

SUBJECT: Continuing state center and council on racial and ethnic disproportionality

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Raymond, N. Gonzalez, Fallon, Klick, Naishtat, Rose, Sanford, Scott Turner, Zerwas

0 nays

WITNESSES: For — Eileen Garcia, Texans Care for Children; Janna Lilly, Texas Council of Administrators of Special Education; Kyev Tatum, Texas Southern Christian Leadership Conference; Michael Vitris, Texas Appleseed; (*Registered, but did not testify*: Yannis Banks, Texas NAACP Katherine Barillas, One Voice Texas; Doug Bell, St. James Episcopal Church; Dennis Borel, Coalition of Texans with Disabilities; Jennifer Carreon, Texas Criminal Justice Coalition; Krista Del Gallo, Texas Council on Family Violence; Leah Gonzalez, National Association of Social Workers; Patricia V. Hayes; Guy Herman; Jennifer Hogue; Diana Martinez, TexProtects, The Texas Association for the Protection of Children; Kristi Morrison, Texas Counseling Association; Matt Simpson, ACLU of Texas; Vicki Spriggs, Texas CASA; Glenn Stockard, Texas Association Against Sexual Assault; Michael Vasquez, Texas Conference of Urban Counties)

Against — (*Registered, but did not testify*: Annie Mahoney, Texas Conservative Coalition)

On — Joy James, HHSC; Meagan Longley, Hogg Foundation for Mental Health; Judy Powell; (*Registered, but did not testify*: Elizabeth Kromrei, Department of Family and Protective Services)

BACKGROUND: Health and Safety Code, ch. 107a, governs the Center for Elimination of Disproportionality and Disparities, formerly the Office of Minority Health.

In 2011, the 82nd Legislature enacted SB 501 by West to establish the Interagency Council for Addressing Disproportionality governed by chapter 2, Human Resources Code.

DIGEST: CSHB 2038 would add new duties to the Center for Elimination of

Disproportionality and Disparities (Center) and the Interagency Council for Addressing Disproportionality (Council). The bill would also change the composition of the Council and continue it until December 1, 2015.

The bill would require the Center to:

- identify the social determinants and health conditions in most need of high-impact response;
- monitor how plans were implemented to address health disparities across health and human services agencies;
- submit a report to the Health and Human Services Commission (HHSC) by July 1 of each year on the above activities and findings;
- assist HHSC and any other relevant agencies in developing cross-systems performance measures aligned with the Texas model for addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems;
- implement the Texas model for addressing disproportionality and disparities;
- advise certain agencies on the implementation and delivery of cultural competency training; and
- develop collaborative partnerships with community organizations to support the delivery of culturally competent services to children and families of every race and ethnicity.

The bill would require the Council to:

- develop and adopt a Texas model for addressing disproportionality and disparities, based on the Council's research and findings, to be implemented across the relevant state agencies; and
- submit a report by 2014 to the lieutenant governor, the speaker of the House of Representatives, and the Legislature about the status of the implementation of the Texas model for addressing disproportionality and disparities in certain systems.

Under the bill, the Council would add the following representatives:

- one person who was a director of special education for a public school district;
- two persons who were current or former recipients of services provided by the child welfare, juvenile justice, education, or children's mental health systems; and

- one representative of the business community.

The bill would also add a two-year term limit for certain Council members.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 2038 would continue the Interagency Council for Addressing Disproportionality and would direct the Center for Elimination of Disproportionality to implement the Council's recommendations from its report to the 83rd Legislature to improve outcomes in state systems for all Texans.

While some progress has been made to address disproportionality and disparities affecting certain racial or ethnic minority children across all health and human services systems, there is still work to be done. Research from the Council's report to the 83rd Legislature shows that these groups of minorities are still consistently over represented across all health and human services systems as compared to their representation in the general population, even after controlling for a child's home life and other variables.

African-American children make up 12 percent of Texas children but represent about a third of children expelled from school and about a third of children referred to the juvenile justice system. Hispanic children make up less than half of the Texas public school population, but almost two-thirds of all children expelled from school. African-American children are 1.4 times more likely than Hispanic and Anglo children to be referred to a mental health clinic. African Americans, Hispanics and Native Americans are more likely to be reported to the Department of Family and Protective Services than Anglos, even after taking into account neglect and abuse types. African-American children are more likely to be ticketed in school than their peers, after taking into account all other variables.

By changing the composition of the Council to include more stakeholders, the bill would strengthen the mechanism for ensuring that representatives from key systems, such as special education, would work together to implement best practice standards to address systemic disproportionality and disparities and improve the long-term outcomes for all Texan children

and families.

Other states look to Texas' Council and Center as a best practice model. CSHB 2038 would allow Texas to continue blazing trails in systematically examining a deeply embedded issue. The bill would not require any new funding not already included in the budget.

Government action is necessary to fix gaps in coordination between government agencies that result in disproportionality and disparity. The bill would also help standardize policy between state agencies to ensure individuals were treated equally.

**OPPONENTS
SAY:**

CSHB 2038 would provide the basis for expanded government action, when government action is not the solution for addressing disparities in the areas of education, health and human services, child welfare, and juvenile justice. The law should judge people as individuals, not by their race, wealth, or sex. The bill could further exacerbate the problem by judging people based on their attributes.

NOTES:

The Legislative Budget Board fiscal note said the bill would have a negative impact of \$1,529,526 for fiscal 2014-15, including money for 14 new employees and related office expenses. The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the bill's provisions.