there isn't a consistent number of credits given across the state. **HB 2264 (Talarico)** would have provided a minimum number of college credits for a CDA.

K-12 PUBLIC EDUCATION

With a \$33 billion surplus, Texans were excited about the possibility of a substantial investment into the education system but at the end of the 88th Regular Session, we are still waiting. State Representatives and Senators from both sides of the aisle agree that education plays a critical role in shaping young lives. They also agree about the importance of making sure our teachers are paid for their dedication and expertise. However, there is still vast disagreement on how we best support students, teachers, and schools. Disagreement about proposed voucher programs derailed debates about teacher pay and school finance. Many other bills focused on education were discussed, debated, and some cases passed into law.

Research indicates that children who graduate after receiving a high-quality education are more likely to secure long-term employment, cultivate stable family lives, and contribute actively to their communities. Despite the benefits of broad access to quality education, many proposed bills that sought to address these inequities failed to become law, leaving a significant gap between the urgent need for change. We have highlighted a few bills across various subsections of K-12 Public Education which passed during the 88th Regular Legislative Session below that will impact Texas' public education system.

GENERAL EDUCATION/EQUITY

HB 1905 (Talarico et al./West et al.) allows school districts in Texas to offer certain school safety training courses, including active shooter training, to employees of accredited private schools, child-care facilities, and organizations providing out-of-school-time care. Providing these training courses at no cost ensures that all educational institutions and organizations responsible for children's well-being have the necessary tools and knowledge to respond effectively to safety threats. This can enhance the overall safety and security measures in place, creating a safer environment for students and staff.

For years, families have had to make decisions when a statewide assessment fell on a religious holiday—do they send their child to school to be tested or do they observe their religious holiday? **HB 1883 (Bhojani et al./Kolkhorst et al.)** specifies that assessment instruments should not be administered on the first instructional day of the week or religious holy days, including various holidays such as Christmas, Diwali, and Yom Kippur. By avoiding assessments on religious holidays, students can fully observe and participate in their religious practices without the added stress or conflict of academic obligations.

The passage of **HB 567 (Bowers et al./Miles et al.)**, otherwise known as the CROWN Act (Create a Respectful and Open World for Natural Hair), prohibits discrimination based on hair texture or protective hairstyles associated with race in student dress or grooming policies in both school districts and institutions of higher education. This promotes inclusivity and equality by ensuring that individuals are not subjected to discrimination based on their hair texture or protective hairstyles, which have historically been associated with specific racial backgrounds.

HB 900 (Patterson et al./Paxton et al.) aims to ban sexually explicit materials from school libraries. The proposed law introduces book ratings based on sexual content and would require parental consent for some books with sexual references. Some have expressed concerns about potential discrimination, limiting access to diverse literature, and targeting books on LGBTQ+ subjects.

CURRICULUM

HB 1416 (Bell K. et al./Paxton et al.) aims to provide accelerated instruction to public school students in Texas. It requires school districts to align their curricular and instructional systems with essential knowledge and skills, address deficiencies in prerequisite knowledge and skills, and provide accelerated or supplemental instruction to students who perform poorly on assessments. This ensures that students receive the necessary support and resources to address their academic deficiencies and improve their performance.

While literacy scores have returned to pre-pandemic levels, Texas' student math scores have not. Promoting early exposure to advanced math and providing opportunities for students to excel in mathematics is the goal of **SB 2124 (Creighton et al./Howard)**. This bill requires each school district and open-enrollment charter school in Texas to develop an advanced mathematics program for middle school students, aiming to increase the number of students who take advanced math courses in high school and enroll in Algebra I by eighth grade. The program automatically enrolls sixth-grade students who perform in the top 40 percent on the fifth-grade math assessment or meet specific criteria, but parents or guardians can choose to opt their child out of automatic enrollment. This promotes early exposure to advanced math and provides opportunities for students to excel in mathematics.

TEACHER WORKFORCE

Criminal background checks are one way to ensure the safety and security of students by allowing educational institutions to screen potential employees for any criminal history that may pose a

risk. **SB 1471 (Bettencourt/Noble et al.)** allows the Texas Education Agency (TEA) to obtain criminal history records of applicants and employees of various educational entities, including private schools. This measure is beneficial as it helps ensure the safety and security of students by allowing educational institutions to screen potential employees for any criminal history that may pose a risk. By implementing background checks, it promotes a safer learning environment for students attending private schools.

House Bill 1, the State Budget that was signed by the Governor, included a rider that added \$5 million per year for the 2024-2025 biennium and the possibility of an additional \$2 million of matching donations allocated to the existing Texas Advanced Computing Center (TACC) to support computer science educators in Texas. It also intends to incentivize certification in computer science, promote partnerships between industry partners and educational stakeholders, and provide extra funding for teachers to enhance the quality of education in their classrooms.

SCHOOL POLICIES

HB 1212 (Jetton et al./Kolkhorst et al.) relates to the verification of excused absences from public schools to observe religious holy days. This positively impacts schools by recognizing and respecting the religious freedom of students and their families. Eliminating the requirement for documentation from religious leaders simplifies the process of excusing absences related to religious observances. This promotes inclusivity and ensures that students can freely observe their religious holy days without unnecessary bureaucratic hurdles.

Many times, truancy issues are more complicated than a child skipping school. There can be many family and social issues that are affecting a child's attendance. Punishing a family with fines and possible jail time only exacerbates the situation. **HB 3917 (Buckley/Middleton)** allows for a complaint filed against a parent for noncompliance with Texas truancy laws to be dismissed if the parent agrees to complete counseling, training, or another program as designated by the district. The bill also requires courts to dismiss charges against parents if they fulfill the terms of the agreement and allows for an extension of the timeframe if agreed upon by the district. This bill provides schools with a framework for addressing nonattendance issues and involving parents in the resolution process. Schools can now work collaboratively with parents and provide support that can help identify and resolve problems contributing to their child's unexcused absences, aiming to improve attendance rates and create a more positive educational environment for students.

