



children *atRisk*

87TH TEXAS LEGISLATIVE SESSION REPORT

Wins and Missed Opportunities for Texas Children

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EXECUTIVE SUMMARY

The 87th Texas Legislative Session began in January and ended 140 days later on May 31, 2021. Almost 7,000 bills were filed, and 1,073 made it to Governor Greg Abbott's desk. The Governor chose to veto 20 bills passed by the Texas Legislature in 2021.

During the 87th session, legislators wrestled with topics critical to children, including access to broadband, COVID-19 recovery, child care and early childhood education, health and human services, disaster recovery, human trafficking, and the foster care system. However, with nearly 50% of children living in low-income families, there is still much to do to ensure all children are safe, healthy, and receive quality education.

CHILDREN AT RISK tracked hundreds of bills over the 140 days. We registered support for bills 93 times and provided 21 written testimonies and 20 oral testimonies. Among our many legislative priorities, 14 bills became law. These victories included bills related to early childhood education for infants and toddlers, public education, health coverage, mental health, and human trafficking. Other bills, such as those related to racial equity and racial disparities, failed to pass. This report highlights some of the bills that impact children and families that advocates and legislators focused on during the 87th Texas Legislative Session.

BILL HIGHLIGHTS

It was a banner legislative session for early childhood education policy with the passage of several bills. These new laws will increase access to quality affordable care for infants and toddlers living in low-income families and strengthen the early childhood education workforce.

- **HB 2607 (Talarico et al./Lucio)** requires subsidy providers to participate in the state's previously voluntary quality rating and improvement system, Texas Rising Star. With an appropriate phase-in period and increased access to supports and coaching, HB 2607 improves the quality of care available to more than 136,000 children currently enrolled in a subsidized program.
- **HB 1792 (Button et al./Zaffirini)** streamlines the evaluation of child care providers participating in the Texas Rising Star system.
- **HB 619 (Thompson, S. et al./Alvarado)** requires TWC to collect additional data and develop a strategic plan to support a sustainable child care workforce.
- **SB 1555 (Zaffirini/Raney et al.)** brings much needed financial relief to providers and incentivizes high-quality care by increasing state reimbursement rates.

This session also contributed to ending human trafficking and child-exploitation.

- **HB 1540 (Thompson, S. et al./Huffman)** is the Texas Human Trafficking Prevention Task Force’s omnibus bill. This bill provides extra protections for children in residential treatment centers. It increases the penalty for soliciting sex from a Class A misdemeanor on the first offense to a state jail felony, among several other anti-human trafficking provisions.
- **HB 2633 (Johnson, A. et al./Huffman)** establishes a human trafficking grant program that provides resources for youth and young adult victims of human trafficking, including housing and long-term support.
- **SB 315 (Huffman/Hunter et al.)** prohibits sexually oriented businesses from employing individuals under 21.
- **HB 390 (Thompson, S. et al./Huffman)** requires hotels and motels to train their employees on human trafficking prevention and reporting. The businesses must also post signs in areas visible to employees that provide reporting information.

One bill increases the well-being of families and helps to prevent child abuse through improved data practices and evidence-based prevention programs.

- **SB 452 (West/Rose)** revises state standards for evidence-based prevention programs to ensure Texas provides the best possible programming and services to prevent child abuse or neglect.

There were four legislative wins related to children’s health & nutrition.

- **HB 133 (Rose et al./Kolkhorst)** extends the eligibility of mothers on Medicaid from two to six months. (The original bill called for an extension up to 12 months.)
- **HB 2658 (Frank/Kolkhorst)** is an omnibus bill that takes several steps to improve the administration and operation of the Medicaid managed care program including several programs that positively impact children. Notably, this bill provides continuous eligibility for children receiving medical assistance under Medicaid. The bill allows children uninterrupted health coverage for six months and reduces administrative burden.
- DSHS is required to provide a biannual immunization report. For years that include the declaration of a public health disaster, **SB 1353 (Miles/Guerra)** requires this report to describe the accessibility of vaccinations based on age, race, and location to determine disparities in immunization. The report must also estimate the economic benefits of reducing these disparities and include legislative

recommendations to minimize them. This bill contributes to a more equitable distribution of vaccines in a public health disaster.

- **SB 224 (Perry et al./Walle et al.)** simplifies the process of renewing SNAP benefits for those who are aged 60 or older. This benefits the large number of Texas children who live with or are cared for by grandparents or elder relatives.

There were five legislative wins related to public education.

- **SB 560 (Lucio/Guerra et al.)** requires the state to develop a strategic plan to improve access to high-quality bilingual education.
- **SB 179 (Lucio/Huberty et al.)** ensures school counselors spend most of their workday supporting and counselling students and protects them from getting overburdened with administrative and other non-counselling related tasks.
- **HB 3643 (King et al./Taylor)** establishes the Texas Commission on Virtual Education to develop and make recommendations on virtual education for public schools. The bill also provides for funding virtual education under the newly established Foundation School Program.
- **SB 2081 (Menéndez/Talarico)** limits the size of public prekindergarten classes.
- **HB 1525 (Huberty et al./Taylor)** is an omnibus “clean-up” bill. It requires school districts to accept a donation designated to fund supplemental educational staff positions from parent-teacher organizations . The bill allows federal COVID relief funds to expand options for college, career, and military readiness. It directs additional funding to chronically underperforming campuses that implement ‘Resource Campus’ models that include lower staffing ratios, strategic teacher compensation, and family engagement plans. Additionally, the bill provides guidelines on how much may be allotted for school districts under the Fast Growth Allotment program, which distributes funds based on number of students enrolled in a given school year.

Texas missed opportunities to address systemic racism and childhood racial disparities.

- **SB 399 (Lucio)** would have assessed state agencies’ efforts to reduce racial disparities via the Sunset Advisory Commission and **HB 710 (Coleman et al.)/ SB 108 (West)** would have given legislators a tool to evaluate the impact of pending legislation on childhood racial disparities.
- Numerous bills were filed to reinstate and provide appropriate funding for the Office of Minority Health Statistics and Engagement. None became law.

EARLY CHILDHOOD EDUCATION

Exposure to high-quality early childhood education (ECE) is the foundation to 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. Increasingly, ECE is seen as a promising mechanism for promoting positive literacy, numeracy, social-emotional and cognitive skills. Vast amounts of research supporting the positive effects of high-quality ECE serve as further evidence that access to high-quality ECE for infants, toddlers, and preschool-aged children is essential for our most vulnerable populations. A child's brain is constantly growing and making connections that future learning is built upon. Children participating in ECE prior to kindergarten, on average, have higher high-school graduation rates, lower enrollment in special education programs, and lower rates of behavioral issues later in life.

Despite the importance of early childhood education, many children in Texas lack critical access to high-quality and affordable child care. In Texas, there are more than 2 million children under the age of 5, half of whom are living in low-income households. Prior to COVID-19, roughly 1-in-10 low-income children (0-5) in Texas lived in a child care desert. Around 90,000 low-income children under age 6 with working parents lived in zip codes where the supply of subsidized child care met less than a third of the demand. The state's quality rating and improvement system, Texas Rising Star, reached only a fraction of low-income children and the child care providers who serve them. There were roughly 17,000 child care providers (center and home child care) in Texas, but only 46% of providers participate in the subsidy program, and roughly 22% of subsidy providers participate in the TRS system.

