

SPEAKING OUT AND DRIVING CHANGE FOR CHILDREN

children *at Risk*

83rd TEXAS LEGISLATURE

REPORT ON LEGISLATION IMPACTING CHILDREN

August 2013

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Table of Contents

Executive Summary	3
Budget	8
Education	10
Expanded Learning Opportunities	10
School Testing	10
School Curriculum	11
School Accountability.....	12
Alternative Diploma Opportunities.....	13
Vocational Opportunities.....	13
Special Education	13
Teachers and Administrators	14
School Grant Programs	14
Health	15
Food in Schools	15
Summer Food Programs	16
School Health and Physical Education	16
Mental Health	16
Individuals with Intellectual and Developmental Disabilities.....	18
Immunizations	18
Parenting and Nutrition Education	19
Neonatal and Maternal Health	19
Child Welfare	20
Child Abuse and Neglect.....	20
Sex Offenders.....	21
Foster Care.....	22
Immigration.....	24
Juvenile Justice	24
Confidentiality.....	25

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Rehabilitative Programming	25
Transparency.....	26
School Discipline	27
Sentencing.....	29
Human Trafficking.....	29
Criminal Prosecution.....	29
Civil Liability	31
Victim Identification.....	31
Victim Protection and Services	32
Conclusion	35

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Executive Summary

The 83rd Texas Legislature commenced on January 8, 2013 with 46 freshman lawmakers and an unexpected budget surplus. The regular legislative session ended on May 27, 2013. To date, the Governor has called three special sessions since. Governor Perry signed a budget of \$196.9 billion for the 2014-2015 biennium, which is a \$24.6 billion or 3.7% increase from the 2012-2013 biennial level.

CHILDREN AT RISK tracked over 968 pieces of legislation introduced during the 83rd Legislative Session and testified on over 45 bills. Forty-one bills that CHILDREN AT RISK testified on were passed, including 24 of CHILDREN AT RISK's priority bills. Furthermore, CHILDREN AT RISK drafted language for 11 bills, 10 of which passed. As a result, the children of Texas were given a voice on the issues that affect their lives and their future. We are proud of this record of success and the improvements it will create in the lives of millions of Texas children. The following is a brief summary of some of the wins and missed opportunities for Texas' children discussed in this report.

Education

Public education funding was partially restored during the 83rd Legislative Session in 2013, after the significant cuts made in the 82nd Session in 2011. In February 2013, a district court ruling declared that the Texas school finance system was unconstitutional. The ruling was based in part on the determination that Texas did not provide sufficient funding for schools to provide an adequate and equitable education. The 83rd Legislature responded with a \$3.9 billion restoration of the \$5.4 billion in cuts made in the previous session. Other improvements made include policies to boost graduation rates and modify testing requirements, such as reducing the number of exams required for graduation from 15 to 5 and eliminating certain end-of-course assessments. In addition, instead of three different possible diploma tracks, all students will now be on track to receive a universal "foundation" diploma, with the option of a diploma endorsement to provide students with the opportunity to gain concentration in certain subject areas. Concerns exist statewide about how these changes will be explained to students and families in light of recent cuts to counseling and other support staff.

The Legislature also authorized the establishment of the Expanded Learning Opportunities Council to study and develop a comprehensive statewide action plan for the improvement and implementation of expanded learning opportunities for public school students in this state. This legislation represented the first-ever Texas policy specific to out-of-school time and extended day and year. This Council will make recommendations for policy reforms for the next two legislative sessions before it statutorily ceases to exist in 2017 and will be comprised of a diverse group of educators, law enforcement, business and philanthropy representatives.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Although there was notable progress in education policy, insufficient funding means many students will continue to face large class sizes as well as have access to fewer pre-K programs, elective courses, and extra-curricular activities. The lack of resources continues to challenge the capacity of many districts to fully meet their educational mandates and ensure that their students are ready for success, forcing tough decisions at the local level about tax increases and continued cuts to services.

Health

The need for basic health services continues to impact the physical and mental development of children and families in our state, as Texas bears the unfortunate distinction of ranking second in the nation in terms of the number of children without health insurance. Among those under the age of 19, 15.3% are uninsured, which translates to over 1 million Texas children without health insurance. This session, legislators had the opportunity to close this gap by expanding Medicaid, which would have provided health coverage to more Texas parents. Although Medicaid expansion is not directly targeted towards children, research shows that parents are more likely to insure their children if they receive healthcare coverage. This was a major missed opportunity, first and foremost because more Texans would have had healthcare coverage, but also because of the economic benefits the state could have gained from expanding Medicaid.

In addition to the high numbers of uninsured children in our state, far too many children are suffering from the health effects of hunger and obesity. Nearly one in four Texas children is classified as “food insecure,” meaning that they may not know where their next meal is coming from. Paradoxically, obesity is also a rapidly growing epidemic in our state affecting a large portion of children. Among the over 2 million Texas children who participated in the 2012 FitnessGram assessment, 45.7% of these children qualified as at risk of being obese. The legislature addressed this issue by requiring local school health advisory councils (SHACs) to make policy recommendations to their school districts on how to increase physical activity and improve fitness among students. This simple – and revenue neutral – measure will further engage Texas communities and volunteers in the fight against obesity.

The 83rd Legislature also took a significant step in the fight against child hunger by expanding the universal school breakfast program. All students who attend schools where 80% or more of the student body is economically disadvantaged will now have access to free breakfast. This policy helps eliminate the stigma of the free breakfast program and provides children in need with a healthy meal to start their day. This legislation will expand the school breakfast program to more than 700,000 children if estimates bear out, making the bill one of the most important anti-hunger victories at any state capitol in the United States in 2013.

Being a parent is simultaneously one of the most rewarding and difficult jobs an individual experiences. Research shows that access to voluntary programs that provide information on parenting and child

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

development reduces the number of child abuse and neglect cases as well as improves outcomes for children and families. Legislators this session passed legislation to prioritize funding for evidence-based programs offered through the Texas Home Visiting program. Efforts will be based off a strategic plan to serve at-risk pregnant women and families with children under the age of six, ensuring that state funds are used only on those programs with a proven track record of success. With this reassurance in place, the Texas Legislature expanded funding for home visiting by almost \$8 million – making Texas one of only two states to increase funding for these programs in 2013.

Child Welfare

Implementing positive changes within the foster care system was also a priority of the 83rd Legislature. Focus was placed on several different challenges within the foster care system, including reunification with the child’s family, adoption, education barriers, the overmedication of children in the foster care system, and the barriers young adults face when aging out of foster care. However, root problems such as the extremely high caseloads and frequent turnover of CPS workers, were not addressed.

Juvenile Justice

Following the merger of the Texas Youth Commission and Texas Juvenile Probation Commission and the creation of the Texas Juvenile Justice Department in 2011, the 83rd Texas Legislature continued to make efforts to increase transparency and rehabilitative services for juveniles. The legislature passed a number of bills aimed at decriminalizing minor school misbehavior by reshaping the statutes relating to Class C misdemeanor ticketing. Schools are now required to institute progressive sanctions to address school discipline issues before they can issue children certain tickets, and judges are given greater leeway to waive the fines associated with the tickets or replace them with community service or tutoring.

Mental health continues to be a major concern within the juvenile justice system, and the legislature addressed this issue this session by explicitly stating that judges have the authority to mandate mental health and substance abuse screening for juveniles. Following the screening, children will be connected to mental health or drug treatment services, if appropriate. Additionally, during the second special session, the 83rd Legislature approved a bill aimed at bringing the punishment for 17-year-olds convicted of a capital felony in line with a 2012 United States Supreme Court ruling.

Human Trafficking

The Texas Legislature has been and continues to be a leader in the fight against human trafficking. This session, the legislature made significant progress addressing the needs of victims of this crime, while continuing to strengthen penalties for traffickers and purchasers of commercial sex. Several key bills passed that will assist victims of human trafficking in the rehabilitation process and provide more protections and assistance to domestic minor victims. Specifically, the legislature authorized

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

diversionary courts for children who have engaged in prostitution or are victims of human trafficking to divert them from the juvenile justice system and address their special needs.