MISSED OPPORTUNITIES

Despite the progress made throughout the 88th Regular Legislative Session regarding K-12 Public Education, there were also several missed opportunities surrounding the topics of Pre-K, school policy, and chronic absenteeism.

Chronic absenteeism was an issue before the pandemic and has only worsened since. Two bills this past Legislative session could have helped student outcomes by providing targeted support to chronically absent students, promoting data-driven decision-making, and increasing accountability for addressing chronic absenteeism. **HB 185 (González M. et al.)** would have defined chronic absenteeism and included it as an "at-risk" category, ensuring that these students receive additional support services. It would also require TEA to collect and report data on chronically absent students, allowing for a better understanding of the factors contributing to chronic absenteeism and enabling targeted interventions. In a similar vein, **SB 1888 (Bettencourt)** aimed to address the inclusion of chronically absent and truant students as students at risk of dropping out of school, along with the collection and reporting of data on these students. Schools and districts would have had a clearer understanding of the extent of chronic absenteeism and could have developed targeted strategies to address the issue effectively. This would have allowed for a more in-depth analysis of disparities and ensured that resources and interventions were directed toward closing achievement gaps among different demographic groups.

SB 1630 (Bettencourt/Dutton) would have required the adoption and implementation of an attendance policy by public schools in Texas to address truancy prevention. It would have required schools to inform students and parents about the importance of regular attendance and provide appropriate support to students who have attendance issues. It promotes awareness among students and parents about the consequences of truancy and the negative impact it can have on academic progress. The provisions, such as parental notifications and meetings with school officials, encourage collaboration between schools and parents to address attendance issues and create a supportive environment for students. Though a missed opportunity, it can lead to conversations to address the root causes of truancy, such as socioeconomic barriers, mental health issues, or family circumstances.

Programs aimed to meet the needs of and increase support for dual language learners are always striving to improve outcomes for students. **HB 2164 (Guerra et al.)** would have required TEA to create rules for a monitoring system that evaluates bilingual education and special language programs. The intent of this was to better understand what is working as well as improve the quality of dual language immersion programs.

Pre-K programs can provide a structured learning environment that promotes social, cognitive, and language development, which can be particularly beneficial for children with special education needs. **HB 3318 (Allen et al.)** would have expanded the eligibility criteria for children to enroll in free prekindergarten programs in public schools to include children eligible for special education services under an individualized education program to ensure that these children receive appropriate early intervention and support.

Learning to read is one of the major focuses of the first years of a child's formal education. Ensuring children have the tools, resources, and support needed to learn to read gives them the foundation to learn for the rest of their lives. **HB 2162 (Dutton et al./Middleton)** would have required school districts to adopt a reading curriculum, assessment instruments, and interventions, specifically around diagnostic tools and screening for dyslexia.

HEALTH & MENTAL HEALTH

Health and mental health continue to be polarizing topics at the Texas Legislature, as the Commonwealth Fund released their 2022 Scorecard on State Health Performance and ranked Texas 48th in the country.⁵ The tragic incidents in Uvalde and Allen have spurred conversations surrounding mental health. The last year has also brought maternal health to the center of debates around health in Texas with the Supreme Court striking down *Roe v. Wade* in June 2022 in the case of *Dobbs v. Jackson Women's Health Organization*. With this ruling, organizations and stakeholders in Texas have begun to pressure the Texas Legislature to address the maternal mortality disparities in Texas. According to the Texas Maternal Mortality and Morbidity Review Committee (MMMRC) in 2022, Black women are twice as likely as white women and four times as likely as Hispanic women to die from pregnancy-related causes. These trends were consistent with the 2013 findings from MMMRC and continue to highlight the vast racial disparities in Texas' state healthcare system. The MMMRC also found in 2022 that an estimated 44% of pregnancy-related deaths occurred within one year postpartum. Furthermore, 90% of those were preventable.⁶ The Speaker of the House came into the 88th Legislative Session prioritizing extending postpartum coverage to 12 months and further addressing the gaps in our state healthcare system.

HEALTH CARE COVERAGE

HB 12 (Rose et al./Kolkhorst et al.) allows Texans who receive their health insurance through Medicaid for Pregnant Women to keep their health coverage for 12 months after their pregnancy instead of two months. This will provide mothers with care during the critical postpartum period and allow them to continue healthcare services without an unnecessary disruption in their care. It also seeks to address racial disparities, ultimately creating healthier outcomes for all mothers in Texas.

With the passage of **SB 222 (Nichols et al./Metcalf et al.)**, state employees are now provided with paid parental leave for the birth or adoption of a child for up to eight weeks. It's important

⁵ The Commonwealth Fund. (2022). *2022 scorecard on state health system performance*. The Commonwealth Fund. Retrieved 06/28/23 from <https://www.commonwealthfund.org/publications/scorecard/2022/jun/2022-scorecard-state-health-system-performance>

⁶ Texas Maternal Mortality and Morbidity Review Committee. (2022). *Texas Maternal Mortality and Morbidity Review Committee and Department of State Health Services joint biennial report 2022*. Texas Department of State Health Services. Retrieved 06/28/23 from <https://www.dshs.texas.gov/sites/default/files/legislative/2022-Reports/Joint-Biennial-MMMRC-Report-2022.pdf>

to note that state employees are granted this paid leave for the birth of a child by their spouse too, and they are not required to first use their paid vacation or sick leave to take this paid leave.

Technologies are now available to detect vision problems noninvasively and provide more accurate data in ophthalmology. **HB 1297 (Dutton/Birdwell et al.)** allows for computerized visual screenings in schools rather than print visual screenings. It is important to note that this bill does not require schools to use computerized visual screenings, it simply gives them the option to if fiscally possible. This will ensure our children receive the newest technology for detecting vision problems, allowing them to seek out services from a younger age.