Recognizing that these deficiencies can be ameliorated through legislative action, Texas lawmakers passed numerous bills that improve access to quality early childhood education to thousands of low-income families during the 87th Legislative Session. Improvements were made to the Texas Rising Star program, workforce development efforts, accountability and transparency in the child care system, health care, and more.

CHILD CARE QUALITY AND ACCESS

Strengthening Texas' only quality rating improvement system, Texas Rising Star, is one of the most important strategies to ensuring that low-income infants and toddlers have access to quality care and that child care providers are supported. Texas Rising Star is also the only quality rating system in Texas that looks at the quality standards for programs that care for infants and toddlers. **HB 1792 (Button et al./Zaffirini)** requires the Texas Workforce Commission to establish a centralized body to oversee a statewide roster of qualified assessors for child programs in Texas Rising Star. This effort would ensure that child care programs in Texas

Rising Star have reliable access to these high-quality assessors and would minimize delays in the assessment process as well as improve efficiency.

HB 2607 (Talarico et al./Lucio) creates a mandatory entry-star level for child care providers in the subsidy program. Providers must meet minimum quality standards to receive technical assistance from Texas Rising Star to qualify for the entry-level rating and can only stay in the entry-level for a pre-allotted time. Supports and resources offered will improve a child care provider's ability to improve quality and move up in TRS status. HB 2607 also requires the Texas Education Agency to collect and report data on child care providers that have entered Pre-Kindergarten Partnerships. Pre-K partnerships between school districts and child care providers are an effective strategy to ensure that eligible children receive full-day pre-K.

Infant and toddlers are often the costliest age groups to care for because of the child-to-caregiver ratio required. However, reimbursement rates for subsidy providers caring for these age groups do not reflect these higher costs. **SB 1555 (Zaffirini/Raney et al.)** helps to address this by requiring that local workforce boards implement graduated reimbursement rates for subsidy providers that align the Texas Workforce Commission's age groupings with the child-to-caregiver ratios and group sizes adopted by the Health and Human Services Commission. The graduated rates provide the highest reimbursement rate to child care providers that provide care to children with the lowest child-to-caregiver ratio. The bill would also require workforce boards to examine and implement strategies to address the increased cost a Texas Rising Star provider incurs caring for infants and toddlers due to low child-to-caregiver ratios.

HB 619 (Thompson, S. et al./Alvarado) creates a central taskforce to develop a statewide plan for improving and strengthening the early childhood education workforce, including infant, toddler, preschool, and school-age educators. The taskforce, which will be comprised of a variety of stakeholders and experts in the child care industry, will investigate strategies to improve elements of the child care workforce such as compensation, credentialing, pay disparities, and access to professional development. This bill is an important step on the path to fostering an early childhood workforce that is high-quality and supported in Texas.

SB 225 (Paxton/Sanford), also known as Ellie's Law, requires child care providers to report all current and previous registration or licensing numbers to the Health and Human Services searchable database. This bill mandates that the database include detailed information on prior involuntary suspensions for child care centers and any of their employees. Prior to this bill, child care providers only needed to list their current address when applying for a license and registration. This meant that prior violations or involuntary suspensions under a different address would not be visible in the database of child care providers. Ellie's Law increases transparency by ensuring that these violations remain visible and allows parents to make more

informed decisions about placing their children in a child care facility. This bill also includes a benefit for infant care, requiring a standard for supervision for infants engaging in tummy-time.

MISSED OPPORTUNITIES

Although early childhood education made substantial legislative gains this year, there were also several missed opportunities to advance quality child care for all Texas children. **HB 1964 (Lopez)** would have required a statewide study to understand the true cost of quality child care. While past research has shown the benefits of quality early childhood education, the hidden costs are lesser known. Child care providers often charge parents prices they can afford, and these market prices do not capture the true costs of operating a high-quality center. Had this bill passed, the resulting study would have illuminated the disparities faced by providers and could have influenced the implementation of reimbursement rates that more accurately cover the needs of providers.

SB 971 (Zaffirini)/HB 1364 (Romero, Jr. et al.) would have ensured a stable supply of high-quality child care for low-income children by improving contracted slot agreements. With contracted slots, local workforce boards contract out a certain number of subsidy seats from a child care provider. Contracted slots allow providers to continue to receive reimbursement rates for that slot while they work to fill it. This bill would have given local workforce boards the flexibility to allow a child care provider to recommend a child to fill a vacated seat, thereby streamlining the placement process and addressing need in the provider's local community.

PRE-K-12 EDUCATION

School quality varies greatly across the state, and equitable access to quality education and experiences has not been prioritized in the past or during this session. Schools are critical institutions for fostering the well-being of the whole child. Beyond academic enrichment, schools offer vital health and social-emotional supports for children. However not all schools have access to the same resources. Persistent socioeconomic and racial inequalities have led to unbalanced opportunities for low-income and minority students. In the 2020-21 school year, 60% of Texas students were classified as economically disadvantaged. Concentrating students with social and economic disadvantages in racially and economically homogeneous schools further depresses student performance.

Beyond existing inequities, COVID-19 resulted in even greater disparities in Education and exacerbated many issues that existed prior to the Pandemic. The resulting shift to online learning impacted school aged children through various issues such as attendance, access to critical resources to allow for online learning, quality of education/retention of knowledge, as well as concerns around mental health.

Research shows that children who graduate and have access to quality education in elementary through high school are more likely to find sustained employment, have stable family lives, and be active and productive members of society. A good education provides substantial benefits to children and creates broader social and economic community wide benefits. Although some bills passed that improved school aged children's school experience, many proposed bills that would have moved towards more equitable supports for students statewide did not become law, despite the many benefits of broad access to quality education.

PRE-KINDERGARTEN

SB 2081 (Menéndez/Talarico) limits the size of pre-K to 4th grade classes to no more than 22 children per classroom. Currently, pre-K is excluded in this size limit. These class size limits would have also extended to child care providers who are in partnerships with school districts to provide public pre-K.

HB 725 (Patterson et al./Zaffirini) allows children who were in foster care in another State or territory to be eligible in a prekindergarten class if the child is at least three years old and resides in Texas. Children who have been in the foster care system outside of the State and have been relocated to Texas will continue to have access to free Pre-K. This will be a vital tool in expanding access to education to disadvantaged children.

CURRICULUM

Seeing the need for an improved bilingual education program in schools, the Texas Legislature passed **SB 560 (Lucio/Guerra et al.)**, which establishes the Strategic Plan to Improve and Expand Bilingual Education. Under this law, the Texas Education Agency must collaborate with the Texas Higher Education Coordinating Board and the Texas Workforce Commission to develop a program that includes increased numbers of educators certified in bilingual education and dual language programs and education for families and school employees on the importance of bilingual education in early childhood. Through this program, students who do not have English as their first language can efficiently learn English.