Additionally, the Department of Family and Protective Services (DFPS) and Health and Human Services Commission (HHSC) is now required to adopt minimum standards for residential facilities that provide comprehensive services to survivors of human trafficking. This measure represents Texas' first statutory effort to provide high quality safe houses to victims of human trafficking, a big leap forward in the fight to support victims while we increase penalties levied against perpetrators. Training is crucial to ensure that service providers identify victims so that intervention and the provision of services can occur. The 83rd Legislature addressed this issue by requiring DFPS workers, medical providers, and school personnel to receive training on human trafficking.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Victories for children during the 83rd Legislative Session:

- **SB 2 (Patrick):** Comprehensive bill overhauling the laws relating to authorizing, governing, and establishing charter schools in Texas.
- **SB 92 (Van de Putte):** Designates a juvenile court and a pre-adjudication diversion program for juveniles when there is cause to believe that the child is a human trafficking victim.
- **SB 393 (West):** Requires schools to impose progressive sanctions including a warning, a behavioral contract, and school-based community service or counseling for students who engage in disorderly conduct, disruption of class, or disruption of transportation, before the issuance of a Class C misdemeanor ticket.
- **SB 503 (West):** Establishes the Expanded Learning Opportunities Council to study and make recommendations concerning expanded learning opportunities for public school students.
- **HB 5 (Aycock):** Creates one universal diploma for all students, with the option of a variety of additional endorsements that reflect students' goals and interests in areas such as STEM, Business and Industry, and Public Services. Reduces the number of end-of-course assessments from 15 to 5, eliminates the requirement that the end-of-course assessments determine 15% of a student's course grade and eliminates the cumulative score requirement. Establishes a new rating system that evaluates schools on academic performance, financial performance, and community and student engagement to provide a clearer understanding of overall school performance to parents and communities.
- **SB 376 (Lucio):** Expands the existing school breakfast program to mandate universal free breakfast in schools with 80% or more of the student population living at or below 185% of the federal poverty level.
- **HB 1018 (Patrick):** Requires local school health advisory councils (SHACs) to establish a physical activity and fitness planning subcommittee to study issues relating to student physical activity and fitness and make policy recommendations to their local school districts on how best to increase physical activity and improve fitness among students.
- **HB 2725 (Thompson):** Requires that shelters that serve survivors of human trafficking to maintain certain minimum standards, and permits these shelters to keep identifying information about the shelter location, employees, and clients confidential.
- **SB 64 (Nelson):** Requires child care facilities to develop and implement policies to protect the children in their care from vaccine-preventable diseases.
- **SB 426 (Nelson):** Seeks to improve outcomes for at-risk populations by promoting the use of evidence-based home visiting programs for families with children under the age of 6 and are determined to be at-risk.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Budget

Overview of Funding for Children's Issues

Agencies and Programs	Year Ending Aug. 31, 2012	Year Ending Aug. 31, 2013	Year Ending Aug. 31, 2014	Year Ending Aug. 31, 2015	Difference from 2012-2013 Biennium
Children with Disabilities	\$171,035,314	\$171,035,314	\$164,644,210	\$173,290,481	-\$4,135,937
Children with Special Needs	\$35,631,626	\$35,631,627	\$38,716,365	\$38,070,582	+\$5,523,694
Family and Protective Services	\$1,395,092,121	\$1,380,125,342	\$1,503,949,484	\$1,528,161,124	+\$256,893,145
Mental Health Services for Children	\$75,537,904	\$77,928,014	\$90,787,682	\$110,189,122	+\$47,510,886
Texas Education Agency	\$25,426,596,428	\$21,912,616,960	\$25,809,982,945	\$26,535,178,621	+\$5,005,948,178
WIC/Farmer's Market Nutrition Services	\$886,195,920	\$886,186,180	\$811,443,556	\$811,425,321	-\$149,513,223
Texas Youth Commission (TYC)	\$85,476,836	Merged with TJPC to TJJD	n/a	n/a	
Texas Juvenile Probation Commission (JPC)	\$81,299,066	Merged with TYC to TJJD	n/a	n/a	-\$18,216,100
Texas Juvenile Justice Dept. (TJJD)	\$166,775,915	\$330,400,017	\$326,561,924	\$319,173,810	

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

In the first decade of the new millennium, the population of Texas grew more than twice as fast as the national average. The child population is bigger in Texas, too. According to the U.S. Census Bureau, approximately 27% of the state population is under 18, exceeding the national rate by more than 3%. Unfortunately, in Texas, bigger is not always better. The state has some of the highest rates in the country for child poverty, teen pregnancies, uninsured children, and high school dropouts. Allocations in the state budget are an important determination of outcomes for our children. Drafting a Texas-sized budget is no easy feat, but it is imperative for Texas to prioritize and adequately fund programs and services to meet the basic needs of a growing child population.

In the 82nd Legislative Session, dramatic cuts were made throughout the state budget and many vital programs were significantly underfunded. In particular, education funding experienced historical cuts to the foundation program budget. As legislators entered the 83rd Session, there was much concern and debate over the new budget and whether critical funding would be restored. For the 2014-2015 biennium, the Texas Legislature passed a budget of \$197 billion from all funding sources. This represents nearly a 3.7% increase from the 2012-2013 biennial level but still does not fully cover the cuts made in 2011.

Education funding was slashed by \$5.4 billion in the 82nd Session and saw a partial restoration of \$3.9 billion in the 83rd Session. This restoration is a cause for celebration; however, this increase in funding does not fully restore the cuts made last session or provide all the necessary resources to meet the needs of students.

The juvenile justice system experienced a significant decrease in funding, due in part to continued cost saving measures. The Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) were abolished in November of 2012 and merged into the newly established Texas Juvenile Justice Department (TJJD). Cumulatively, these programs had an \$18.2 million decrease from the 2012-2013 biennium.

Important increases in funding were seen in services and programming for some of the state's most vulnerable children. Funding for the Department of Family and Protective Services, which includes Child Protective Services, saw an increase of over \$256 million. Programming for children with special needs increased by over \$5 million and mental health services for children was increased by over \$47 million. Unfortunately, nearly \$150 million was cut from WIC/Farmer's Market Nutrition Services. These programs have proven benefits to the healthy development and nutrition of children and mothers. In order to provide the most efficient and best possible care for Texas children, additional funding needs to be allocated toward community resources and evidence-based programming.

Texas continues to face serious budget challenges for programs that are critical to the well-being of Texas children and families. There is a lack of sufficient funding for education, community-based

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

prevention services, and health coverage for our children and their parents. Texas has made important investments in our children, but we must continue to fight for our kids in order to secure bright and successful future for Texas children.

Education

Ensuring that our children receive a *quality* education is crucial to giving students the tools that will propel them towards a successful future. This session, progress was made in regards to school policies, curriculum, accountability, and training for school personnel. While there is always room for improvement, CHILDREN AT RISK celebrated some major victories in the 83rd Legislative Session. From testing policies to vocational opportunities, Texas is making strides towards securing a valuable and quality education for all our children.

Expanded Learning Opportunities

Over one million Texas students spend an average of 7 hours per week unsupervised outside of school. These hours could be spent participating in activities that promote engaged learning, safe communities, and a strong workforce. This session, CHILDREN AT RISK, along with education stakeholders, worked to urge the legislature to explore and investigate expanded learning opportunities. **SB 503 (West)** establishes the Expanded Learning Opportunities Council to study issues concerning expanded learning opportunities for Texas public school students. The bill requires the council to focus on innovative, hands-on learning approaches that complement, rather than duplicate, the regular school curriculum. The council will be comprised of a diverse group of Texans, including members from the business, education, law enforcement, and philanthropic communities. The options to be explored include adding time before and after school, extending the school day, and extending the school year. The council will develop a comprehensive statewide action plan for the improvement and implementation of opportunities in Texas. Expanded learning opportunities would give students time to explore classroom concepts in more depth, provide for time for educational enrichment activities, and ensure a safe environment for children outside the traditional school day.

School Testing

Much discussion this session focused on testing assessments in schools and the possibility of reducing the number of assessments students are required to take. A reduction in testing requirements would allow teachers to focus on beneficial classroom instruction rather than high-stakes testing and would create cost-savings for local school districts as well as the state. **HB 866 (Huberty, Sylvester Turner, Cook & Miles)** aims to reduce excessive testing. Specifically, the bill requires students to be assessed in math and reading in grades 3, 5, and 8 instead of annually. Writing will continue to be assessed in grades 4 and 7; science will continue to be assessed in grades 5 and 8; and social studies will continue to be assessed in grade 8. If a student fails to achieve a satisfactory score on a final assessment in grades 3,

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

5, or 6, they will be reassessed in the following year. HB 866 further provides that the Texas Education Agency (TEA) will determine the minimum satisfactory score for each assessment.

HB 5 (Aycock, Deshotel, John Davis, Villarreal & Callegari) covers a vast array of educational reforms, including testing and graduation requirements. HB 5 reduces the number of end-of-course exams, which are required to graduate, from 15 to 5. Students must pass all five assessments to be eligible for graduation and must retake and pass the exam in order to graduate if they fail initially. HB 5 specifies Algebra I, English I & II, Biology, and U.S. History as the five subject areas to be tested and requires that reading and writing both be assessed in the English I & II exams. In addition to reducing the number of assessments, HB 5 also eliminates the requirement that end-of-course exams determine 15% of a student's course grade and eliminates the cumulative score requirement. A new, publically-accessible financial accountability system for districts was also established through this bill. Finally, HB 5 eliminates the prior diploma categories of "minimum," "recommended," and "distinguished" and replaces them with a single "foundation" diploma. The foundation diploma may be supplemented with an endorsement in one of the following categories: science, technology, engineering, and math (STEM), business and industry; public services; arts and humanities; or multidisciplinary studies. The endorsement is noted on the student's diploma and transcript. Explaining these changes to parents and families will be a huge task for school districts.