Texas Health and Human Services Department (HHS) has an Office of the Ombudsman that helps resolve complaints when a program's complaint process cannot or does not resolve the issue. The 84th Texas Legislature in 2015 passed SB 200, a bill that consolidated the ombudsman offices throughout Texas and made HHS responsible for their functions. While the offices were statutorily consolidated, the actual statutes throughout Texas law that govern these offices were not consolidated, creating confusion on the specific duties of each office. **HB 3462 (Noble/Sparks)** codifies into law that the executive commissioner of HHS establishes ombudsman programs for health and human services, children/youth in foster care, managed care assistance, behavioral health access to care, and individuals with an intellectual or developmental disability. The bill also accordingly aligns and standardizes the powers and duties of the ombudsman offices. This will ensure complaints of alleged abuse, neglect, or exploitation are properly handled by the ombudsman and provide more clarity regarding their duties, allowing the ombudsman to assist complainants in the most efficient manner possible.

FOOD INSECURITY

Food insecurity continues to be a rampant issue throughout Texas, and many Texans depend on the Supplemental Nutrition Assistance Program (SNAP) to consistently put food on the table for their families. Household income is one of the factors for SNAP eligibility. In Texas, the fair market value of the household's vehicles is also a factor. Before the legislative session, limits were \$15,000 for the first household vehicle and \$4,650 for any additional vehicle. These limits have not been updated since 2001 and fail to reflect the inflation and increased car values of today's economy. In 2019, 11,615 households were denied SNAP benefits because of the Vehicle Asset Test. By 2022, the number of rejections for SNAP eligibility due to the Vehicle Asset Test

skyrocketed to 54,740, nearly five times the amount from 2019.⁷ These outdated limits were hindering thousands of Texan families who are struggling with food insecurity from qualifying for SNAP. **HB 1287 (Guillen et al./Blanco et al.)** corrects this, increasing the vehicle value to reflect inflation at \$22,500 for the first vehicle and \$8,700 for additional vehicles. These new vehicle limits are more realistic values for what vehicles are worth in today's economy and will allow thousands more families in need who should be eligible, to qualify for SNAP benefits.

MENTAL HEALTH

President Biden signed the Bipartisan Safer Communities Act into law on June 25, 2022, which changed state reporting requirements to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NCIS) for mental health records that would disqualify a person from being able to purchase a firearm from a Federal Firearms Licensee (FLL). These changes included adding the mental health adjudications of juveniles aged 16 or older. However, Texas does not currently have a centralized database for adjudication information in juvenile cases, making statewide implementation difficult. **SB 728 (Huffman et al./Leach)** aligns Texas statute with Federal law and requires clerks to report to the Department of Public Safety (DPS): juveniles aged 16 or older found unfit to proceed, found not responsible, receiving court-ordered mental health services, or admitted to a residential care facility due to intellectual disability or mental illness in a delinquency proceeding. This will give DPS the necessary information that is now legally required to be reported to NCIS.

A legislative initiative known as the Mental Health First Aid (MHFA) initiative was enacted by the 83rd Legislature, and is an interactive, skills-based training course that helps persons identify, understand, and respond to signs of mental illnesses or substance use disorders. Local mental health authorities and local behavioral health authorities provide this training to eligible individuals. The MHFA Legislative initiative authorized grants for local mental health authorities to administer the training to school district employees. More recently, eligibility for the program was expanded to include other school district employees, school resource officers, and university employees. However, currently, the Health and Human Services Commission (HHSC) cannot fully optimize the program funds due to the stringent eligibility requirements. **HB 2059 (Price et al./Zaffirini et al.)** allows HHSC to optimize the use of these funds by expanding eligibility to youth, first responders, and military service members and veterans who want to participate in an MHFA program.

⁷ Story, W. (2023). *Texas food banks call for lawmakers to update the SNAP vehicle asset test*. Feeding Texas. Retrieved 06/29/23 from <https://www.feedingtexas.org/texas-food-banks-call-for-lawmakers-to-update-the-snap-vehicle-asset-test/>

2-1-1 FUNDING

2-1-1 Texas is a vital resource for Texans across the state who are looking for a variety of supports and services for their families including housing, food, and nutrition services, child care, and much more. 2-1-1 in Texas had not received an increase in funding in over 14 years. In those 14 years, Texas has grown, and technologies have changed. Accordingly, the Texas Legislature has allotted an **additional \$3.6 million** over the next biennium to support call center operations and provide technology upgrades.

MISSED OPPORTUNITIES

With the end of continuous Medicaid coverage following the pandemic, millions will lose healthcare coverage within the next year. **SJR 6/SB 39 (Zaffirini)** would have created a Constitutional Amendment that requires Texas to expand eligibility for Medicaid to those under the Patient Protection and Affordable Care Act. This would finally align Texas with the majority of states in applying the Affordable Care Act, providing coverage for thousands of Texans.

Schools play a vital role in children's health and development, including providing proper health services to students. **SB 2544 (Blanco)** would have reimbursed local school districts and open-enrollment charter schools for the provision of healthcare services to students. This would have incentivized schools to offer behavioral health and nursing services to their students, increasing access to proper healthcare.

The Supplemental Nutrition Assistance Program (SNAP) benefits provide immense support to people experiencing food insecurity. According to Health and Human Services, many adults ages 18 to 49 with no children in their home qualify for SNAP for only three months in a three-year period.⁸ A different process and longer period of benefits exist for people who are over the age of 60 or people with disabilities. SB 1685 (Blanco et al.) advocated for the expansion of SNAP benefits upon eligibility to 12 months.