HB 2256 (Guerra et al./Creighton) expands bilingual education for Limited-English Proficiency (LEP) children with disabilities by establishing a bilingual special education certificate. The certification would require teachers to take a skills-based course that focuses specifically on educating these children. This bill would increase the number of teachers skilled in this particular focus area, thereby improving the quality of education received by Limited-English Proficiency children with disabilities.

HB 4545 (Dutton/Taylor) is aimed at addressing learning loss and providing accelerated learning supports. This bill will form an accelerated learning committee (formerly grade placement committee) for students who do not perform satisfactorily on third, fifth, and eighth grade math or reading assessments. The bill allows the committee to assign a master, exemplary, or recognized teacher for the student, and parents may request the same. The bill prohibits schools from taking away recess time to students in accelerated learning. Furthermore, this law establishes the Strong Foundations Grant Program for schools serving students enrolled in Pre-K to the fifth grade. The grant is designed to award schools that implement a rigorous school approach that combines high-quality instruction, materials, and support structures. Through this law, students are obtaining the additional academic support they need, and schools are rewarded for their hard work.

SCHOOL FUNDING

The Texas Legislature also passed an omnibus “clean-up” bill, **HB 1525 (Huberty et al./Taylor)**, which accomplished several important things including, requiring school districts to accept a donation designated to fund supplemental educational staff positions from parent-teacher organizations and spend the donation within the time period specified by the school. Furthermore, this bill allows federal COVID relief funds to expand options for college, career, and military readiness, directs additional funding to chronically underperforming campuses that implement ‘Resource Campus’ models that include lower staffing ratios, strategic teacher compensation and family engagement plans, and the law provides guidelines as to how

much may be allotted for school districts under the Fast Growth Allotment program, which distributes funds based on the number of students enrolled for a given school year.

SCHOOL HEALTH

HB 699 (Rosenthal et al./Zaffirini) amends the Education Code to excuse students for absences resulting from serious or life-threatening illnesses or related treatments that makes the student's attendance impossible. The student's excused absence could not be considered in determining whether the student had satisfied attendance requirements for receiving credit or a final grade for a class. By excusing absences related to medical treatment, this change to the law will help students with severe illnesses and chronic medical conditions advance in their studies. This allows students to take the time needed to receive medical care without facing unnecessary consequences for their justified absence.

Counselors often spend a significant amount of time administering and evaluating standardized testing, meaning they cannot focus on performing other duties relating to students' personal and career development and mental health. **SB 179 (Lucio/Huberty et al.)** requires school districts to adopt a policy requiring that counselors spend at least 80% of their time on work specific to their counseling program, which does not include work related to administering tests. This will grant counselors greater time in addressing the specific needs of students and improve mental health services for students.

The Collaborative Task Force on Public School Mental Health Services evaluates mental health programs in public schools. However, there has been some debate around TEA's authority to access this information. **HB 2287 (Thompson, S./Powell)** establishes TEA's ability to access certain types of deidentified information on school-based mental health programs. These statutory changes will improve the Task Force's ability to evaluate mental health outcomes for students across the state, and it is essential in the fight for the improved mental health of Texas students.

SB 279 (Hinojosa/Bucy et al.) updates the Education Code by requiring every student ID card issued by a public school to a student in the sixth grade or higher to include contact information to the National Suicide Prevention Lifeline and the Crisis Text Line. This enables students to easily access information and mental health resources in a critical time of need.

SCHOOL DISCIPLINE

Concerning school discipline, **HB 785 (Allen et al./Zaffirini)** requires students' behavioral improvement or intervention plans to be reviewed at least annually to address changes in the student's circumstances that may

impact the student's behavior and the safety of the student or others. This law updates restraint and time-out procedures by requiring that school districts provide written notification to a student's parent or guardian relating to the restraint or time-out, any efforts made to de-escalate disciplinary situations, and any alternatives in discipline that were attempted.

VIRTUAL LEARNING & AGENCY COORDINATION

If a school offers solely virtual instruction for more than one grading period during a school year, **SB 481 (Kolkhorst/Schofield)** allows parents to transfer their children for that year to another school district that offers in-person instruction, as long as the transfer is accepted by the new school district.

HB 3643 (King, K. et al./Taylor) establishes the Texas Commission on Virtual Education, whose purpose is to develop and make recommendations on virtual education for public schools. The commission is required to make suggestions for funding under the newly-established Foundation School Program. Set to begin in the 2021-2022 school year, the Commission consists of 13 people, including a current or retired classroom teacher with at least 10 years of experience and 1 member of the civic community.

HB 1247 (Lozano et al./Powell) directs the Texas Education Agency to establish the Tri-Agency Work-Based Learning Strategic Framework, whereby the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission will collaboratively develop a program where students can have work-based learning opportunities, such as youth apprenticeships, internships and virtual workspaces. Agencies can now develop high-quality programs that give students a unique experience by engaging in work that is backed by academic development.

MISSED OPPORTUNITIES

Although the Texas Legislature passed important education bills for children in Texas, there were several missed opportunities. These included bills that would improve the State's STEM program, allow students to obtain educational material through declared disasters, and improve the education system through consistent review.

A student who is chronically absent in any year between eighth and twelfth grade is seven times more likely to drop out of school. **HB 823 (González, M.)** would have created the definition of "chronically absent students:" students absent for more than 10% of the school year or six-week grading period. This bill would

have required schools to report data on these students and included chronically absent students in the “at-risk” category of dropping out. Chronic absenteeism is an early warning sign for educators.

SB 462 (Lucio/Allen) would have directed school funds to be allotted for transporting meals and instructional materials to students during a declared disaster. The bill directed transportation for this purpose to last for the duration of the declared disaster, and schools would be reimbursed on a per-mile basis for the cost of transporting those meals and instructional materials to a student’s residence or to another location designated by the district, or to be picked up by the student. This bill would have allowed students to continue to receive vital meals and reduce barriers to education during times of crisis.

Schools should be environments where learning, not fear, is fostered. **HB 2975 (Hull et al.)** would have prohibited school officers from detaining or using pepper spray on children 10 years old or younger. It would have prevented the unnecessary use of extreme force against young children.

IMMIGRATION

Immigration continues to be a highly politicized and polarized issue. The Texas Legislature successfully passed legislation that improves and expands high-quality bilingual education and expanded the definition of *colonia* self-help centers. However, the Legislature missed opportunities to address the exploitation of migrant laborers and labor trafficking.

Colonias are unincorporated low-income areas along the U.S.-Mexico border. *Colonia* self-help centers have been established to assist these areas, but unfortunately lack adequate resources. *Colonia* self-help centers provide assistance and education around how to obtain, build, purchase, and maintain safe housing. **HB 1301 (Guillen et al./Zaffirini)** expands the definition of these self-help centers to include assisting families to improve their living conditions and providing financial literacy and professional development training. The bill will also require a report describing the unmet needs within *colonias* and promising recommendations for improvements.

There are many areas in Nueces County that qualify as *colonias*. However, there have been no self-help centers established in the area. **HB 2893 (Herrero/Hinojosa)** would require that the Texas Department of Housing and Community Affairs establishes a self-help center in the county to grant them access to federal funding and additional resources that will benefit the community.