While school districts are already required to test literacy in kindergarten through second grade, there may be other developmental indicators that are missed by a one-dimensional test. **SB 172 (Carona)** adds a provision to the law allowing the use of multi-dimensional assessment tools that would test not only literacy but also at least two other developmental skills, such as numeracy, language and communication, or social and emotional development.

School Curriculum

Advancements in technology have opened many new doors in the way students can learn. There are countless ways that courses which were once confined to a classroom can now be delivered by alternative methods; however, it is important to evaluate the effectiveness and quality of alternate methods before adopting them. **HB 1926 (Ken King, Deshotel, Villarreal, Farney & Ratliff)** seeks to enhance learning opportunities for courses that would otherwise be unavailable to students due to a lack of school resources. It extends the State Virtual School Network (VSN) to non-profit and private corporations and allows them to operate as course providers for online classes provided that they meet all applicable federal and state laws prohibiting discrimination, demonstrate financial solvency, and provide evidence of prior successful experience offering online courses. HB 1926 also provides that the TEA will make information available on its website concerning districts' distant learning courses. The bill also instructs each district and open enrollment charter school to develop and inform parents of policies regarding enrollment in distant learning courses.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Currently, school districts are required to offer foundation curriculum (English, language arts, mathematics, science, and social studies) and are also required to offer enrichment curriculum that can include fine arts, health, physical education, and career and technology education. **HB 2201 (Farney, Ralph Sheffield, Huberty, Paddie & Fallon)** requires the State Board of Education (SBOE) to approve at least six courses related to career and technology education which would satisfy a student's third and fourth credits in math and science.

School districts currently engage in coordinated school health activities to address the prevention of obesity, cardiovascular disease, and Type 2 diabetes. **HB 2477 (Alvarado)/SB 1352 (Van de Putte)** would have added mental health to this list of priorities. It would have also added mental health providers as potential members of local school health advisory councils. Unfortunately, neither version of the bill passed, but CHILDREN AT RISK remains committed to ensuring that mental health education is a part of school curriculum and faculty training in order to provide the best possible learning environment for all students.

School Accountability

Regardless of whether a school is a traditional public school or a charter school, proper accountability is essential to the success of the education system. **SB 2 (Patrick)** is a comprehensive bill that overhauls the laws relating to the authorization, governance, and establishment of charter schools in Texas. This piece of legislation raises the cap on charter schools, provides for greater authority and oversight with respect to renewing or revoking charter authorization, and requires teachers and principals of charter schools to have at least a baccalaureate degree. SB 2 also requires school districts leasing or selling a facility to give charter schools within the district the first opportunity to make an offer on the facility but does not require the district to accept the offer.

Many resources exist for students who need additional tutoring outside the schoolroom, but it may be difficult for parents to locate or assess the quality of these programs. **HB 753 (Villarreal)** requires schools to notify parents of eligible students about resources regarding research-based programs that improve student performance and to provide a list of approved local providers with a description of each provider's services and qualifications. It also requires the TEA to establish a process for approving and revoking providers, maintain a publically available list of providers, and investigate any complaint against a provider.

A focus on next generation learning standards and accountability standards has been a priority for many school districts and education advocates. The Texas High Performance Schools Consortium was formed with the goal of experimenting with alternative ways of teaching, testing, and implementing accountability. The Consortium reports to state policymakers and recommends practices that could be expanded to all public schools. **HB 2824 (Ratliff)** would have exempted the 23 school districts that are

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

part of the Texas High Performing Schools Consortium from the Texas accountability system and allow them to develop a new alternative accountability system and create new learning standards. Although the legislation passed both the Senate and House, Governor Perry vetoed the bill.

Alternative Diploma Opportunities

HB 1122 (Johnson, Anchia & Sheets) aims to increase college preparedness by establishing a pilot program in Dallas that expands full day pre-K while also introducing a three-year high school diploma plan. The three-year diploma plan is voluntary, contingent on parental consent, and designed for students not planning to attend four-year colleges or universities. The program is based on partnerships with public post-secondary institutions such as junior colleges and technical institutes and is designed to facilitate the enrollment of students in those institutions after graduation under the program. The bill states that the commissioner shall provide funding for students in the district's full-day pre-K program equal to twice the number of students who received a three-year degree in the previous year.

Prior to **HB 2058 (Allen)**, students under the age of 18 were prevented from taking the high school equivalency exam online. HB 2058 allows individuals under the age of 18 who are in the custody of the juvenile justice system to take the high school equivalency exam online. This provides an additional opportunity for 16 and 17-year-olds who are at risk of dropping out to receive their GED.

Vocational Opportunities

HB 809 (John Davis, Alvarado & Guillen) attempts to address the concern that students may lack adequate information regarding available careers and salary expectations. The bill requires the Texas Workforce Commission to provide the TEA with information each quarter regarding current and projected employment opportunities in the state. The TEA will in turn provide that information to school districts for use in local planning and implementation of career and technical education and training programs.

Special Education

Special education students may have behavioral issues that can interfere with their ability to learn if not properly addressed. **SB 914 (Lucio)** authorizes the committee that develops an individualized education program (IEP) for a student to include a behavior improvement plan or a behavioral intervention plan, if appropriate, as a part of the IEP. By including the behavior plan in the student's IEP, teachers are better equipped to provide opportunities for the student to flourish.

The unemployment rate for adults with disabilities is much higher than the rate for adults without disabilities. Schools have a special opportunity to help students with disabilities transition out of school

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

and into meaningful employment. **HB 617 (Eddie Rodriguez, Ratliff, Naomi Gonzalez, Alvarado & Lucio III)** improves transition services for students with disabilities by requiring school districts to assign at least one employee to serve as the special education transition and employment services designee. It also increases information available to parents by requiring the TEA to create and update a comprehensive manual of statewide transition and employment information and requiring school districts to make the manual available on their websites.

Teachers and Administrators

As teachers prepare students for their future success, it is essential to allow opportunities for teachers and administrators to continue their professional development through additional training. **HB 1952 (Senfronia Thompson)** requires each principal or appropriate administrator who oversees student discipline to attend professional development training related to school discipline at least once every three years. Furthermore, while it is already established that classroom teachers are required to obtain 150 hours every five years in continuing professional education and principals and counselors are required to obtain 200 hours every five years, **HB 642 (Diane Patrick)** mandates that a certain number of those hours must be in specific categories of training. Categories include implementing dropout prevention plans, integrating technology into classroom instruction, assisting students with developing high school graduation plans, educating diverse student populations, and increasing subject matter knowledge.

HB 1751 (Diane Patrick, Allen, Ratliff, Villalba & Aycock) expands the current educator awards program by establishing the Educator Excellence Innovation Program which aims to systemically transform educator quality and effectiveness. This competitive program challenges districts to develop a comprehensive innovation plan that includes high-quality mentoring, teacher evaluation, professional development, and strategies that address teacher compensation and retention. Interested districts have the opportunity to compete for a program grant for the implementation of their plan.

School Grant Programs

HB 742 (Strama, Villarreal, Otto, Anchia & Villalba) creates a grant program for school districts to provide summer instruction primarily for students who are educationally disadvantaged. The purposes and goals of the program include closing the achievement gap between educationally disadvantaged students and non-educationally disadvantaged students, ensuring that participating students retain knowledge and skills learned during the school year, and providing high-performing new teachers with summer teaching opportunities.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Health

From mental health to childhood obesity, the legislature worked through and considered hundreds of bills related to healthcare this session. CHILDREN AT RISK celebrated some major victories; important advancements were made to ensure that our children are on their way to a healthy, successful life. However, there were also some disappointments, and the missed opportunities must be evaluated for next session.

Food in Schools

In Texas, roughly 2.9 million public school students live at or below 185% of the federal poverty level and qualify for federally-funded free or reduced-price school meals. Close to half of these students attend schools where at least 80% of their peers also qualify for free or reduced-price meals. The research is clear that school breakfast programs reduce hunger among low-income children, increase academic achievement, lead to improved health and nutrition, and help build lifelong healthy eating habits. Many families, regardless of income, find it difficult to prepare and eat a nutritious breakfast at home due to early morning school bus schedules, long commutes, and nontraditional work hours. **SB 376 (Lucio)** addresses the issue of child hunger by paving the way for targeted school breakfast expansion. Starting in the 2014-2015 school year, a school district campus that has 80% or more low-income students who qualify for free or reduced-price breakfast is required to offer free breakfast to the entire student body. The passage of this legislation is a victory for all the Texas children who will no longer start their school day with an empty stomach.