Language remains a barrier to access to state services for the many Texans with limited English proficiency. **HB 5166 (Morales S./Menendez)** would have developed a language access plan to increase access for non-English speakers to the assistance provided under Health and Human Services programs. This bill would have also required health agencies to translate benefit

⁸ Texas Health & Human Services. (n.d.). *SNAP food benefits*. Texas Health & Human Services. Retrieved 07/02/23 Online from <https://www.hhs.texas.gov/services/food/snap-food-benefits>

application forms among other documents into additional languages other than English and Spanish.

According to the Hope Center's #RealCollege 2021 report, 43% of the college students surveyed experienced food insecurity while attending college during the pandemic.⁹ Together, **HB 1501 and SB 557 (West et al.)** aimed to expand SNAP benefits to students enrolled in higher education. They also would have allowed students to maintain eligibility during the break between semesters. In addition, a workgroup composed of members representing post-secondary education and nonprofit organizations serving this population would have been created to support this program.

⁹ The Hope Center (2021). *#RealCollege 2021: Basic needs insecurity among Texas college students during the ongoing pandemic*. The Hope Center. Retrieved Online 07/20/23 from https://hope.temple.edu/sites/hope/files/media/document/RC2020_RCTX.pdf

OPPORTUNITY YOUTH

Despite a decade-long drop in the opportunity youth population from 5.8 million to 4.4 million between 2011 and 2021 , the number of opportunity youth rose dramatically during the pandemic to more than 6 million.¹⁰ The term opportunity youth (OY) refers to youth between the ages of 16-24 who are disconnected from the conventional paths of adulthood (e.g., neither in school, nor training, nor in the workforce). This disconnection may stem from numerous factors – including but not limited to not finishing school, involvement in foster care or the juvenile justice system, being a teen parent, experiencing substance-use disorder, or even being thrust into the role of head of household when their former caregivers have suffered a negative economic shock.

The term opportunity youth has been used for the past decade in replacement of “disconnected youth” and is used, “as a reflection of the optimism they have for finding a pathway to economic stability, and as a reminder that investing in their futures represents an immense opportunity for employers and the nation. By improving outcomes for this population, businesses and communities have the potential to increase savings for society, improve the quality of talent available to employers, and interrupt a multi-generational cycle of poverty for youth and their families.”¹¹

With the recognition of the unrealized potential for opportunity youth and the staffing shortages felt statewide due to the COVID-19 pandemic, the 88th Texas Legislature focused on several bills related to opportunity youth and how we can further support this untapped population in Texas.

ACCESSIBILITY

Youth and young adults in rural areas of Texas have struggled to find education, training, and jobs. **HB 2209 (Lozano et al./Hinojosa et al.)** attempts to bridge this gap in our systems by establishing the Rural Pathway Excellence Partnership (R-PEP) program, a program aimed at incentivizing and supporting cross-sector rural college and career pathway partnerships that expand opportunities for underserved students to succeed in joining the workforce while

¹⁰ Lewis, K. (2021). *A decade undone: 2021 update*. Measure of America. Retrieved 07/03/23 Online from <https://measureofamerica.org/youth-disconnection-2021/>

¹¹ Corcoran, M., Hanleybrown, F., Steinberg, A., & Tallant, K. (2012). *The past and future evolution of conservation alliance*. FSG. Retrieved Online 07/03/23 from https://collectiveimpactforum.org/wp-content/uploads/2021/12/Collective_Impact_for_Opportunity_Youth_Report.pdf

supporting rural development. The bill also allows rural districts interested in forming collaborative partnerships with higher education institutions and businesses to access financial incentives for the partnership.

There are several different workforce training/education programs for Texans throughout the state that are operated by the Texas Workforce Commission (TWC) and overseen by the local workforce development boards. The current wage and outcome information reported on these programs shows mixed results with a lack of clarity due to insufficient data collection. These gaps make targeted programmatic changes to improve participants' outcomes more difficult. **HB 1703 (Ordaz/Blanco)** uses more defined methods of measuring wage outcomes and revises requirements related to workforce development program evaluation to gain a better understanding of programmatic outcomes. The bill also creates a pilot program that requires data collection/analyses of career training and education programs in the Borderplex workforce development area. This pilot program, if proven to be beneficial, would then be considered for statewide implementation in 2028, further improving data collection for opportunity youth.

Universities and other higher education institutions often use early/priority registration to allow students with time constraints to register for courses ahead of the general student body. This registration policy, if applied to parenting students, can greatly assist them in time management between school, child care, and work. **SB 459 (Paxton et al./Harris, C. et al.)** addresses this critical gap by requiring public higher education institutions to provide early registration for courses for a student who is the parent/legal guardian of a child under 18 years of age. These provisions will apply for courses beginning 2024 spring semester. By removing this significant obstacle for parenting students, higher education institutions can encourage them to continue their education, positioning themselves and their families for success.

To further encourage parenting students to continue their education and earn their degrees, the 88th Texas Legislature also passed **HB 1361 (Morales et al./Eckhardt et al.)**, which requires public higher education institutions to appoint one university employee to act as a liaison officer between parenting students and the educational institution. The liaison officer will provide support services and explain resources available to parenting students, such as food access, affordable housing/housing subsidies, or any other resources developed by the university that could assist parenting students. This bill also requires public higher education institutions to collect data on this population and submit an annual report to the Texas Higher Education Coordinating Board.

MISSED OPPORTUNITIES

While this progress was incredible for improving access to training and education for opportunity youth, there were a few missed opportunities that did not make it across the finish line.

The 28 local workforce development boards strategically develop their objectives, goals, and performance measures for the programs they provide, but currently are not required to strategically plan specifically for opportunity youth ages 16 to 24. **HB 2302 (Johnson, A. et al.)** would have addressed this by requiring local workforce development boards to lay out specific goals, objectives, and performance measures for opportunity youth in their strategic planning. This bill passed the House but was left pending in committee in the Senate.