SB 560 (Lucio/Guerra et al.) and **HB 2256 (Guerra et al./Creighton)** are major wins for bilingual education in the state of Texas. **SB 560** mandates that the Texas Education Agency, Texas Higher Education Coordinating Board, and the Texas Workforce Commission create a strategic plan to improve and expand bilingual education in Texas. The strategic plan would identify strategies to achieve goals such as expanding the number of bilingual educators, increase the number of dual-language immersion programs, and educate families and educators on the importance of language acquisition in early childhood. As research on the benefits of a dual or multi-lingual education and the diversity of Texas grows, this bill helps to improve the educational development of children across the state.

There is currently no certification for bilingual special education, and there is a lack of training for teachers of students with disabilities and limited English proficiency. **HB 2256 (Guerra et al./Creighton)** creates a certification and allows for greater equity in the education of these students. It also equips teachers with the tools required to overcome barriers to teaching.

MISSED OPPORTUNITIES

While there were areas of progress made in Immigration, there were significant missed opportunities to bring justice and equity. **SB 682 (Blanco)** is one of these missed opportunities, which would have made providers of migrant labor housing facilities accountable for health and safety violations for immigrants living in those facilities. This bill would have been an obstacle for human traffickers by drawing the attention of law enforcement to facilities where trafficking is suspected, and as a result shutting these facilities down. Furthermore, this bill would have prohibited a person from retaliating against an agricultural worker for filing a complaint or providing information of a possible violation.

HB 820 (White) would have required businesses in Texas with annual gross receipts that exceed \$500 million to conduct an audit of the business's supply chain and on-site services, and to investigate for the use of forced labor by the business and the business's suppliers. This bill would have required an in-depth factual and financial investigation to determine whether there was, under Federal and State standards, human trafficking in any aspect of the business's affairs. Businesses who engaged in human trafficking could have received an administrative penalty of up to \$100 million.

HEALTH & MENTAL HEALTH

The past year has brought healthcare inequities sharply into focus. The 87th Texas Legislature responded by passing bills that increase access to medical help for children during pandemics and disasters, ensure diabetic children continue to receive insulin and insulin-related supplies, and provide children with routine dental services, among others.

The COVID-19 pandemic has also brought the need for accessible mental health to the forefront. The Legislature passed bills that removed barriers to health care for children and new mothers, provided mental health services for children at risk of relinquishment, and required the Texas Education Agency to report on mental health. With 17%¹ of youth experiencing mental health disorders, Texas must continue to do its part to make sure help is given to those who need it.

HEALTH CARE COVERAGE

Child care advocates successfully pushed for legislation to provide continuous maternal coverage under Medicaid. **HB 133 (Rose et al./Kolkhorst)** is a major maternal health bill that expands Medicaid access for children and pregnant women with health risks. The legislation ensures that children and pregnant women receive case management under the Medicaid care program and requires an investigation into streamlining care for pregnant women in the Healthy Texas Women Program. It also expands Medicaid coverage to women six months after they have given birth. These changes are vital to ensure that low-income women and children have access to affordable pre- and post-natal care.

HB 2658 (Frank/Kolkhorst) is an omnibus bill that takes several steps to improve the administration and operation of the Medicaid managed care program including several programs that positively impact children. Notably, this bill provides continuous eligibility for children receiving medical assistance under Medicaid. The bill allows children uninterrupted health coverage for 6 months and reduces administrative burden.

Access to affordable insulin was a priority for several legislators this session. The list price of one vial of insulin has skyrocketed over the last 60 years from 75 cents to \$250 according to a report released by TIME's Grant Burningham. **SB 827 (Kolkhorst et al./Lucio III et al.)** caps prices at \$25 for each insulin prescription per month for those insured and on state-regulated health plans. Under current law, in the event that a provider may not renew a prescription in time, or another complication arises, a pharmacist may still dispense a 3-day

¹ National Alliance on Mental Illness. (2020). Retrieved from https://www.nami.org/NAMI/media/NAMIMedia/Infographics/NAMI_YouAreNotAlone_2020_FINAL.pdf

emergency supply of insulin to a patient. However, this 3-day supply is often insufficient and does not last the patient the time necessary to sort out the issue with their provider. **HB 1935 (Bucy et al./Miles)** will grant pharmacists the right to dispense up to a 30-day supply of insulin, ensuring patients do not go for extended periods of time without their life-saving medication in emergency situations.

Currently, dental services provided through telehealth are not reimbursed. **HB 2056 (Klick et al./Perry)** includes dentists as part of telemedicine and telehealth and sets regulations for professionals in terms of what they are allowed to do through telecommunications. This would increase access and education to those in rural areas and where health infrastructure can be lacking, opening the door for healthier lives across the state.

There are currently grants offered by the Health and Human Services Commission (HHSC) for community mental health programs. However, the population and funding requirements for these grants can make it difficult for some organizations and programs to qualify. **HB 3088 (Coleman et al./Kolkhorst)** lowers some of these requirements for programs in smaller communities, allowing small, local programs to become eligible to receive this additional funding.

Suicide has been a prevalent issue in the state of Texas, ranking as the state with the second highest number of deaths by suicide. **HB 4074 (Hunter et al./Menéndez)** would form a subcommittee to evaluate suicide prevention data and efforts in the state, and from there, a 5-year statewide suicide prevention plan must be developed to address this pressing issue.

SB 454 (Kolkhorst/Lambert et al.) would require local mental health authority groups to meet quarterly to discuss ways of reducing costs of serving those experiencing a mental health crisis and reducing both incarceration and hospitalization of those with a mental illness.

Children in the foster care system are eligible for Medicaid up to age 26. However, the complicated renewal process means that some are kicked off every year. **SB 1059 (Paxton/Klick)** extends the timeline for renewal and streamlines the process, including allowing for renewals to be done online, resulting in decreased gaps in coverage. This will secure their access to critical healthcare that is guaranteed to them and removes barriers that prevent them from doing so.

Under the current law, a victim of sexual assault can be denied a forensic examination if the report is not made within 96 hours of the incident. **HB 2462 (Neave et al./Paxton)** would extend this timeline to 120 hours, granting victims greater time to be properly examined, without being penalized for taking additional time to

come forward and report these traumatic incidents. The bill would also remove any time limitation for minor victims of sexual assault.

Mental illness and substance disorders can often be disregarded as less important than other health issues. **HB 2595 (Price et al./Nelson)** designates October as Mental Health Condition and Substance Use Disorder Parity Awareness Month. This bill would also require the creation of a portal for enrollees of a healthcare plan to submit parity complaints, holding insurance companies accountable in properly covering behavioral health services. This bill will begin to break down some of the stigma around treatment of mental illness and substance disorders.

The Texas Medicaid Section 1915(c) waiver programs allow for those with a physical or mental disability to receive care in home communities, rather than institutional settings. However, the waitlist for this program is very long and has a limited number of spots. **HB 3720 (Frank et al./Kolkhorst)** implements a study to obtain more accurate data to better determine eligibility and priority populations and better manage the waitlist.