Nutrition is vital to the healthy development of our children, and with the option of receiving two meals during the school day, it is important to ensure that the food and beverages being offered in our schools are healthy. **HB 217 (Alvarado, Zerwas, Susan King, Lucio III & Cortez)** would have set limits on the types of beverages that schools sell or allow to be sold to students on campus. Governor Perry vetoed this bill, but progress was made on the federal level with the USDA's new nutrition standards, "Smart Snacks in Schools." New guidelines require healthier options for students throughout the day by lowering the fat, sugar, and sodium content in food and beverages.

Although it is important to curb the consumption of unhealthy foods, it is also important not to impose unreasonable regulations. Student organizations sometimes sell foods of minimal nutritional value, such as sodas or candy, as part of their fundraising efforts. **HB 1781 (Ken King, Otto & Senfronia Thompson)** ensures that school districts are not financially penalized for these types of sales.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Summer Food Programs

While it is crucial to make sure children are not going hungry during the school year, it is just as important that they are fed when school is not in session. **HB 749 (Raymond)** requires the Texas Department of Agriculture to collaborate with Baylor University's Texas Hunger Initiative to develop and implement no-cost provisions that focus on increasing participation in the summer food service program. The plan will not only include methods to encourage participation but will also encompass strategies to increase access to the program in rural areas.

School Health and Physical Education

In addition to the increased awareness and expansion of school food programs, the legislature also recognized the importance of physical activity and fitness in students' overall well-being. **HB 1018 (Diane Patrick & Kolkhorst)** instructs school districts' parent-led, school health advisory councils (SHACs) to establish a physical activity and fitness planning subcommittee. This subcommittee must consider and make policy recommendations to increase physical activity and improve fitness among students. The SHAC must also make feasible recommendations concerning joint use agreements and strategies for collaboration between the school district and community organizations.

The Texas Education Agency is already required to provide school districts with coordinated health programs designed to prevent obesity, cardiovascular disease, and Type 2 diabetes. **HB 2483 (Alvarado & Diane Patrick)** adds oral diseases to this list and includes oral health education in the programs' coordination of health education.

The legislature missed out on an opportunity to acknowledge schools that encourage healthy lifestyles. **SB 65 (Nelson)** would have established a healthy schools recognition program under which schools are praised for successfully implementing programs that encourage student health and fitness. The bill passed the Senate but died in the House Public Education Committee.

Mental Health

It is estimated that one in five children in our country suffers from a mental illness or addictive disorder. Teachers who have not been trained to recognize and respond to students with mental illness may actually escalate difficult behavior. Additionally, they may not be able to recognize signs that indicate the possibility of self-harm or even suicide. **SB 460 (Deuell)** requires educator certification programs to include instruction in the detection of students with mental and emotional disorders. This instruction includes effective strategies for teaching and assisting students with mental illnesses.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

The Department of State Health Services, in coordination with the Texas Education Agency, already provides and annually updates a list of early mental health intervention and suicide prevention programs based on best practices that public elementary, junior high, middle, and high schools may implement. **SB 831 (Taylor)** expands the list of programs available to districts and makes that list more accessible. This legislation updates the list to include culturally competent mental health promotion, positive youth development, early mental health prevention, substance abuse prevention and intervention, and suicide prevention. The bill also requires the list to be accessible online via the agencies with which school districts most frequently interact.

In Texas, the age of consent for entering an inpatient facility is 16 years old, but the law does not specify the age of consent for entering an outpatient facility. **SB 718 (West)** specifies that a person 16 years of age or older can voluntarily request admission to an inpatient or outpatient mental health facility without the consent of a parent. It also authorizes an inpatient facility to admit or provide services to a person between the ages of 16 and 18, without that person's consent, if the person's parent, managing conservator, or guardian consents to the admission or services. Under existing law, a child in the care of CPS cannot be enrolled in inpatient services without giving consent. This new legislation amends the law so that a minor who refuses consent may still be admitted pursuant to an application for court-ordered mental health services, emergency detention, or an order for protective custody.

There is currently a considerable division between the treatment of physical health issues and behavioral health issues. **SB 58 (Nelson)** requires the Health and Human Services Commission to integrate physical health services and behavioral health services into Medicaid managed care. Under a managed care approach, the state pays a managed care organization, which sets rates and distributes reimbursements to providers rather than having the state reimburse on a fee-for-service model. While many mental health services are already provided through the managed care model, targeted case management and psychiatric rehabilitation are still offered through a fee-for-service basis. This new legislation furthers the integration of mental health and physical health services by pulling targeted case management and psychiatric rehabilitation into the managed care model. The Health and Human Services Commission and the Department of State Health Services will establish a Behavioral Health Integration Advisory Committee that will meet quarterly to plan and develop mental health services and the transitioning process from fee-for-service to managed care plans.

Texas is facing a shortage of mental health workers. As systems change to improve access to mental health services, it is important to ensure the availability of an adequate workforce. **HB 1023 (Burkett & Alvarado)** provides that the Health and Human Services Commission, or an agency designated by the commission, shall use pre-existing and available data to make recommendations on the mental health workforce shortage in this state. The recommendations to alleviate the mental health workforce shortage will be compiled into a report to the legislature along with an assessment of the feasibility of

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

each recommendation, estimated cost/benefit of each recommendation, and specific legislation (if any) needed to implement each recommendation.

Individuals with Intellectual and Developmental Disabilities

SB 7 (Nelson) will implement major changes to the Texas system for providing healthcare and long-term services and supports to individuals with intellectual and developmental disabilities. The redesigned system will roll out gradually over the next seven years. Among other items, the bill creates the Intellectual and Developmental Disability System Redesign Advisory Committee and directs the Health and Human Services Commission to develop a STAR Kids managed care program for children with disabilities and eventually children who are currently enrolled in the Medically Dependent Children Program. A major goal of the system redesign is to increase the number of Texans receiving individualized healthcare and long-term services and support.

Insurers are required by law to cover expenses for members diagnosed with autism spectrum disorder from the date of diagnosis until the child turns 10 years old. Although the law requires coverage starting from the date of diagnosis, there is no language pertaining to screenings for autism spectrum disorder.

HB 3276 (Simmons, Greg Bonnen & Eiland) requires a health benefit plan, at a minimum, to provide coverage for screening a child for autism spectrum disorder at the ages of 18 and 24 months.

Immunizations

Immunizations are an important tool in helping to protect children from various illnesses. It has been shown that unborn children receive benefits from immunizations obtained by their mothers, and infants are better protected when those who they are in close contact with receive vaccinations. Currently, Texas allows minors (including pregnant minors) to provide consent for immunizations for their own children, but not for themselves. **SB 63 (Nelson)** addresses this by authorizing a child to consent to the child's own immunization if the child is pregnant or is the parent of a child and has actual custody of that child and if the Centers for Disease Control and Prevention recommend or authorize the initial dose of an immunization for that disease to be administered before seven years of age. **SB 64 (Nelson)** requires a childcare facility to develop and implement an immunization policy for employees in order to protect the children in the facility's care from vaccine-preventable diseases.

Texas is one of only a few states that operates an opt-in rather than an opt-out immunization registry. Access to this immunization information improves the delivery of health services across the state. **SB 40 (Zaffirini)** and **HB 772 (Howard, Zerwas, Callegari, J.D. Sheffield & Greg Bonnen)** were identical bills that would have changed the law so that Texans must opt-out in order to have immunization records excluded from the state registry. With approximately 95% of Texans already providing consent to be included in the registry, this simple system change would have provided a cost-effective way for a small

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

percentage of Texans to opt-out rather than a much larger percentage of Texans opting-in. Although legislation passed the Texas House of Representatives, it died while waiting for a hearing by the Texas Senate Health and Human Services Committee. Still, advocates were able to gain strong bi-partisan support concerning this issue and raise awareness about the need for a better system to ensure our children are protected from preventable diseases.

Parenting and Nutrition Education

Being a parent is simultaneously one of the most rewarding and difficult jobs an individual can ever have. Providing families with the proper learning opportunities can promote successful outcomes for children and parents. Home visiting programs are voluntary programs that help provide access to specialty services and education in the homes of at-risk families. **SB 426 (Nelson)** seeks to improve outcomes for at-risk populations by promoting the use of evidence-based home visiting programs. The new legislation requires at least 75% of appropriated funds to be allocated toward evidence-based programs with the remaining 25% dedicated toward promising new best practices. The Texas Home Visiting Program will be based off a strategic plan to serve at-risk pregnant women and families with children under the age of six.

As previously discussed, there were great strides made this session in regards to nutrition in schools; however, healthy living is something that begins in the home. **HB 3401 (Raymond)** encourages healthy lifestyles among recipients of public benefits through Medicaid, TANF, and SNAP. Recipients of these programs often use an online portal to view their benefits. The bill requires the Health and Human Services Commission to work with community-based organizations to encourage beneficiaries to access existing information and programs that provide nutrition and wellness education through the online portal. Hopefully these efforts will encourage individuals receiving benefits to make healthier decisions regarding diet and exercise, and parents will pass on these healthy habits to their children.