Even before the pandemic, Texas had a problem with chronic absenteeism in its schools. Statewide, chronic absenteeism averaged 15.2% in 2021-2022 school and varies dramatically by region. Chronic absenteeism is an early warning sign that a student may need help. Under current statute, students determined to be "at-risk" of dropping out receive additional support services, but chronic absenteeism is not listed as an "at-risk" category, nor is it defined in Texas statutes. **HB 185 (González, M. et al.)** would have corrected this by defining chronic absenteeism in the Texas Education Code as a student who misses 10% or more of instructional time within an academic year for any reason. It would also add chronic absenteeism to the "at-risk" category to enable schools to better support chronically absent students and reduce their risk of dropping out. With better data, we could address the root causes of chronic absenteeism and adequately support at-risk students. This bill passed through the House but was left pending in committee in the Senate.

HUMAN TRAFFICKING

Human trafficking is an issue that has plagued Texas for years now; the number of cases has risen every year since 2007. In 2020, Texas had the highest number of human trafficking arrests with 185 arrests, and the National Human Trafficking Hotline was tipped to 993 cases in Texas, the second most in the country behind only California. Over 25% of all human trafficking court cases in Texas involve a child victim.¹² According to Demand Disruption, the number of Texas Illicit massage businesses (IMBs), a common front for prostitution and human trafficking, nearly doubled between 2018 and 2022.

PREVENTION

SB 1527 (Huffman et al./Thompson et al.) addressed a multitude of issues related to human trafficking, including changes to the Penal code regarding the offenses of trafficking, changes to the duties of the Texas Human Trafficking Prevention Task Force, changes to extraneous admissibility in the prosecution of individuals suspected of human trafficking, and more. The Texas Human Trafficking Prevention Task Force is obligated to craft legislative recommendations aimed at enhancing both state and local initiatives to combat human trafficking. These recommendations are intended to bolster measures that prevent human trafficking, safeguard, and support its victims, suppress economic systems that enable human trafficking, as well as examine and bring to justice those responsible for committing such heinous acts. SB 1527 removed the requirement to prove that a trafficker used force, fraud, or coercion to traffic adult victims with certain debilitating disabilities. This change enables prosecutors to better hold traffickers accountable who are targeting particularly vulnerable populations. The bill specifies that traffickers who use threats with a deadly weapon or strangle their victim can be charged with a first-degree felony. SB 1527 codifies the Task Force's legislative recommendations and requires them to examine the relationship between massage businesses and human trafficking. It also adds the Texas Education Agency and the Texas Department of Agriculture to the Human Trafficking Prevention Council and expands extraneous offense admissibility to continuous and labor trafficking. Also, SB 1527 defined child grooming in Texas statute and added protections for children from grooming, and increased the penalty for traffickers who use excessive force against their victims. Lastly, SB 1527 makes possession of more than 10 but less than 50 visual depictions

¹² Human Trafficking Courts. (n.d.). *Human trafficking in Texas: Facts, statistics, shelters and prevention organizations*. Human Trafficking Courts. Retrieved Online 07/02/23 from <https://htcourts.org/texas/#:~:text=2020%20recorded%20the%20highest%20number,second%20highest%20number%20after%20California>.

of child pornography a 2nd-degree felony and makes possession of more than 50 visual depictions or a videotape/film of child pornography a 1st-degree felony.

Transportation Network Company drivers are (likely unwittingly) transporting human trafficking victims while working. Law enforcement has gathered evidence of human trafficking victims, including child victims, being transported by rideshare app. **HB 2313 (Thompson S. et al./Paxton)** requires transportation network companies to provide human trafficking training materials to their drivers regarding human trafficking awareness and how to report such instances. This will allow rideshare company drivers to better detect signs of human trafficking in their clients and can serve as first reporters.

Texas law currently gives commercial landlords exceptions from standard eviction requirements if a tenant is using the property for human trafficking or prostitution. However, there is no parallel protection for landlords if they want to evict a tenant using the property for an illicit massage business. To continue cracking down on the human trafficking that occurs in IMBs in Texas, **HB 3536 (Manuel/Paxton)** provides protections to landlords that evict a tenant operating a massage establishment that is not in compliance with state law/licensing relating to massage therapy. Reinforcing the crackdown on human trafficking in illicit massage businesses, **HB 2016 (Hernandez/Zaffirini)** was also passed this session, prohibiting a person who committed a sexual assault offense from obtaining massage licensing in Texas.

Children's development can be severely harmed by early exposure to sexually explicit content, and in today's world, this content typically comes from the Internet. The current Texas statute doesn't require online publishers of sexually explicit content to have an age-verification method before accessing their website and the average age at which a child first sees pornography is twelve years old.¹³ Garnering inspiration from Louisiana's age verification act, the Texas Legislature passed **HB 1181 (Shaheen et al./Paxton et al.)**, which requires publishers of sexually explicit content to enact an appropriate age-verification method to access their websites. Publishers are not allowed to maintain this data past the verification due to privacy reasons for minors, but publishers can be administratively penalized by the State if they fail to comply.

Several child pornography statutes have not been updated to reflect the technological progress that has been made as a country and are considered by many to be outdated. **SB 129 (Springer et al./Meyer)** updates the Code of Criminal Procedure for possession of child pornography to

¹³ Common Sense Media. (2023). *New report reveals truths about how teens engage with pornography*. Common Sense Media. Retrieved Online 07/02/23 from <https://www.common sense media.org/press-releases/new-report-reveals-truths-about-how-teens-engage-with-pornography>

better reflect the technological advancements made so law enforcement and prosecutors can better protect vulnerable children. Specifically, SB 129 increases felony punishments and provides sentencing guidelines for the number of sexually prohibited materials.

SURVIVOR SERVICES

Address confidentiality programs (ACP) are a program that seeks to empower survivors of certain violent or abusive crimes by shielding their addresses from public records. Currently, Texas has an ACP that allows victims/survivors of family violence, sexual assault or abuse, stalking, or trafficking of persons, to enroll in and have their addresses kept confidential. However, victims of child abduction are not explicitly identified as eligible program participants. To ensure children and families that are victims of child abduction can safely rebuild their lives, **HB 1161 (Meyer et al./Parker)** reinforces the importance of protecting our children by including victims of child abduction in the eligible ACP participants.