Local health entities, such as a health department or public health district, have had difficulties receiving reimbursement through Medicaid. **SB 73 (Miles/Klick et al.)** requires the HHSC to create a separate provider type for local health entities to allow for an easier reimbursement process, expanding access and affordability to people in the community.

At the beginning of the pandemic, there were PPE shortages across the state. **SB 437 (Blanco/Turner, J.)** establishes the Personal Protective Equipment Reserve Advisory Committee, which is composed of health care providers and essential personnel. This committee will make recommendations to the Texas Division of Emergency Management on rules regarding storage and distribution of PPE. This will provide a plan to prevent similar shortages in future situations that would leave healthcare providers and other essential workers in dangerous conditions.

SB 672 (Buckingham et al./Bonnen et al.) allows for the use of the Collaborative Care Model in Medicaid. The Collaborative Care Model is an evidence-based approach that uses collaboration between physical and mental healthcare providers under a primary care provider to address mental health issues. It has proven successful in early diagnosis and intervention and would lead to improved outcomes for patients and reduced costs associated with care.

The Medically Dependent Children's Program (MDCP) provides care similar to a nursing facility, but allows children to remain within the community. However, coverage for these specialty providers has complications when it comes to Medicaid recipients. **SB 1648 (Perry/Krause et al.)** establishes a way for Medicaid

recipients with complex medical needs to continue receiving care from a specialty provider, regardless of whether they have a primary health benefit plan or Medicaid. It additionally requires the state to review cases where foster care youth are refused medical services under Medicaid. This will prevent children from being improperly denied access to medical care.

DSHS is required to provide a biannual immunization report. For years in which a public health disaster was declared, **SB 1353 (Miles/Guerra)** would require that the report include information regarding the accessibility of vaccinations, specifically on the basis of age, race, and location. This information could be used to determine disparities in immunization. The report must also include estimated economic benefits of reducing these disparities and legislative recommendations that would minimize them, leading to more equitable distribution of vaccines in the event of a public health disaster.

MISSED OPPORTUNITIES

Choosing which child care facility to send one's child to is an extremely personal decision that requires the proper information to make an informed decision. **SB 139 (Johnson)** would have allowed child care facilities to disclose what percentage of children attending are immunized. This would be a great tool for parents to make safe decisions in regards to their children's health.

Texas continues to be one of the last remaining states that have not yet adopted expansion of the Affordable Care Act. This has stripped away the opportunity of healthcare coverage from over 1 million Texans and caused the state to miss out on billions in federal funding. **SB 1186 (Alvarado)** would have required the state to adopt this expansion, opening up access for many more Texans to receive proper health care and maintain healthy lives.

BASIC NEEDS

For the past year, many families struggled without the meals provided by schools, and citizens recognized the important role that schools have played in providing children with the necessary nutrition to learn and grow. Many families also rely on food programs for their source of nutrition, and Texas legislators and advocates worked on passing bills that simplified the certification requirements for persons obtaining SNAP benefits.

As a result of COVID-19, schools were forced to close and required students to attend class virtually. This was not a significant problem for children living in urban cities, as many already had internet access. However, children living in rural areas had far less access. Broadband is also necessary for accessing job and housing applications, submitting and receiving medical information, and accessing important information such as available meals. A recent population survey demonstrated that over three million Texans live in rural areas.² The Texas Legislature passed bills that expanded internet broadband services to rural areas, improved the broadband infrastructure, and facilitated connectivity to these areas. The pandemic brought these inequities into focus, and the Legislature took steps to abate them.

SB 224 (Perry et al./Walle et al.) simplifies the process of renewing SNAP benefits for those who are ages 60 and older. By reducing the number of requirements for recertification, and extending the period for which an individual is certified, SB 224 ensures senior citizens can continue receiving SNAP benefits with minimized interruption in their eligibility. This bill will also help grandparents and other relatives who are struggling financially to care for the children in their care.

Housing developments that are supported through low-income housing tax credits have a complicated sale process that excludes certain entities from purchasing the home in the first 60-days of sale. **SB 403 (Johnson/Gervin-Hawkins)** would allow public housing authorities to purchase these developments in the first 60-days, granting them greater access to affordable housing and aiding in their mission of providing long-term housing for Texans from low-income backgrounds.

There are a variety of social safety net programs within the state. **SB 1138 (Hughes/Noble et al.)** requires the Legislative Budget Board to conduct a study reviewing programs in the state, such as SNAP, Medicaid, TANF, etc., for the purpose of streamlining these processes, improving outcomes for recipients, and reducing costs. This study will hopefully illuminate ways in which the process could be made easier for recipients and improve the quality of life for Texans.

² Rural Health Information Hub. Texas. (2021). Retrieved from <https://www.ruralhealthinfo.org/states/texas>

The COVID-19 pandemic highlighted the importance of broadband in connecting us to essential online resources, remote education, and telemedicine services. However, a large population of Texans continue to lack access to these resources, due to inadequate Internet speed or complete lack of broadband. **HB 5 (Ashby et al./Nichols)** looks at tackling this issue by creating the State Broadband Development Office, which will focus on the expansion and adoption of broadband throughout the state. As part of its work, the office will be tasked with identifying specific areas in the state where a significant number of residents lack adequate service. The office will also support expansion using grants and loans and the creation of a State Broadband Plan. These measures will improve the lives of Texans through increasing connectivity and access to populations that have been left behind in the development of broadband services. **SB 632 (Buckingham/Buckley et al.)** grants the Lower Colorado River Authority the ability to build and facilitate a broadband highway for retailers to use and provide service to customers. It will help establish infrastructure in the area that will be essential in connecting citizens to critical broadband services.

Recovery housing is a form of shared living for those recovering from substance abuse that promotes reintegration into the community and continual recovery. **HB 707 (Moody et al./Blanco)** would require the HHSC to conduct a study looking at the opportunities available to expand recovery housing and any challenges that may arise. This will allow the state to look at expanding these programs to offer more resources and opportunities to those who are recovering from substance abuse.

MISSED OPPORTUNITIES

HB 1230 (Ortega)/SB 1914 (Blanco) would have excluded the value of vehicles in determining a person's eligibility for obtaining SNAP benefits. This bill would have allowed only the person's financial situation to be accounted for, among related factors.

HUMAN TRAFFICKING

Texas has been a national leader in human trafficking legislation, and this session was no different. The 87th Texas legislature passed legislation aimed at preventing exploitation, penalizing traffickers, serving victims of human trafficking, and holding buyers of sex accountable for their part in perpetuating this horrific crime. Prevention bills established safeguards within organizations that human traffickers have used for their nefarious purposes. The Legislature also made great strides in addressing the demand for human trafficking and commercial sexual exploitation. Without buyers, there would be no trafficking. These statutory changes are an important step for the cultural change that is necessary to end human trafficking.

The general public may have become more aware of human trafficking in recent years, but age-appropriate youth training and education has lagged behind. This year, the Legislature recognized that prevention begins with educating and supporting our children. Unfortunately, SB 1109, which would have provided dating violence, child abuse, and family violence education to students, was vetoed. Texas also missed out on the opportunity to address the profits that drive the illicit economy. HB 2629, a piece of legislation that would have required privately owned ATMs common in illicit massage businesses (IMBs) and other fronts for human trafficking, passed in the House but failed to make it through the Senate. HB 2803 would have given small business owners the ability to void their lease if the landlord was also leasing to an IMB, but the bill was unfortunately vetoed.