Neonatal and Maternal Health

Maternal mortality rates in Texas and across the nation have been on the rise over the past two decades. In 1996, the maternal mortality rate was 6.1 per 100,000 live births. By 2010, that number spiked to a rate of 24.6 out of 100,000 births. In light of these sobering numbers, it is critical to take action to protect our mothers and children. **SB 495 (Huffman)** establishes a task force to study maternal mortality and severe maternal morbidity. The task force's duties include studying and reviewing pregnancy-related deaths, examining trends in severe maternal morbidity, and making recommendations to reduce maternal mortality in Texas.

Pregnant women have been identified as an underserved population within our state's healthcare infrastructure. **HB 1605 (Sarah Davis & Collier)** provides for the development and implementation of a

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

pilot program in Harris County to create pregnancy medical homes that provide coordinated evidence-based maternity care to women who are recipients of assistance through a Medicaid managed care model. A maternity management team consisting of various health providers in a single location will conduct a risk assessment, establish a pregnancy care plan, and follow the mother throughout her pregnancy in order to reduce poor birth outcomes.

Domestic violence is the leading cause of injury to women ages 15-44, and sadly, pregnant women are nearly twice as likely to experience domestic violence. These violent acts against pregnant women lead to many negative outcomes for unborn children, such as miscarriage, fetal hemorrhage, and placental abruption. Additionally, domestic violence has been linked to an increased likelihood of child maltreatment. **HB 2620 (Collier & Cortez)** creates a task force on domestic violence that will examine the impact of domestic violence on maternal and infant mortality, the health of mothers, and the health and development of fetuses, infants, and children. The task force will identify the healthcare services available to mothers and young children and explore opportunities for improving the ability of those services to address domestic violence. The task force will also identify methods to educate educators and healthcare providers on domestic violence. Finally, the task force will make recommendations relating to the coordination of healthcare services for young children as well as pregnant and postpartum women who are victims of domestic violence, including recommendations for improving early screening, detection, and public awareness efforts.

Child Welfare

Child Abuse and Neglect

Unfortunately, children are being abused and neglected every day in our state. In 2012, there were 64,366 confirmed victims of child abuse and neglect in Texas and 226 abuse or neglect related child fatalities. Children in abusive situations are more likely to do poorly in school, have emotional and behavioral problems, and enter into the juvenile justice system. CHILDREN AT RISK strives to educate the community on the importance of identifying abusive situations and establishing resources that families can use to prevent child abuse.

Under current Texas law, professionals such as teachers, nurses, doctors, and probation officers have a duty to report suspected child abuse or neglect. **HB 1205 (Parker, Raymond, Zerwas, Fallon & Naishtat)** clarifies the reporting requirements and penalties for professionals who fail to report. Under this legislation, it is a Class A misdemeanor if a professional is required to make a report and knowingly fails to do so. The penalty is elevated to a state jail felony if it is shown that the professional intended to conceal the abuse or neglect. This bill will help ensure that professionals are held accountable for the safety of the children they serve.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Texas school districts, charter schools, and certain child care facilities are required to adopt and implement a child sexual abuse and maltreatment policy which includes training and prevention techniques. **SB 939 (West)** extends these requirements to institutions of higher education because children often visit these campuses. Training was formerly required of all new district and open-enrollment charter school employees but this bill extends the mandate to all employees. The legislation also requires public schools and charter schools to post the child abuse hotline telephone number. Educators may have more frequent opportunities to identify the signs of abuse and neglect, and these changes aim to decrease the number of unreported abuse cases.

SB 423 (Nelson) provides the Department of Family and Protective Services (DFPS) with more flexibility to respond to allegations of abuse by allowing an alternative response to reports that do not include more serious maltreatment. This alternative response includes a safety assessment of the child, an assessment of the child's family, and the identification of additional services or supports for the family. This change allows DFPS to properly allocate its limited time and money to serious cases of child abuse and neglect, provide struggling families with necessary resources, and dismiss falsified reports of child abuse. This flexible response system is a step toward a more efficient CPS system; however, the root problems of underfunding, limited staff, and high staff turnover rates must be addressed in order to serve children more effectively.

Sex Offenders

It is estimated that 1 in 6 sex offenders attempts to avoid registration requirements through methods such as manipulating names, birthdays, social security numbers or other personal identifiers. **HB 2637 (Frullo)** enhances the penalty to the next highest degree of felony for sex offenders who have attempted to use false identifying information to dodge sex offender registration requirements. This policy change will hold repeat sex offenders accountable for their crimes and encourage accurate registry enrollment.

In 2010, 12-year-old Justin Bloxom was murdered in Louisiana by a twice-convicted sex offender who used his leased taxi cab to lure the boy from his home. **HB 1302 (Clardy, Springer, Paddie, Ken King & Toth)** is known as "Justin's Law" and prohibits sex offenders from holding certain jobs that would put them in close contact with children without supervision. Prohibited employment includes providing taxi services, operating a bus, operating amusement rides, and providing any service in the residence of another unless the service will be supervised. The law also creates harsher penalties for repeat offenders who have committed certain crimes, such as sex trafficking and sexual abuse. A repeat offender who is 18 or older will receive a sentence of life without parole if they have previously been convicted of a sexually violent offense against a child younger than 14. This bill seeks to keep violent offenders away from children and provide tougher penalties for repeat offenders.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Foster Care

Over 31,000 children were in foster care in Texas during the 2012 fiscal year. While great efforts are made within this system to serve children, the state can never be a child's parent. This lack of stability can have negative outcomes on a child's emotional, educational, and physical well-being. Furthermore, while the system aims to provide children with a permanent and stable home, many youth age out of the system every year and are forced to become independent. This session, the legislature took steps to improve the foster care system through policy decisions that will positively impact children and families.

Texas law currently requires school districts to appoint a liaison officer to assist students in state custody, but these liaisons are not provided training and the Texas Education Agency (TEA) does not have extensive information regarding these employees. **SB 832 (Davis)** seeks to better support the education of foster children by providing public schools and open-enrollment charters with well-prepared liaisons. Schools will provide liaison information to the TEA, and the TEA will provide training to the liaisons. If a child in the district is in state conservatorship, the liaison will facilitate enrollment or transfer to a public school or charter school.

In another effort to support the education of foster children, **SB 833 (Davis)** requires school districts to track data on students in foster care through the Public Education Information Management System (PEIMS), which is already in place and tracks information about all students in public education. Tracking data in this manner will allow the TEA to provide DFPS with aggregate information regarding the educational outcomes of children in state conservatorship.

With the variety of service providers in a foster child's life, it is not always clear who should be keeping track of the child's education. **HB 2619 (Naishtat)** helps avoid this problem by instructing the court to identify the child's education decision-maker. The bill helps to further monitor a child's educational attainment by requiring both the attorney ad litem and the guardian ad litem to determine whether the child's educational needs and goals have been identified and addressed before each hearing. Additionally, the Department of Family and Protective Services must develop an educational stability plan, in accordance with federal law, for each foster child. The stress that accompanies a child in the foster care system often has negative repercussions on the child's education, and this legislation helps keep key individuals and institutions accountable so education is not overlooked.

Children in foster care face a multitude of issues which can prevent them from graduating on time. **SB 1404 (Patrick & Uresti)** addresses some of these issues by requiring the TEA to develop procedures to facilitate the completion of high school by students in foster care. It allows for the awarding of partial credit for courses completed at another school, extended time to complete graduation requirements, and a graduation plan review for a student who is unlikely to graduate on time. The TEA is further required to provide students in 11th and 12th grades with information concerning tuition exemptions for courses offered by public institutions of higher education for which the student can receive joint high

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

school and college credit. In addition, students in the conservatorship of DFPS are excused from school in order to participate in a court ordered activity, provided it is not practical to schedule the activity after school. Finally, if a student in the conservatorship of DFPS in 11th or 12th grade transfers to a different school and is ineligible to graduate from the receiving district, the sending district must award the student a diploma if the child meets that district's graduation requirements.

Children in foster care often exhibit symptoms of mental, emotional, or behavioral disorders, and many advocates worry about the possible overmedication of these children. **HB 915 (Kolkhorst, Naomi Gonzalez, Burkett, Naishtat & Dukes)** seeks to ensure that the use of psychotropic medications is appropriate, necessary, and monitored. Under this legislation, foster children with prescriptions for psychotropic medications must be seen by the prescribing doctor, physician assistant, or advanced practice nurse at least once every 90 days to confirm the child's continued need for the medication. The bill also requires the court to determine whether the child is receiving appropriate medical care at each permanency hearing and placement review hearing. The court must also determine whether the child has had a reasonable opportunity to express his opinion on the care provided. Finally, the bill strengthens transition services by providing youth with resources to manage their medications after exiting foster care.