Presently, per Texas law, for an individual who has suffered harm to be recognized as a victim of commercial sexual exploitation, the involvement of a third party is a prerequisite. This requirement places a heavy responsibility on the victim to identify another individual who could be unknown or close to the individual. This issue causes some individuals to be unwilling to report or identify their traffickers due to either the bond they had created with them or because the minors no longer consider themselves to be victims of human trafficking. It also means these victims of human trafficking don't qualify for the State's supportive grant programs because they are not considered victims according to Texas statute. **HB 844 (Patterson et al./Paxton)** rectifies this by removing the third-party identification requirement for a person to be considered a victim of human trafficking and allows them to qualify for the grant programs they deserve. The bill adds soliciting and patronizing of any person to the definition of human trafficking in Texas statute.

Labor trafficking continues to be prevalent in Texas, as a survey of organizations that support trafficking victims in Texas found that an estimated 50% of victims were labor trafficking victims, and 20% labor trafficking victims were children.¹⁴ The Texas Workforce Commission (TWC) is the state agency in charge of enforcing the child labor laws in Texas. Current statute does not allow child labor investigators to appeal TWC's decision on a child labor investigation if the investigator disagrees with TWC's ruling. **HB 2459 (Vo; Bryant/Alvarado)** attempts to address this gap in the child investigation process by allowing for an appeals process for child labor investigators if they

¹⁴ Attorney General of Texas. (n.d.). *Labor trafficking in Texas*. Attorney General of Texas. Retrieved Online 07/03/23 from <https://www.texasattorneygeneral.gov/human-trafficking-section/what-human-trafficking/labor-trafficking-texas>

disagree with TWC’s decision, providing more opportunities in the appeal process for both parties, allowing child labor investigators to administer a penalty if an employer is found to be in violation of child labor laws, and subjecting a sexually oriented business that employs an individual younger than 21 years of age in violation of state law to that penalty. With these changes, Texas will be better prepared to intervene when employers are violating child labor laws.

MISSED OPPORTUNITIES

Automated teller machines (ATMs) are familiar conveniences that can be categorized into two groups: “branded” and regulated ATMs operated by financial institutions and credit unions, and largely unregulated “white label ATMs” that are owned by individuals or companies. White-label ATMs (WATMs) can be owned and operated by anyone and purchased on the Internet from sites such as Craigslist. There is almost no oversight. While WATMs are a valuable part of our financial system, particularly in rural areas where there are fewer brick-and-mortar banks, WATMs are also inextricably linked to vice crimes and human trafficking. Criminals can exploit our state’s lack of ATM regulation to transfer their illicit profits and cater to buyers. **HB 350 (Thompson S. et al.)** would have addressed this by mandating all WATMs be registered to a publicly available database. Registering WATMs would have prioritized investigations, enabled law enforcement to immediately determine persons of interest, reduced the need for victim testimony, facilitated the investigation of financial crimes, and permitted the discovery of larger criminal networks involved in human trafficking at IMBs.

As stated earlier, the IMBs continues to expand in Texas, and there is a lack of incentive for local government attorneys to pursue IMBs to recoup illegally obtained profits. Currently, Texas statute does not explicitly state where penalty fees garnered by local attorneys go for civil cases against IMBs. **HB 444 (Thompson, S. et al.)** would have permitted local government attorneys to collect fees of up to 10,000 dollars per violation in Chapter 455 actions they bring against alleged IMBs. By ensuring that these fees go back to the locality, local attorneys can justify the devotion of resources to civil actions against IMBs. Furthermore, hefty penalty fees would hamper these IMBs from simply reopening under a different name at a different location.

Tattoos are oftentimes seen on victims of sex trafficking, as traffickers will tattoo their name or a distinctive symbol to show that the victim is their “property.”¹⁵ Thus, tattoo artists and piercers are likely (unknowingly) encountering human trafficking victims at their work. Currently, they are

¹⁵ Partners for Vulnerable Youth. (n.d.). *Tattoos of human trafficking victims*. National Association of Pediatric Nurse Practitioners. Retrieved Online 07/01/23 from <https://www.napnappartners.org/tattoos-human-trafficking-victims>

not required to be trained in identifying signs of human trafficking in their clients. **HB 3501 (Thimesch et al.)** would have required employees of tattoo or piercing studios to complete approved training in identifying and assisting human trafficking victims.

Overall, we saw much progress made in preventing human trafficking in our state and Texas continues to be one of the leaders in anti-human trafficking laws. We are proud of the achievements made in this session to protect children from traffickers and look forward to continuing our research on IMBs and determining the next steps for missed opportunities.

CHILD WELFARE

Child welfare has been a polarizing topic for the 88th Regular Legislative Session for a multitude of reasons, including the incidents in Uvalde, the Refuge in Bastrop, and the ongoing federal lawsuit against the State for their handling of children in the Texas child welfare system. In the wake of such events, legislators, and constituents alike search for ways to prevent such tragedies from occurring in the future. The 88th Texas Legislature focused on how we can better protect our children in a variety of environments, including schools, child care centers, and the child welfare system.

Texas has been embroiled in a federal lawsuit, overseen by U.S. District Judge Janis Jack, for over seven years due to the State's alleged failure to protect children in their conservatorship. In a scalding 2015 ruling, Judge Jack stated, "Foster children often age out of care more damaged than when they entered," highlighting the abuse that was concealed in our child welfare system for years. **HB 730 (Frank et al./Hughes et al.)** hopes to address this opaque system by providing more transparency throughout the child investigation process. It aims to address certain procedures that take place from the moment the Texas Department of Family & Protective Services (DFPS) first interacts with a family until a child is removed, by introducing mandatory notifications regarding parental or caregiver rights, improving investigation criteria, revising conditions for ex parte hearings, and implementing measures of accountability to guarantee the highest level of transparency and thoroughness for families under investigation.