PREVENTION

Sex trafficking victims, including a number of minors, have been victimized within hotels and motels in recent years. **HB 390 (Thompson, S. et al./Huffman)** requires hotels and motels to train their employees on human trafficking prevention and reporting. The businesses must also post signs, in areas visible to employees, that provide reporting information. This legislation would educate hotel employees who are on the front lines of human trafficking.

HB 1540 (Thompson, S. et al./Huffman) is the Texas Human Trafficking Prevention Task Force's human trafficking omnibus bill. This bill provides extra protections for children in residential treatment centers and increases the penalty for soliciting sex from a Class A misdemeanor on the first offense to a state jail felony, among a number of other anti-human trafficking provisions.

SB 315 (Huffman/Hunter et al.) prohibits sexually oriented businesses from employing individuals under the age of 21 or allowing those under the age of 18 from entering the premises. **SB 766 (Huffman/Leach et al.)**

requires that these sexually oriented businesses employ the e-verify system to check employees' identification documents and ensure that they are 21 or above. These bills protect vulnerable young adults from human trafficking and sexual exploitation.

SB 1831 (Taylor/Thompson, S. et al.) is another important step towards appropriately educating young people on the dangers of trafficking. The bill requires human trafficking prevention to be included within driver education courses. SB 1831 also requires the posting of human trafficking signage in schools, cosmetology facilities, hospitals, massage establishments and schools, sexually oriented businesses, tattoo studios, and transportation hubs. Furthermore, the bill would heighten penalties for trafficking that occurs within one thousand feet of a school.

Not enough is known about the true effects of pornography on a young population that, in many cases, is using it as a primary form of sexual education. **HB 5 (Ashby et al./Nichols)**, mentioned above in the basic needs section, also includes a provision requiring the State Broadband Development Office to study the negative effects of pornography. The results of this study could provide support for future legislation that would protect children from the detrimental impacts of exposure to pornography.

SURVIVOR SERVICES

Survivors of human trafficking have been exposed to an immense amount of trauma, and they often need long-term services and supports. **HB 2633 (Johnson, A. et al./Huffman)** establishes a human trafficking grant program that provides resources for youth and young adult victims of human trafficking, including housing and long-term support. HB 2633 will improve services and outcomes for survivors of human trafficking by providing the funds and resources for long-term, consistent care.

HB 402 (Hernandez/Alvarado) makes certain that funds seized from human trafficking crimes are used for official State purposes, such as paying for programs that provide victims of human trafficking with health services and for law enforcement purposes. Through this bill, what would otherwise be funds for a criminal enterprise will be used to care for trafficking victims.

MISSED OPPORTUNITIES

CHILDREN AT RISK estimates that there are over 900 illicit massage businesses ("IMBs") in the state of Texas. Most are cash-only businesses that serve as fronts for prostitution and human trafficking, and their presence attracts sex buyers and other forms of crime. CHILDREN AT RISK has found IMBs next to knitting and craft stores, veterinary clinics, and even daycares. **HB 2803 (Thompson, S./Huffman)** would have allowed

tenants to void their lease if their landlord is also leasing to an illicit massage business within the same commercial vicinity. The bill would have incentivized landlords and property owners to exercise reasonable due diligence, such as a quick online check to see whether the business is licensed, and it would have protected legitimate tenants, without burdening the state or overly-interfering with property rights.

Many minor human trafficking victims are groomed by traffickers who position themselves as romantic partners offering validation and emotional support. These relationships quickly turn into emotionally and/or physically abusive relationships as the trafficker gains power. **SB 1109 (West/Anchia)** would have required schools to educate students on dating violence and other forms of abuse. This bill would have been the first stage in providing children with the healthy relationship training they need to recognize grooming, coercion, and abuse.

The State Legislature missed an opportunity to protect child trafficking victims from the trauma and vulnerabilities associated with juvenile justice involvement. **HB 162 (Thierry et al.)** would have prevented children under the age of 17 from being prosecuted for prostitution or referred to the juvenile justice system as children in need of services. Research shows that juvenile justice involvement actually correlates with a higher risk of being victimized.

Human traffickers are motivated by the enormous profits they are able to reap with little threat of arrest. Many investigations rely on victim testimony, but victims are very unlikely to make an outcry, let alone testify against their trafficker. **HB 2629 (Thompson, S. et al.)** would have mandated the registration of all privately owned, “white label” ATMs. These ATMs are located within many fronts for human trafficking and sexual exploitation, such as illicit massage businesses and illicit cantinas. Financial intelligence and evidence would fill many of the evidentiary gaps, lessening the need for direct testimony, and prosecutors could use financial intelligence to bring more serious charges and penalties against the actual perpetrators of these crimes.

The 85th Texas Legislature passed HB 2552, amending the Texas Deceptive Trade Practices Act and adding the operation of an unlicensed massage business (or operating in violation of a local ordinance) to the laundry list of enumerated offenses. The 87th Legislature missed an opportunity to further strengthen the DTPA by failing to pass **HB 3295 (Thompson, S.)**. Currently, local attorneys bring the vast majority of DTPA suits against SIMBs. However, they can only obtain an injunction to close the business, and it will often simply reopen under a different name. HB 3295 would have allowed local attorneys to also obtain penalty fees against suspected IMBs. This revenue-positive bill was patterned after the existing exception for “notario fraud”, and these penalty fees would allow local government attorneys to shut SIMBs down more permanently.

HCR 2 (Swanson et al.) would have gone further than HB 5 to declare pornography a public health hazard. Traffickers have used exposure to pornography as a tool to groom their victims, and some studies have linked regular viewing of pornography to buying sex.³ Although the concurrent resolution would not have established law, these declarations guide and support the funding of research to study the relevant topic. We must better understand how increased access and exposure to pornography is impacting our children.

³ Demand Abolition, "Who Buys Sex: Understanding and Disrupting the Illicit Sex Market" (November 2018) <https://www.demandabolition.org/wp-content/uploads/2019/07/Demand-Buyer-Report-July-2019.pdf>

CHILD WELFARE

For the last decade, Texas has been embroiled in a federal lawsuit. The plaintiffs in this suit, children for whom the State serves as permanent managing conservator, allege that the State violated children's 14th amendment substantive due process right to be reasonably safe from harm while in state custody. The Fifth Circuit Court of Appeals found that the Texas Department of Family Services (DFPS) had failed in their duty to keep foster care children safe, and Judge Jack of the Southern District Court has appointed special monitors to assess DFPS's compliance with the court's orders. The court-appointed monitors have now released two reports, and the State continues to face penalties if the foster care system is unable to comply. Governor Abbott, in February, pledged to comply with the Court's mandates and committed to spending an additional 126 million dollars to do so.

The 87th Texas Legislature should be commended for its focus on prevention and early intervention services. Legislators recognized that it is better to prevent children from coming into care and being separated from their parents by providing supports to families early on. Other bills provided additional supports for children who age out of foster care. Although these changes are encouraging, the State legislature missed out on a few important opportunities to further improve the foster care system, such as addressing racial disparities and creating a misdemeanor diversion program for children in residential treatment centers.