The manifestation of behavioral or mental health disorders in children can place a major financial strain on families. Parents who lack adequate health insurance or financial resources to treat their children sometimes make the difficult decision to place children in state custody for the sole purpose of obtaining behavioral or mental health services. **SB 44 (Zaffirini & West)** requires DFPS to report the number of children with severe emotional disturbances who are in state custody because custody was voluntarily relinquished to obtain mental health services. Under this law, DFPS should also discuss the option of seeking joint managing conservatorship between the parent and the department. Finally, DFPS is required to work jointly with DSHS to study and develop recommendations to prevent the practice of parents relinquishing custody solely to obtain mental health services.

Hundreds of youth age out of foster care in Texas every year. Collectively, former foster youth experience higher rates of poverty, joblessness, and homelessness than the general population. **SB 1589 (Zaffirini)** seeks to prepare these youth for independent living by enhancing their financial literacy before leaving foster care. The program will include instruction on credit scores, savings, basic banking and accounting skills, and several other items. This education will help youth grow into financially secure adults.

Texas currently receives federal Title IV-E funding for foster care and adoption services but is unable to use the money for prevention or reunification services. **HB 748 (Raymond)** requires DFPS to pursue a waiver allowing the agency to use federal funds to test innovative strategies in child welfare programs. Goals for these programs include: increasing permanency for children by reducing time in foster care and promoting successful transitions to adulthood; increasing positive outcomes for infants, children,

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

and families in their homes and communities; and preventing child abuse and the reentry of children into foster care.

Courts often appoint trained volunteers to serve as guardians ad litem when a child comes into state custody. These court-appointed volunteer advocates have privileged access to certain information regarding the child but accessing this information can often be difficult. **HB 1227 (Dukes)** instructs DFPS to create an internet case tracking system that allows secure access by a child's court-appointed advocate. The system will allow the advocate to access case information as well as input findings and reports. This bill increases the volunteer's ability to effectively advocate for a child's best interest.

Immigration

There are many foreign children who find themselves in Texas after fleeing their home country due to prior abuse, abandonment, or neglect. The Special Immigrant Juvenile visa exists to provide these children with immigration relief. Under federal law, an unmarried person must be under 21 to qualify for this special status. In Texas however, a family court loses jurisdiction of a child at age 18. **SB 1583 (Ellis)** would have aligned Texas with federal law by extending the family court's jurisdiction until the child's 21st birthday for the sole purpose of allowing a child to pursue a special immigration visa. The bill would have also required DFPS to ensure children categorized as having an undetermined immigration status are assigned to caseworkers with experience preparing applications for special immigrant juvenile status. By failing to pass this bill, Texas missed an opportunity to expand opportunities for abused, foreign-born children.

Juvenile Justice

The 83rd Legislature continued to build on the work of the 82nd Texas Legislature, which implemented significant juvenile justice reform through the merger of the Texas Youth Commission and the Texas Juvenile Probation Commission to form the new Texas Juvenile Justice Department. Texas' juvenile justice system serves a substantial number of children each year and grapples with significant issues. In 2012, juvenile probation received 72,227 formal referrals. Additionally, the juvenile justice system in Texas continues to serve as the largest provider of mental health services for youth across the state and an estimated 70% of children in the juvenile justice system suffer from mental illness, indicating the need for greater availability of community-based services.

CHILDREN AT RISK has been an advocate for juvenile justice reform for the past several legislative sessions. A main focus during the 83rd Legislature was increasing support for rehabilitative and alternative programming to provide juveniles with the necessary resources to thrive and to reduce recidivism rates.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Confidentiality

Juvenile records can often impede a child or adult from accessing basic services and becoming a productive citizen, due to a crime committed years ago. Background checks are used throughout the country for employment, housing, federal and state benefits, and acceptance into certain university programs. This session, the legislature recognized the importance of allowing individuals to move on with their lives in the most productive and effective way and made strides to remove this barrier.

Under previous law, the records of juveniles convicted of fine-only misdemeanors were confidential, but the records of juveniles charged but not yet convicted or on appeal were open to the public. **HB 528 (Sylvester Turner, Giddings, Miles & Wu)** closes this loophole by making records related to fine-only misdemeanors confidential for all juveniles, whether or not they have been convicted. **SB 394 (West)** deals with the same issue, and extends record confidentiality to juveniles who receive a dismissal of their fine-only misdemeanor charge after a deferred disposition.

HB 694 (Phillips) allows individuals to authorize the release of their own sealed juvenile records to military officials when applying to the military. Previously, adults seeking to serve their country could be denied the opportunity because military personnel could not access their juvenile records.

Despite existing safeguards, many juvenile records remain widely accessible and can create serious hardships for youth seeking housing, employment, or higher education. Ending the practice of fingerprinting youth charged with low-level offenses may be the most effective means of ensuring that juvenile records do not haunt individuals. **SB 1769 (Rodriguez)** addresses this issue by requiring the Texas Juvenile Justice Board to establish an advisory committee to develop a plan to end the practice of fingerprinting children charged with non-felony delinquent offenses.

Rehabilitative Programming

Juveniles are often charged and detained for minor offenses because the state lacks alternatives to provide them and their families with the resources they need to succeed. The legislature made key changes in the 83rd Session that will provide critical programming to children and families.

SB 1419 (West) establishes a truancy prevention fund to be used to allow certain entities, such as a court, a juvenile probation department, or a school district to appoint case managers to children who are considered at-risk. The case manager would provide truancy prevention and intervention services and would work to prevent children from entering the criminal justice system.

Children who live in rural areas often do not have access to court-ordered programming in their communities. **HB 232 (Guillen)** acknowledges this fact and allows a juvenile who is mandated to take an

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

alcohol awareness class to take an online course or to substitute the class for a community service activity related to alcohol awareness in areas where classes are not readily available.

The juvenile justice system serves a disproportionate number of children with mental health issues and often lacks the resources to provide these children with the services they need. Early identification of these issues is crucial because the sooner a child's needs are identified, the sooner the rehabilitative process can begin. **HB 144 (Raymond)** allows a juvenile court to order a child to undergo mental health and substance abuse screening if the child displays symptoms of chemical dependency or mental illness. Following the screening, if appropriate, the child may be referred to the local mental health authority or to another local provider for services.

Specialty courts are innovative dockets that take a rehabilitative, rather than punitive, approach and provide participants with wrap-around services to address their needs and the root cause of their offense. Specialty courts have demonstrated success in achieving cost-savings for the state and reducing recidivism rates, but there is great variety among specialty courts and little centralized data. **SB 462 (Huffman)** seeks to strengthen specialty courts across the state by improving the accountability of the courts and identifying the best practices of Texas' specialty courts. It requires specialty courts to register with the Criminal Justice Division of the Office of the Governor, ensures that specialty courts track and report their performance, and requires the courts to comply with the evidence-based best practice standards adopted by the Criminal Justice Division.

SB 511 (Whitmire) creates a pilot program, limited to Travis County, to explore the usefulness of transferring certain juvenile offenders to adult county correctional facilities. The intent of this bill is to keep families and children closer together by allowing a judge to place a child in a local adult county facility, rather than a more remote facility run by the TJJD. The program is temporary and set to expire in 2018, when its findings will be evaluated to determine whether children benefited from the ability of their families to be more involved in the rehabilitative process.

Transparency

Continued transparency in the juvenile justice system was a major focus of the 83rd Legislature, building on the reforms that have taken place since the merger between the Texas Youth Commission and Texas Juvenile Probation Commission that created the Texas Juvenile Justice Department (TJJD). The legislature enacted measures to increase transparency and efficiency, eliminate structural issues, and maximize resources.

HB 2862 (McClendon) includes a variety of technical corrections to statutes following the creation of the TJJD. Additionally, it increases the time attorneys in juvenile proceedings must be given to review materials to be considered in disposition hearings, demands that local juvenile departments provide

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

more prompt notice of restitution payments to victims of juvenile-related offenses, and ensures that the statements of a child made during a mental health screening cannot be used against the child in adjudication hearings.

HB 1318 (Sylvester Turner) requires the court to appoint an attorney to represent detained children within a reasonable time prior to their first detention hearing. Currently, children have the right to representation during juvenile justice proceedings but often are not appointed an attorney until after their first detention hearing. This bill ensures that adolescents are provided with a prepared attorney at their first detention hearing.

SB 670 (Whitmire) clarifies the rights of juvenile defense attorneys by explicitly stating that certain parties, including the judge, probation officers, and attorneys in the proceedings may inspect and copy a juvenile's record.