The act of removing a child from an abusive or neglectful household is an extremely distressing occurrence. Although state law permits the court-ordered removal of parents and caregivers, numerous parents and caregivers opt to voluntarily step aside, ensuring the child remains in the home as a means of reducing the child's trauma. **HB 968 (Gates et al./Kolkhorst)** will turn this voluntary process into a mechanism in Texas family law by providing a parent/caregiver who is accused of abuse or neglect the option to voluntarily remove themselves from the home, keeping the child in their home.

However, there were also policies passed that will make keeping our most vulnerable population safe more difficult. **HB 63 (Swanson et al./Sparks et al.)** will prevent Child Protective Services (CPS) from accepting anonymous reports of child abuse or neglect unless it is in the case of an emergency. While this bill had good intentions, it could deter people who are afraid of repercussions, such as those in mixed-status households, from reporting cases of child abuse or neglect.

CHILD SAFETY

Hundreds of thousands of children are interacting with Texas' child care system every day, yet child safety discussions rarely included the child care system until now, as the Texas Legislature has made it clear that safety for children outside of school is also paramount. There are several bills related to this that have passed in the 88th Regular Legislative Session.

Currently, public and private schools are required to use a pre-employment affidavit that requires prospective employees to disclose whether they have ever been charged, adjudicated for, or convicted of an offense relating to an inappropriate relationship with a minor. However, child care centers were not included in this requirement. **SB 1469 (Bettencourt/Noble et al.)** corrects this by including child care centers in the statute and requiring them to also use a pre-employment affidavit relating to an inappropriate relationship with a minor for prospective employees. It's important to note this affidavit does not bar employment, it simply requires disclosure, but lying on the affidavit is grounds for termination.

In 2019, the 86th Legislature passed SB 11, which created safe and supportive school teams and threat assessments in school districts across Texas. These threat assessments include assessing the behavior of individuals who exhibit concerning behavior, gathering relevant information, and connecting the individuals to mental health providers for evaluation and/or treatment. However, there is currently no requirement for parental involvement throughout the threat assessment process for the accused. **HB 473 (Hull et al./Sparks)** addresses this by requiring the school to notify the parent of a child being assessed, allowing the parent to be involved in the process.

The use of certain restraints and chemical irritants on our students in schools since returning to school from COVID-19 has called into question the use of such drastic measures on young children, with over 35,000 incidents of a child being restrained in a Texas school for the 2021-2022 school year. **SB 133 (West et al./Hull et al.)** addresses this unnecessary use of force on our children by prohibiting the use of restraints and chemical irritants on children under the age of 10 unless they pose harm to themselves or others.

A legislative initiative known as the Mental Health First Aid (MHFA) initiative was enacted by the 83rd Legislature, and is an interactive, skills-based training course that helps persons identify, understand, and respond to signs of mental illnesses or substance use disorders. Local mental health authorities and local behavioral health authorities provide this training to eligible

individuals. The MHFA Legislative initiative authorized grants for local mental health authorities to administer the training to school district employees. More recently, eligibility for the program was expanded to include other school district employees, school resource officers, and university employees. However, currently, the Health and Human Services Commission (HHSC) cannot fully optimize the program funds due to the eligibility requirements. **HB 2059 (Price et al./Zaffirini et al.)** allows HHSC to optimize the use of these funds by expanding eligibility to youth, first responders, and military service members and veterans who want to participate in an MHFA program.

Current statute doesn't require organizations with children under their care to ensure the children wear life jackets before entering a swimming pool or open waters, and drowning is the number-one cause of unintentional injury or death in children ages 1-4.¹⁶ **HB 59 (Goodwin et al./Zaffirini et al.)** requires child care organizations, like schools, preschools, kindergartens, or camps, to obtain written parental notice stating whether their children can swim or not, and if they can't, to fasten a U.S. Coast Guard-approved life jacket on children who can't swim and are likely to encounter open waters under the care of the child care organization.

After the tragic situation at the Refuge in Bastrop, a foster care facility for victims of human trafficking, in which an employee was accused of soliciting and selling sexually explicit photos of two girls in the facility's care, it was later found that the employee had a history of misconduct at a state juvenile facility.¹⁷ Despite the Refuge conducting a background check, they claimed the misconduct did not appear throughout their check. **SB 1849 (Kolkhorst et al./Noble et al.)** was born out of this tragedy and creates an interagency search engine that links the "do not hire" lists of the Texas Department of Family and Protective Services, Texas Health and Human Services Commission, Texas Juvenile Justice Department, and Texas Education Agency. This will allow leaders of our most vulnerable population, such as foster care providers/facilities and schools, to use the search engine when conducting their background checks, showing if the prospective employee has a history of misconduct at a juvenile facility, school, or child care facility.

¹⁶ Johnson, M., & Lawson, K. (2022). *One Texan dies from drowning every day! A report on fatal unintentional drownings, Texas, 2006-2020*. Dell's Children Medical Center of Central Texas. Retrieved 07/02/23 Online from https://www.researchgate.net/publication/362800253_One_Texan_dies_from_drowning_every_day_A_report_on_fatal_unintentional_drownings_Texas_2006-2020

¹⁷ Despart, Z., & Oxner, R. (2022, April 21). *Refuge employee in child abuse scandal was previously fired for misconduct* | *The Texas Tribune*. The Texas Tribune. <https://www.texastribune.org/2022/04/21/refuge-employee-fired-child-abuse/>

RACIAL EQUITY

Hair discrimination is a current unnecessary burden that polices Black identity. Black people are vulnerable to facing consequences in the workplace and schools. For their natural hair, this negative impact is even more pronounced, as Black women are 1.5x more likely to be sent home from their workplace. This trend was also seen in the number of Black women who were also 80% more likely to change their hair to comply with an office setting. Black students, specifically Black girls are more prone to violating the code of conduct because of their hairstyles. **HB 567 (Bowers et al./Miles et al.)**, known as the CROWN Act, stands for “Create a Respectful and Open World for Natural Hair,” and was passed to create a process to combat and reduce hair discrimination in all workplaces and academic settings throughout the state of Texas. With many cases involving Black children and adults being discriminated against daily due to their natural hairstyles, the CROWN Act will ensure protections so that all types of environments are free of any discrimination.