Children suffer an enormous trauma and loss when separated from their parents. **HB 567 (Frank et al./Hughes)** makes changes to the grounds on which a court can terminate parental rights. In determining the appropriateness of a parent's actions, the new language would take into account a child's maturity and cultural norms. These changes give judges greater flexibility in recommending family reunification.

Children who age out of foster care are vulnerable to homelessness, abuse, and sex and labor trafficking. **HB 700 (Johnson, J. et al./Zaffirini)** provides more support for these children and expands transitional housing. The bill also requires the Texas Higher Education Board and the Department of Family and Protective Services to form a work group assessing the Preparation for Adult Living Program and the feasibility of providing college credit for the completion of this course. Although Texas foster care children are eligible to receive free state college tuition, only a small fraction of foster care-involved youth apply for this waiver. The bill aims to encourage more youth to take advantage of the tuition waiver program.

When a child is temporarily removed from their home as their parents undergo investigation and court proceedings, the Texas Department of Family Services may require that both parents pay child support. This support is then used to ensure that a child is able to thrive in their temporary placement, ideally with other family members or fictive kin. **HB 1227 (Leman et al./Zaffirini)** requires courts to notify the Attorney General's Child Support Division within ten days of any modifications made to existing child support orders.

This reporting requirement should prevent children from being shuffled between placements due to a lack of funds.

The State faces hundreds of millions of dollars in fines if it does not comply with the District Court's orders. **HB 2374 (Sanford et al./Kolkhorst)** requires the Texas Department of Family Services (DFPS) to perform efficiency audits every four years. These audits would review the use of DFPS resources and identify opportunities to improve services. The process required by this bill may lead to opportunities to improve DFPS and better comply with the State's duty to protect children under their care.

In a better world, children and parents would never be separated from one another. In 2019, nearly 85 percent⁴ of removals in Texas were due to neglect, and much of this neglect stems from economic insecurity and a lack of resources. Prevention and early intervention services can prevent this trauma by providing families with the supports they need to provide a safe and healthy environment. **HB 3041 (Frank et al./Kolkhorst)** provides these services to parents and children who are at risk of CPS removal, keeping more Texas children out of the foster care system and together with their families. This bill seeks to prevent children from needlessly entering into the foster care system by establishing a pilot program to provide matching federal dollars to help provide evidence-based prevention services, including mental health services, substance abuse treatment, and in-home intensive parenting support, for adults whose children are at imminent risk of entering foster care.

SB 452 (West/Rose) updates policies regarding prevention programs and early intervention services for child abuse and neglect. It would require programs to use evidence-based approaches and to form an active evaluation program to determine the effectiveness of these programs. Looking at the outcome of these programs, SB 452 also requires improved maternal and child health and reduced youth involvement in the criminal justice system.

Relinquishment avoidance programs assist children in managing symptoms of mental illness while preventing a child from being legally removed from a parent. However, there is currently a 6-12 week waiting period before children are allowed to enter these programs due to investigation requirements that determine eligibility. **SB 642 (West/Hinojosa)** would change policies to speed up the process for kids to access relinquishment avoidance programs and allow for referrals through local mental health authorities, rather than only through CPS. This will ensure children are reaching these programs in a safe and timely manner.

SB 1079 would have required that DFPS publish monthly reports outlining activities relating to statewide intake, investigations, conservatorship, family-based safety services, residential child care licensing, and

⁴ The Children's Bureau 2019 Child Maltreatment Report. Retrieved from: <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019.pdf>.

parent child safety placement agreements. While **SB 1079 (Campbell/Noble)** did not pass, fortunately there is a rider in the budget that directs the agency to update these measures monthly.

MISSED OPPORTUNITIES

The Texas State Legislature missed an opportunity to address the racial inequities and disproportionalities in the child welfare system. **HB 1237 (White et al.)** would have required the commissioner of the Department of Family and Protective Services to study these disproportionalities and identify evidence-based methods and resources to combat them.

New mothers and infants benefit from consistent care, but many Texas mothers have struggled to access high quality maternal healthcare. **HB 2333 (Howard et al.)/SB 1520 (Seliger)** would have provided a competitive grant program for expansion of the short-term home nursing visit program. This program has resulted in improved outcomes for mothers and infants, and the legislature missed an opportunity to expand access to more Texas families.

The legislature missed out on the chance to further protect foster care children residing in residential facilities by failing to pass **HB 2821 (White)/SB 2085 (Menéndez)**. Children living in these facilities are referred to the juvenile justice system for minor misdemeanors that are often related to the issues that the facility is purporting to treat. The child then faces further trauma and adverse outcomes associated with this criminalization. This bill would have created diversion programs for these children so that they can stay out of the criminal justice system and continue to get the care they need.

As mentioned in the human trafficking section, **SB 1109 (West/Anchia)** would have required schools to provide child abuse, family violence, and dating violence prevention education to students. For the first time in its history, the Rape Abuse & Incest National Network online hotline received over 50% of its March 2020 outcries from minors. During the COVID-19 pandemic, many children were living with their abusers with little access to adults who might offer support. The prevention education mandated by SB 1109 would have educated children on the definition and warning signs of abuse and encourage children to reach out for help.

JUVENILE JUSTICE

The Legislature prioritized education, health care, and record-sealing for minors who are juvenile justice involved. Children who are incarcerated or facing juvenile charges are already vulnerable, and it is important that these children have access to the curriculum, education, and healthcare that they need. Unfortunately, the Legislature once again failed to pass legislation that would have aligned our social, cultural, and scientific understanding of childhood with our criminal prosecution of children. Children as young as 14 can be charged as an adult in Texas, and 15 year-olds may be charged as an adult for third degree or state jail felonies, which include such crimes as forging a check or improper visual recording. Furthermore, children who are legally recognized as human trafficking victims can also still be charged with prostitution or a related Child in Need of Services (CINS) Offense. Texas must recognize and resolve these inconsistencies, and instead provide children with the positive supports and services that they need.

As a response to concerns that have been raised over minors not having access to educational programs while incarcerated, **HB 30 (Talarico et al./Whitmire)** requires Windham School District to develop an educational program for minors who are incarcerated in the Texas Department of Criminal Justice (TDCJ). The educational programs would have to include the curriculum requirements for a high school diploma or instruction that prepared the person for the high school equivalency examination.

HB 454 (Metcalf/Creighton) seeks to address addiction in individuals who reside with a child who has been the subject of a juvenile court case. It authorizes the commissioners court of a county to establish a juvenile family drug court program for individuals who are suspected of having a substance abuse problem and who live with a child who is the subject of a case. This grants individuals the opportunity to address their drug abuse outside of the prison system, meaning children will be less likely to face the additional trauma of their parent being incarcerated.

Addressing the confidentiality of a child's criminal record, **HB 2669 (Guillen/Zaffirini)** will make all records and files relating to a criminal case for a fine-only misdemeanor that is committed by a child and that is appealed, confidential. This bill allows children to move forward without the burden of a record of past mistakes made in childhood.