SB 1003 (Carona) mandates a study examining the use of administrative segregation, or solitary confinement, within adult and juvenile correctional facilities. The study will contain recommendations regarding how to reduce the number of inmates held in administrative segregation, how to divert adults and juveniles with mental illness from administrative segregation, and how best to decrease the length of time adults and juveniles are confined in administrative segregation in Texas facilities. Unfortunately, a similar bill aimed exclusively at collecting data on the solitary confinement of juveniles, **SB 1517 (Van de Putte)**, did not pass. SB 1517 would have required the TJJD to collect data on the number of juveniles placed in disciplinary seclusion and for how long.

School Discipline

In recent years the large number of Class C criminal misdemeanor tickets issued to students throughout the state for minor school misbehavior has begun to draw public attention. The criminalization of children at an early age sets a dangerous precedent and has lasting negative effects on their academic achievements. This session, the legislature took action and passed a number of bills aimed at combatting the school-to-prison pipeline, whereby children are funneled from school into the criminal justice system rather than to college or careers.

SB 393 (West) institutes a proactive approach to student misbehavior, requiring schools to utilize a progressive sanctions program which includes a warning, a behavioral contract, and school-based community service or counseling for students who engage in disorderly conduct, disruption of class, or disruption of transportation. Schools can only issue a Class C misdemeanor ticket to students for those offenses after the progressive sanctions have been exhausted.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

SB 1114 (Whitmire) addresses the criminalization of children for minor violations of school rules by prohibiting the ticketing of students for “Disruption of Class” and “Disruption of Transportation.” SB 1114 requires schools to use ticketing as a last resort by mandating the dismissal of truancy tickets if the school is not in compliance with the Truancy Prevention Program and requires the imposition of progressive sanctions before the issuance of a ticket. Finally, SB 1114 requires accuracy and accountability in ticketing by implementing new requirements for Class C complaints. Complaints must be sworn by a person with personal knowledge of the offense and must be accompanied by a statement from the school detailing whether the child is eligible for special education services and what progressive sanctions were used.

The fines typically accompanying Class C tickets pose a serious hardship for students and their families, many of whom are low-income, not only because the fines can reach as high as \$500 per ticket but also because many students receive multiple tickets over the course of a school year. Even more troubling is the fact that students can be arrested once they turned 17 for any unpaid fines. **SB 395 (West)** attempts to lessen the burdens of the fines associated with Class C tickets by allowing judges to replace fines with community service or tutoring and by allowing judges to waive fines due to childhood in the same manner in which they currently can waive fines due to indigence.

Although the legislature took positive steps towards reforming Class C misdemeanor ticketing practices, there were several missed opportunities for improvement this session. **SB 1234 (Whitmire)** would have required schools to implement progressive sanctions before filing truancy charges and require referrals for truancy to be accompanied by a statement from school officials describing the progressive sanctions applied, the failure of those sanctions, and whether the child is eligible for special education. SB 1234 would have also limited the fines for a Class C ticket for failure to attend to \$100 for the first offense, \$200 for the second offense, and so on.

Child advocates have faced challenges addressing Class C misdemeanor ticketing practices due to the lack of available data from many school districts; however studies have shown that children of color and special education students are disproportionately singled out for ticketing, a situation that warrants further investigation. **HB 918 (Walle)** would have mandated that school districts provide a report detailing the age, race, and gender of students issued tickets, as well as whether the child is eligible for special education services or is limited in English proficiency. This data could have been very useful in crafting policies to ensure that ticketing practices were being equally applied to all student populations.

Similarly, **SB 1115 (Whitmire)** would have required school districts to report the race, ethnicity, and special education status of students who are expelled, suspended, or placed in a Disciplinary Alternative Education Program. It also would have allowed the commissioner of education to intervene if the data showed that a school district was suspending a disproportionate number of children of color or disabled children, or was suspending an excessive number of children or suspending children for an excessive

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

number of days. Additionally, SB 1115 would have established minimum educational standards for in-school suspension.

Sentencing

Passed in the second special session, **SB 2 (Huffman)** brings the punishment for 17-year-olds convicted of a capital felony in line with a 2012 U.S. Supreme Court ruling, *Miller v. Alabama*. The Supreme Court ruled that mandatory sentences of life without parole were unconstitutional for children under the age of 18; however, Texas law mandated life without parole for 17-year-olds convicted of capital offenses. The 83rd Legislature approved a bill modifying this sentence to life with the possibility of parole after 40 years. While the legislature had to act to remedy the unconstitutionality of the previous statute, it is unfortunate that it continued to endorse mandatory minimum sentences, which do not allow a court to consider the individual circumstances of a child's case.

Human Trafficking

During the 83rd Legislative Session, CHILDREN AT RISK worked diligently with legislators and key stakeholders on tougher consequences for traffickers, improved victim identification, and measures to better protect victims, including minimum standards for shelters, protective orders, and diversion programs for minors charged with prostitution. Many recommended changes came from the Attorney General's Human Trafficking Prevention Task Force, extended for another two years under **HB 1272 (Thompson)**. A joint interim committee was also created under **HCR 57 (Hunter)**, to report findings and recommendations on human trafficking in Texas to the 84th Legislature.

Criminal Prosecution

Efforts were made to ensure that trafficking and prostitution of children are punished as serious offenses. **HB 8 (Thompson)** adds compelling prostitution and trafficking of persons to the list of crimes ineligible for community supervision, as well as to the list of crimes in which offenders are not eligible for release on parole until they have served the lesser of half, or 30 years of their sentence.

HB 8 also increases the penalty for soliciting a child under the age of 18 to a second degree felony, punishable by two to twenty years in prison and a fine of up to \$10,000, regardless of whether the offender knew the age of the victim. Prior to the 83rd Session, it was a second degree felony for soliciting a child under 14 years of age, but only a third degree felony for soliciting a minor aged 14-17.

Penalties for both promotion of prostitution and aggravated promotion of prostitution involving a child younger than 18 years old were also increased to a second degree felony and first degree felony, respectively. Furthermore, employing a child in a sexually oriented business is now punishable as a

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

second degree felony and increased to a first degree felony if the child is under 14 years of age. Measures such as these were enacted to deter traffickers from exploiting children.

Wholesale promotion, or promoting or possessing with intent to promote obscene materials involving children younger than 18 are punishable as a second degree felony (the punishment for wholesale promoters of obscene materials was previously a third degree felony, while promoting or possessing with intent to promote was previously a state jail felony). Additionally, knowingly or intentionally *accessing* child pornography, not just *possessing* it has become a crime.

HB 1483 (Lozano) did not pass this session, but would have created a new criminal offense, “Commercial Sexual Exploitation of a Child,” for purchasers or publishers of advertisements soliciting commercial sex that visually depict a child younger than 18.

Several pieces of legislation give prosecutors additional tools to convict traffickers. HB 8 adds continuous sexual abuse of a young child and solicitation of a minor to the list of crimes that may constitute organized criminal activity, which comes with high penalties. **HB 2268 (Fruillo)** simplifies the process of obtaining electronic evidence, often stored in other states. The bill allows Texas judges and law enforcement agents to issue and execute warrants for certain electronic information helpful in investigating criminal activity occurring online. A significant number of trafficking cases involve advertisements placed on internet sites promoting prostitution and soliciting commercial sex, so access to this evidence in a timely manner would streamline investigations.

SB 12 (Huffman) allows prosecutors to use evidence of prior offenses involving a child victim against offenders in trials for trafficking, solicitation, possession or promotion of child pornography, and other sexual offenses against a child. Although this has been a long-standing practice under federal evidentiary rules, prior to the 83rd Session, prosecutors in Texas were prevented from introducing this evidence.

Another helpful measure came in the form of **HB 1120 (Riddle)** adding trafficking to the list of crimes monitored by the Texas Crime Stoppers Council and encouraging individuals to report criminal activity by offering financial rewards for reports that lead to the apprehension of traffickers.

Finally, **HB 23 (Fischer)** sought to require sex offenders to disclose their sex offender status on social networking profiles; however several concerns about the bill prevented its passage. First, the bill did not distinguish between offenders who committed crimes using the Internet and those who committed other types of sexual offenses. Additionally, opponents criticized the bill for penalizing prior offenders who had already completed court ordered punishment. The bill’s focus was prevention, so criticism may change with offenders’ increasing reliance on the Internet and online sources to perpetuate sex crimes.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

Civil Liability

Several bills also provide civil remedies for trafficking crimes, to serve as both a punishment and a deterrent. **SB 94 (Van de Putte)** allows victims of sex trafficking to recover actual damages, including mental anguish, court costs, and attorney's fees from the person who compelled them into prostitution, or the publisher of an advertisement, when the publisher has reasonable knowledge that the ad is promoting prostitution. In tracking these ads, this bill targets the Internet, which is a primary means of advertisement for many traffickers. In this manner, trafficking victims can recover monetarily, even without criminal prosecution of their traffickers or those that contributed to their victimization.

