

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 501  
By: West  
Health & Human Services  
3/23/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Children who are members of racial or ethnic minority groups are disproportionately involved in the foster care, special education, juvenile justice, and criminal justice systems. Past state efforts to address this concern have been largely targeted at specific issue areas (e.g., reporting requirements for public school discipline; creation of regional disproportionality specialist positions within Child Protective Services). A more comprehensive approach would allow the state to maximize resources and produce better results through the development of recommendations for strategies that cut across every system that contributes to disproportionality and disparities for the same populations.

C.S.S.B. 501 creates the Interagency Council for Addressing Disproportionality (council). The council will be composed of representatives from relevant agencies and the public, and will meet quarterly. It will examine best practices and training, review the availability of funding, consider both entry into the juvenile justice, child welfare, education, mental health systems, and ultimate outcomes and make recommendations to the legislature to address disproportionality over the long term. Upon the conclusion of its duties, the council will expire in 2013.

C.S.S.B. 501 amends current law relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 1, Human Resources Code, by adding Chapter 2, as follows:

#### CHAPTER 2. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY

Sec. 2.001. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY. Provides that the Interagency Council for Addressing Disproportionality (council) is established to:

- (1) examine the level of disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, education, and mental health systems, including the points of entry, each point at which a treatment decision is made, and the outcomes for the children exiting the systems; and
- (2) examine issues relating to the disproportionate delivery of various educational services to children who are members of a racial or ethnic minority group in the education system;
- (3) make recommendations to reduce the involvement of children who are members of a racial or ethnic minority group in the juvenile justice, child welfare,

and mental health systems, and improve the children's success in the education system; and

(4) assist the Health and Human Services Commission (HHSC) in eliminating health and health access disparities in Texas among racial, multicultural, disadvantaged, ethnic, and regional populations.

Sec. 2.002. COMPOSITION OF COUNCIL; MEETINGS. (a) Provides that the council consists of:

(1) one representative from each of certain agencies appointed by the executive director, director, or commissioner of each agency;

(2) one representative of the office of the attorney general appointed by the attorney general;

(3) one representative of the Permanent Judicial Commission for Children, Youth and Families appointed by the chair of the commission;

(4) one representative of a community-based organization that works with child welfare, juvenile justice, education, or children's mental health issues appointed by the executive commissioner of HHSC (executive commissioner);

(5) one representative of a faith-based community organization appointed by the executive commissioner;

(6) one person who is a former foster care youth appointed by the executive commissioner; and

(7) two representatives of the medical community appointed by the executive commissioner.

(b) Requires a representative of an agency appointed to the council to have an overall understanding of the agency's mission and purpose and substantial experience and expertise relating to the administration of the agency's policies, programs, and activities.

(c) Provides that the representative from the Center for Elimination of Disproportionality and Disparities within HHSC serves as the presiding officer of the council.

(d) Requires a person who is appointed to the council to complete a cultural competency training program approved by the presiding officer of the council.

(e) Requires the council to meet at least quarterly.

Sec. 2.003. COUNCIL DUTIES IN PREPARATION OF REPORT. Provides that the council's duties include:

(1) reviewing the delivery of public and private child welfare, juvenile justice, mental health, and education services to evaluate the disproportionate rates of use of the services by children who are members of a racial or ethnic minority group;

(2) reviewing the delivery of public and private education services to determine which of those services are delivered disproportionately to children who are members of a racial or ethnic minority group;

- (3) reviewing federal, state, and local funds appropriated to address the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- (4) reviewing current best practice standards addressing the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- (5) examining the qualifications and training of children's service providers and making recommendations for training curriculum and other necessary changes;
- (6) recommending methods to improve use of available public and private funds to address the disproportionate use of children's services by children who are members of a racial or ethnic minority group;
- (7) providing information concerning identified unmet children's service needs and providing recommendations concerning the development of resources to meet the identified needs;
- (8) examining outcomes for children who are members of a racial or ethnic minority group who have exited or will exit the public and private child welfare, juvenile justice, mental health, and education systems;
- (9) recommending administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the systems and improve the long-term outcomes for children who are members of a racial or ethnic minority group who are served by the systems; and
- (10) preparing a report consisting of the council's findings and recommendations, and the presentation of an implementation plan to address disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services.

Sec. 2.004. ADDITIONAL COUNCIL DUTIES. (a) Requires the council to:

- (1) investigate and report on issues related to health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations;
- (2) develop short-term and long-term strategies to eliminate health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations;
- (3) monitor the progress of each health and human services agency in eliminating health and health access disparities; and
- (4) advise each health and human services agency on the implementation of any targeted programs or funding authorized by the legislature to address health and health access disparities.

(b) Requires the council, in performing the duties described by Subsection (a), to consult with each health and human services agency, the Center for Elimination of Disproportionality and Disparities, and any other relevant division of HHSC.

(c) Requires the council, if the council develops information in the course of performing its duties under this section, to attach that information to the report required by Section 2.005.

Sec. 2.005. COUNCIL REPORT. Requires the council, not later than December 1, 2012, to prepare and submit to the lieutenant governor, the speaker of the house of

representatives, and the legislature a report containing the council's findings and recommendations for addressing the disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services and the council's recommendation as to whether to continue the council.

Sec. 2.006. REIMBURSEMENT FOR EXPENSES. Provides that a council member is not entitled to compensation but may be entitled to reimbursement for the member's travel expenses as provided by Chapter 660 (Travel Expenses), Government Code, and the General Appropriations Act.

Sec. 2.007. APPLICABILITY OF OTHER LAW. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the council.

Sec. 2.008. EXPIRATION OF CHAPTER. Provides that this chapter expires December 1, 2013.

SECTION 2. Amends Chapter 107A, Health and Safety Code, as follows:

CHAPTER 107A. CENTER FOR ELIMINATION OF DISPROPORTIONALITY AND  
DISPARITIES

Sec. 107A.001. New heading: CENTER FOR ELIMINATION OF DISPROPORTIONALITY AND DISPARITIES. Requires the executive commissioner to maintain a center for elimination of disproportionality and disparities in HHSC, rather than maintain an office for the elimination of health disparities in HHSC, to perform certain duties.

Sec. 107A.002. New heading: POWERS OF CENTER. Authorizes the center, rather than office, to take certain actions to address disproportionality and disparities.

Sec. 107A.003. FUNDING. Makes a conforming change.

SECTION 3. Repealer: Chapter 107 (Health Disparities Task Force), Health and Safety Code.

SECTION 4. Effective date: upon passage or September 1, 2011.