HB 1401 (Johnson, A. et al./Huffman) will increase the ease and efficiency of applying to have an individual's juvenile records sealed by allowing these applications to be sent to a court by secure electronic means. Currently, these applications are sent by fax or regular mail, which can be inefficient and could be a cost to the applicant if postage is required.

HB 3165 (Meyer/Whitmire) amends the Family Code by adding as a defense to an allegation of truant conduct if the absence was caused by abuse in the child's home. This allows officers to not arrest children that have fled abusive households and protects the child from further trauma.

Under current law, children in detention facilities lose their Medicaid eligibility for the duration of their sentence. **HB 1664 (White et al./Eckhardt)** would reinstate Medicaid eligibility for children who are hospitalized while in detention, ensuring they receive proper medical care in the event of an emergency requiring an inpatient stay, regardless of background. This bill is an important step in eliminating disparities faced by different populations within the criminal justice system.

The legislature also passed **HB 2107 (Wu/Menéndez)**, which addresses children who are unfit or lack responsibility to proceed in juvenile court proceedings as a result of intellectual disabilities. The law now requires a court to consult with the child's probation department and local treatment or service providers to determine the appropriate treatment or services for the child.

MISSED OPPORTUNITIES

HB 686 (Moody et al./Lucio) would have addressed the state's overly harsh sentencing policies for individuals who committed certain serious crimes when they were minors by allowing parole consideration to be made earlier for some of these individuals. It would have reduced the amount of time that certain individuals would have to serve in prison before they were eligible to be considered for parole.

As mentioned prior in the human trafficking section, the State Legislature missed an opportunity to align our legal understanding of a child's ability to consent to commercial sexual exploitation with the arrest and charging of children for prostitution and prostitution related offenses. **HB 162 (Thierry et al.)** would have prevented children under the age of 17 from being prosecuted for prostitution or referred to the juvenile justice system as children in need of services. The State should instead provide services to these children without the trauma and additional risk of victimization that may be caused by incarceration or juvenile justice involvement.

Texas is one of three states to still prosecute 17-year olds as adults in the criminal justice system. **HB 486 (Wu)** would have raised the age of criminal responsibility to 18, allowing 17-year olds to be processed in juvenile courts. Additionally, **HB 1783 (White et al.)** would have made great strides in keeping children ages 10 to 12 out of the court system. It allowed juvenile courts to dismiss charges against a child under the age of 13 in special cases and prohibited their prosecution for certain offenses entirely. Together, these measures would have prevented young children's involvement in the traumatic criminal justice system. By failing to pass these key pieces of legislation, Texas will continue to unjustly prosecute minors and inhibit their opportunities for success in the future.

RACIAL EQUITY

The highly publicized police killings of George Floyd, Breonna Taylor and Ahmaud Arbery ignited a national awakening. More broadly accessible and tangible evidence of racial inequality caused many sectors of our society to re-examine how they have contributed to systemic and generational racism. Racism continues to be a major life roadblock for Black people and people of color, in Texas. This is especially apparent when reviewing this year's legislative session in Texas. While several bills passed that dealt with reforming our criminal and juvenile justice systems, many proposed bills that would have moved Texas one step closer to being a place where all children can grow up and have an equal chance of succeeding regardless of their race, failed to become law.

CRIMINAL JUSTICE

Resulting from the death of George Floyd that was caused by excessive force from a police officer, **SB 69 (Miles et al./White et al.)** prohibits certain types of restraints and requires a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the amount of force exceeds that which is reasonable under the circumstances, and the officer knows or should know that the other officer's use of force is not in accordance to the law. Furthermore, the law requires a peace officer who witnesses the use of excessive force by another peace officer to promptly make a detailed report of the incident. This ensures police officers are accountable not only to their departments, but to each other with the goal of reducing incidents from use of excessive force.

To make sure police officers are performing their duties free from distractions, **HB 54 (Talarico et al./Whitmire)** was passed by both congressional chambers, a law that prohibits law enforcement officers from authorizing a person to accompany and film them while in the line of duty for the purpose of producing a reality television program. This ensures officers can perform their tasks uninterrupted and without interference.

SYSTEMIC RACISM & OPPRESSION

HB 3481 (Rose et al./West) amends the Government Code by making December 1st "Rosa Parks Day" in honor of civil rights activist Rosa Louise McCauley Parks. The day commemorates Rosa Parks's refusal to give up her seat in a Montgomery, Alabama bus to protest racial segregation.

Also passed was **HCR 62 (Hunter et al./West)**, a resolution that recognizes "Indigenous Peoples' Day" to be commemorated the second Monday in October. Indigenous Peoples' Day will commemorate Native

Americans' ancestral memories, languages, and cultures, as well as the rich heritage and wide-ranging contributions that Native Americans have made and continue to make to Texas and the United States.

MISSED OPPORTUNITIES

Black and brown children are disproportionately removed from their homes and placed in foster care system. As mentioned in the above section on child welfare, **HB 1237 (White et al.)** would have required the commissioner of the Department of Family and Protective Services to find evidence-based methods for combating disproportionalities within the foster care system.

HB 710 (Coleman et al.)/SB 108 (West) would have required Childhood Racial Disparity Impact Statements at the request of the Lieutenant Governor or Speaker of the House of Representatives. It would have allowed for an analysis of the impact of any pending legislation on racial disparities among children and would have utilized existing resources at the Texas Legislative Budget Board to complete the childhood racial disparity impact statements. This legislation would have created a wider conversation around racial disparities – who is being left out of the conversation and who needs to be included and how, moving forward.

Another bill that focused on furthering racial equity was **SB 399 (Lucio)**. It would have required that all Sunset Reviews assess the agencies' efforts to reduce racial disparities among the constituencies they served and would have ensured that state agencies receive support, instruction, and guidance in efforts to reduce racial disparities. Despite a renewed focus on racial equality, the Texas Legislature missed an opportunity to pass both bills and move Texas one step closer to being a place where all children can have an equal chance of succeeding regardless of their race.

HB 4139 (Coleman) would have established the Office for Health Equity, where the goal would be to implement health initiatives to create health equity by reducing or eliminating health and access disparities among women and minority populations. The Office would have been tasked with coordinating with local health authorities to collect and report data on health disparities, develop strategies to promote health equity, and other important measures to combat the lack of health equity for women and minority populations.

HCR 28 (Thierry) would have established April 11th through 17th as Black Maternal Health Week. This week would have spread awareness of African American women's high maternal morbidity rate and focused on policies that support and promote affordable, comprehensive, holistic, and equitable maternal health care.

HB 420 (Sherman, Sr.) would have established the Task Force on Maternal Mortality in African American Women. The Task Force, consisting of medical and health policy experts, would have studied maternal mortality rates for African American women, and would have provided recommendations on improving

maternal health outcomes among African American women. The Task Force would also have been permitted to accept gifts, grants, and donations to carry out this purpose.

CONCLUSION

CHILDREN AT RISK applauds legislators who worked tirelessly 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 87th Texas Legislative Session. Legislative victories for children were related to the early childhood education system, increase access to health coverage and services, combat human trafficking, tackle food insecurity, and protect youth.

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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