HB 3241 (Thompson) authorizes the Office of the Attorney General to bring lawsuits against individuals or entities for racketeering related to human trafficking, where the individual trafficker or trafficking enterprise has had a financial gain. The bill allows the Office of the Attorney General to seek civil penalties, costs, attorney's fees, and injunctive relief, with awarded assets distributed between the state's victims' compensation fund and local law enforcement authorities who assisted in the case.

Victim Identification and Prevention

The 83rd Session also gave much attention to prevention, with the passage of four bills focused on victim identification and reporting of missing children, specifically those at risk of trafficking. **HB 1272 (Thompson)** tasks the Attorney General's Prevention Task Force to work with the Texas Education Agency (TEA), the Department of Family and Protective Services (DFPS), and the Health and Human Services Commission (HHSC) to create a standardized curriculum to train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and others to identify and assist victims of human trafficking. In addition, methods to identify children at risk of becoming victims of human trafficking, and an appropriate referral process are to be developed, ultimately increasing our ability to prevent human trafficking crimes.

Child trafficking victims are often referred to the juvenile justice system, and many times, are processed through the system without ever being identified as a victim. Therefore, in addition to establishing training protocols for teachers, child welfare employees, and medical personnel, it is also important to train juvenile probation department staff. **HB 3407 (Riddle)** unfortunately did not pass this session. The bill would have required the Texas Juvenile Justice Department to evaluate and develop best practices and screening procedures for early identification of juveniles who are victims of sex trafficking.

SB 742 (Carona) expands the Department of Public Safety (DPS) data collection clearinghouse to include information on attempted child abductions. Within eight hours of receiving a report of an attempted abduction, local law enforcement must provide this information to the clearinghouse, and include specific information about children who had been reported missing four or more times in the two years

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

prior. Runaway children are frequently targeted by traffickers because of their emotional vulnerability and need for food and shelter, so a unified reporting system is crucial to both identify high-risk youth and reduce the number of human trafficking victims.

Also under SB 742, law enforcement officers are required to take at least four hours of training regarding missing and exploited children. DPS may also award grants to nonprofit organizations to assist with reporting to the clearinghouse as well as providing programming on child safety, internet safety, and the prevention of child sexual exploitation.

Similarly, **HB 1206 (Parker)** requires a local law enforcement agency, upon receiving a report of a child missing for 48 hours, to immediately make efforts to locate the child and determine the well-being of the child. Furthermore, the bill authorizes law enforcement to take possession of the child and notify the Department of Family and Protective Services (DFPS) if there is reason to believe the child is a victim of abuse or neglect.

Finally, **HB 2539 (Turner)** requires computer technicians to report child pornography found on personal computers during the course of their work, including the name and address of the person who owns the computer. Computer technicians could face a Class B misdemeanor for intentionally failing to report these images to appropriate authorities.

Victim Protection and Services

There was much attention given to victim protection during the 83rd Session, with a variety of bills addressing protective orders for trafficking victims, diversionary programming, and confidentiality and minimum standards for shelters.

HB 8 combined two laws enacted during the 82nd Legislative Session concerning protective orders for trafficking victims. One law added sex trafficking to the statute on protective orders for victims of sexual assault, the other created a new section specifically dealing with protective orders for human trafficking victims. HB 8 merges the two, creating one comprehensive law allowing protective orders for victims of sexual assault or abuse, stalking, and human trafficking. HB 8 also extends the ability of parents and legal guardians acting on behalf of a trafficking victim under 18 years of age to apply for a protective order.

Similarly, **SB 357 (Hinojosa)** adds victims of trafficking and sexual abuse to the types of victims for which the court can make findings that an applicant is a victim of sexual assault or abuse, stalking, or trafficking, if there are reasonable grounds to believe so. This is significant, as other adjudications for trafficking related activity can rely on these findings. SB 357 also expands the venues in which victims of sexual assault, stalking, and trafficking can apply for protective orders, to any county in which an

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

element of the offense occurred, a big win for victims that are often displaced from one county to another in the course of being trafficked.

Finally, **SB 893 (Carona)** affords sexual assault victims the same protections as family violence victims, by allowing protective orders to prohibit an alleged offender from communicating in *any way* with a victim. Prior to the 83rd Session, protective orders for sexual assault victims only prohibited communication of a *threatening or harassing* nature. In addition, under SB 893, violating the bond conditions of a protective order in a sexual assault case is now a Class A misdemeanor (previously, there was no offense for violating these bond conditions).

Along with protective orders, HB 8 extends the address confidentiality program run by the Office of the Attorney General for victims of family violence, sexual offenses, and stalking, to victims of trafficking, allowing individuals to apply for the program if he or she fears for their safety or for the safety of a family member, because their alleged trafficker has threatened harm. In this manner, HB 8 recognizes that trafficking victims often have the same safety concerns as victims of family violence, sexual offenses, and stalking, and a means for keeping addresses confidential can prevent traffickers from harming them. HB 8 also allows trafficking victims to receive a one-time assistance payment of up to \$2,000 for relocation expenses and up to \$1,800 for housing expenses from the state's crime victims' compensation fund, to ensure the victim's safety.

The 83rd Session was also successful in enacting measures to protect victims from criminal prosecution. HB 8 requests that the Board of Pardons and Paroles develop educational materials to inform trafficking victims how to request a pardon for offenses committed while the individual was a victim of trafficking. **SB 92 (Van de Putte)** seeks to further address this problem by creating diversion programs for juveniles apprehended by law enforcement for prostitution. Such programs would provide treatment and services, rather than punishment, to minor trafficking victims. For example, a minor in a diversion program may defer adjudication until his or her eighteenth birthday, during which time completion of diversion program requirements would avoid criminal penalty. SB 92 also provides a mechanism by which courts with juvenile justice jurisdiction and courts with child abuse cases can share jurisdiction in cases where the jurisdictions overlap.

Additionally, **SB 484 (Whitmire)** seeks to divert prostitution offenders by establishing a prostitution prevention program, allowing access to counseling and services regarding sexually transmitted diseases, substance abuse, and mental health. The Legislature reports that housing an offender costs the state as much as \$18,583.00 yearly, but a well-run prevention program can cost taxpayers as little as \$4,300.00 a year. This high cost, combined with high recidivism for this population, indicate that prevention programming with access to counseling and rehabilitative services is needed.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org

One of the most pressing needs in providing services to human trafficking victims is clear regulations on rehabilitative housing, addressed in **HB 2725 (Thompson)**. This bill exempts from public information any data relating to the home address, telephone number, and other identifying information of employees, volunteers, donors, board members, and clients of a shelter for trafficking victims. Additionally, the location and physical layout of a shelter, as well as services provided to trafficking victims are now exempt from reporting, to ensure the safety and security of victims while they are receiving care.

HB 2725 also directs the Executive Commissioner of the Health and Human Services Commission (HHSC) to establish minimum standards for facilities that provide services to victims of trafficking. These minimum standards will consider the special circumstances and needs of victims of trafficking, as well as the role of the residential or nonresidential program in assisting and supporting these victims.

Considering the costs associated with providing services to victims of trafficking, the HHSC currently awards grants to nonprofit organizations that assist domestic victims of human trafficking. **HB 432 (Riddle)** allows this grant program to be included among the charitable organizations eligible to participate in the state employee charitable campaign. With this designation, a state employee may authorize a deduction from their paycheck as a contribution to the HHSC grant program, providing a means for additional funding to go to services for victims of trafficking.

Conclusion

Each legislative session is an opportunity to improve the quality of life of Texas' children. During the 83rd Session, the legislature certainly used this opportunity to pass significant improvements to our state's laws on childhood health and welfare, hunger, education, juvenile justice, and human trafficking. But as this Report shows, there were missed opportunities as well.

Although the passage of some positive measures for Texas' children were made, full restoration or maintenance of funding for vital programs, including our public education system, was not made. During this time of economic hardship felt throughout the state as well as the nation, it is imperative to ensure that children do not become economic casualties. Children must be at the forefront of public policy priorities in Texas, and this is especially true since Texas falls among the lowest in the nation in indicators of health, safety, and the most basic of needs.

The research conducted by CHILDREN AT RISK shows that the quality of life for Texas' children continues to require much improvement. Change is needed to provide greater access to healthcare, to hold accountability for our children's educational needs, and to address issues concerning their safety and overall well-being. Our children truly are our future, and improving the quality of life for our children today will benefit their lives as well as the community as a whole for years to come.

CHILDREN AT RISK applauds the advocates and policymakers who work diligently to help make children a priority in Texas. With their continued efforts we will work together to improve the lives of Texas' children.

For questions or comments, please contact Mandi Kimball, Director of Public Policy and Government Affairs, mkimball@childrenatrisk.org.

CHILDREN AT RISK · Houston Office · 713.869.7740 and North Texas Office · 214.599.0072
www.childrenatrisk.org – twitter.com/childrenatrisk – facebook.com/childrenatrisk.org