There were two significant wins in religious inclusion in educational settings. **HB 1212 (Jetton et al./Kolkhorst et al.)** prohibits a school district from requiring a note from a clergy member or other religious leader to excuse a student's absence related to the observance of a religious holy day. The school district is required to accept a note from the student's parent or person standing in parental relationship. Additionally, **HB 1883 (Bhojani et al./Kolkhorst et al.)** requires that a board of trustees or governing body must provide alternative assessment dates for a student who was absent from school to observe a religious holy day or period of observance. TEA may adopt rules as necessary to ensure these provisions. The bill defines a “religious holy day or period of observance” as a holy day or period of holy days observed by a religion whose places of worship were exempt from property taxation, including All Saint's Day, Christmas Day, Diwali, Eid al-Adha, Eid al-Fitr, Good Friday, Immaculate Conception, Passover, Rosh Hashanah, Vaisakhi, Vesak, and Yom Kippur. A school district's board of trustees or an open-enrollment charter school's governing body may make considerations for the above days and periods of observance likely to be observed by its students for the administration of assessments during that school year, with certain restrictions.

SB 17 (Creighton et al./Kuempl et al.) passed and was signed by the governor. The bill prevents public colleges and universities in Texas from having diversity, equity, and inclusion (DEI) offices or policies. The bill also prohibits hiring or employment practices that consider race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes, in accordance with any applicable state and federal anti-discrimination laws. Under SB 17, university employees in charge of hiring new faculty or staff are not able to ask job candidates about their understanding of the value of diversity or how they would work to create a campus

where everyone feels welcomed. Training that discusses race, ethnicity, gender identity, or sexual orientation cannot be required. The bill also requires university system boards of regents, who are appointed by the governor, to create policies to discipline or even fire employees who participate in any efforts to foster diversity. In addition, the legislation includes strict requirements to make sure universities are following the law. Schools would have to prove to the Texas Higher Education Coordinating Board that they are complying before they can spend any state money each year, and university system leaders would be required occasionally to testify before lawmakers that they have not launched any DEI initiatives. The state auditor would conduct compliance audits at least once every four years at each institution. Universities that violate the law could lose state funds for a year. The legislation also allows students and employees to sue schools if they're forced to participate in any DEI training.

MISSED OPPORTUNITIES

Having an active Office of Minority Health Statistics and Engagement would centralize information about health disparities in minority groups and create a hub for existing local and federal offices to facilitate cohesive policies promoting access to healthcare for all Texans. **SB 180 (Miles/Walle)** was introduced to re-establish the Office of Minority Health Statistics and Engagement. This is important because Texans need a state office dedicated to collecting and analyzing data on disparities in health outcomes. The goal is to fully equip policymakers with centralized information about health disparities while working with existing local and federal agencies to develop strategies to repair the damage exacerbated by the pandemic. Although the bill did not pass the introduction stage, re-establishing the Office of Minority Health Statistics and Engagement as part of the Texas Department of State Health Services (DSHS) is important because it will ensure that our state is ready to respond to the disparate needs of all Texans amidst the aftershocks of COVID-19.

The Sunset Review is a legislative oversight tool that is used to hold state agencies accountable. Created in 1977 by the Texas Legislature, the Sunset Review seeks to ensure that state agencies are performing at a high standard via an impartial, nonpartisan public forum held to evaluate the need for a state agency and its effectiveness, efficiency, and responsiveness to the public. The Sunset Review process has a proven track record of improving state laws that have led to major policy changes in nearly every area of state government. **SB 1240 (LaMantia/Canales)** if passed would have required that all Sunset Reviews assess the agencies' efforts to reduce racial disparities. This requirement utilized an existing process in the Sunset Review to evaluate how different sectors of state government are addressing racial disparities in the areas they work in. By ensuring that state agencies like the Texas Education Agency and Texas Health & Human Services Commission are working to address disparities in the outcomes of their work, Texas can improve efficiency and move closer to becoming a state where everyone benefits from an

equitable playing field. While this measure was not passed, there is some hope that it may be a point of discussion during the interim in the Speaker’s House Select Committee on Educational Opportunity and Enrichment, which calls for the consideration of modernizing assessment and accountability measures for Texas students.

CONCLUSION

CHILDREN AT RISK applauds legislators who worked tirelessly on this session on behalf of kids and families. Thanks to them and the advocates who lobbied, testified, and supported legislation, significant improvements were made for children in the 88th Texas Legislative Session. Although much more is needed and there is more to be done, legislative victories for children were related to the early childhood education system, increased access to health coverage and services for mothers, combatting human trafficking, and tackling food insecurity.

ABOUT CHILDREN AT RISK

CHILDREN AT RISK’s mission is to serve as a catalyst for change to improve the quality of life for children through strategic research, public policy analysis, education, collaboration, and advocacy. CHILDREN AT RISK is a research and advocacy nonprofit leading the way in improving the quality of life for Texas’ children. CHILDREN AT RISK considers the whole child by tracking issues in children’s health, safety, education, and economic security. Committed to action beyond the data, CHILDREN AT RISK drives evidence-based change by speaking out on behalf of children. For more information, visit childrenatrisk.org.

CHILDREN AT RISK is a 501(c)(3) nonprofit organization (EIN: 76-0360533).

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