



The 86th Legislative Session – End of Session Update

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86th Texas Legislature: Key Dates

- ~~January 8 – First day of Session~~
- ~~March 8 – Bill Filing Deadline~~
- ~~May 27 – Sine Die – Last Day of the 86th Legislature~~
- June 16 – Last day for Governor to sign or veto

86th Legislature: Big Picture

- Bill tracking
 - Total Bills Filed: 10,854
 - Total Bills Passed: 2,827
 - Vetoed (so far): 6
- Priority Bills (all passed)
 - S.B. 2 – Property Tax Reform
 - H.B. 3 – School Finance Reform
 - S.B. 11 – School Safety
- HB 1 – Budget
 - Priorities: School Finance, Hurricane Harvey relief

HB 1 - General Appropriations Act

- The budget, or the General Appropriations Act, is the only constitutionally required legislation that must pass each regular session of the Legislature
- Before Session begins, state agencies present their Legislative Appropriations Request (LAR) which presents requests for funding beyond forecasted growth
- At the beginning of Session, the Senate and House each adopt their own version of the budget
- Then, members from each chamber are appointed to negotiate a final version of the budget
 - House: Zerwas, Bonnen (Greg), Davis (Sarah), Longoria, Walle
 - Senate: Nelson, Kolkhorst, Huffman, Nichols, Taylor
- Finally, the Legislature adopts a final version of the budget to send to the Governor

HB 1- General Appropriations Act

- The Legislature passed a budget totaling approximately \$251 billion for the next biennium. This includes an increase of:
 - \$6.5 billion for school finance reform,
 - \$5 billion for property tax reform,
 - \$58.4 million for the prevention, investigation, and prosecution of human trafficking related activities, an increase of \$39.6 million from the 2018–19 biennium, and
 - \$343.5 million All Funds for funding for school safety programs.

HB 1 – General Appropriations Act

- The Health and Human Services budget grew by .9% in All Funds, and the DFPS budget grew by 6.1%. This includes:
 - \$3.8 billion in All Funds for all CPS function which is an increase of \$226.3 million in All Funds and \$167.5 million in General Revenue Funds from the 2018–19 biennial base.
 - \$1.9 billion in All Funds for foster care, adoption subsidies, permanency care assistance, relative caregiver assistance, and contracted day-care services at DFPS.
 - \$1.6 billion in All Funds for CPS delivery staff, including services provided through Community-based Care.
 - \$84.1 million in All Funds for purchased client services, including adoption, post-adoption and post-permanency, preparation for adult living, and substance abuse.
 - \$50.2 million in All Funds for Statewide Intake, an increase of \$5.3 million in All Funds. The amount includes funding for salary increases to improve retention.

HB 1: Prevention Funding

Program	Funding
HOPES	\$1.45 million
Nurse Family Partnership	\$2.89 million
Services to At-Risk Youth (STAR)	No additional funding
Community Youth Development (CYD)	No additional funding
Runaway Youth Hotline	No additional funding

HB 1: Foster Care Rates Increases

Rate Type	Funding
Total Funding	\$12 million All Funds
Basic CPA Foster Care Support/Retainage	\$21.40 \$22.47 (5%)
Moderate CPA Foster Care Support/Retainage	\$38.09 \$39.99 (5%)
Specialized CPA Foster Care Support/Retainage	\$51.22 \$52.24 (2%)
Moderate Residential Care	\$103.03 \$108.18 (5%)
Emergency Care Services	\$129.53 \$137.30 (6%)
Supervised Independent Living	Rates vary (5% increase)
Rate Methodology Rider	Directs HHSC to contract with a third party to review and evaluate foster care rate methodology.

HB 1: Client and Youth Services Funding

Program	Funding
Supervised Independent Living – additional case management services	New rate of \$51.22 per day adopted (DFPS request fully adopted for 48 youth), in addition to previously noted increased foster care rate
Preparation for Adult Living (PAL)	\$1.5 million for additional PAL staff and Regional Youth Specialists (10.7 FTEs) \$500,000 for PAL purchased services
Post-adopt/Post-permanency Services	\$3.14 million (DFPS request fully adopted) for increased demand, 2.5 million for increased behavioral treatment slots

HB 1: Community Based Care Recommendations

Program	Funding
Total Funding	\$64.3 million in funding for Phase 1 (2 new regions) and Phase 2 for 3 regions (3b, 2, and 8a)
A. Start up for case management	\$28.3 million
B. Network support payments	\$12.4 million
C. CANS Assessment	\$728,977
D. Contract Process and Outcome Evaluations Consulting	\$130,000
E. Additional Network Support payments for Phase 2	\$22.6 million

TACFS Tracked Legislation

- Last Session, Governor Abbott named child protection an emergency issue
- Although we did not see a the comprehensive focus on child welfare this session, it remained very busy with a focus on how to align competing priorities at federal, state, and local levels
 - TACFS Tracking: More than 100 bills
- The Senate and House continued work on child welfare, but their priorities were different
 - The Senate was focused on high quality care and system oversight (SB 781 – RTC bill, multiple ombudsmen bills)
 - The House was focused on the system impact on individuals and families from investigations, kinship and foster caregiver supports

S.B. 781 (Kolkhorst) “RTC Reform”

- **Runaways:** This bill requires The Department of Family and Protective Services to develop trauma-informed protocols for runaways while balancing child safety, decision making regarding normalcy and the reasonable and prudent parent standard.
 - This bill does NOT require a state agency to monetarily penalize RTCs or GROs when a child or youth runs away.
- **Three Strikes:** This bill NO longer has the three-strikes provision in it
- **Operational Plan:** The bill requires a potential RTC to have an operational plan to obtain an RTC license. HHSC cannot hold a hearing until it approves the operational plan. This operational plan includes:
 - Community engagement plan which includes the RTCs discussions with local law enforcement, local health officials, and therapeutic, and recreational resources available to support children at the operation.
 - Summary of opportunities children in the RTC will have for social interaction in the community.
 - Educational Plan which includes whether the RTC will provide for public or private education of the children, a statement from the local school ISD on the impact of the proposed services with an RTC coming into the community or explanation of why this statement was not able to be obtained.
- Bill also allows HHSC to consider community support, school district impact statements on how the operation will affect the services in the district, and any evidence gathered through HHSC’s review process.
- Bill allows HHSC to deny a license for an RTC if HHSC determines the community has insufficient resources to support the children, granting the license would significantly impact the local school district and adversely affect the children proposed to be served in the RTC, or granting the license would have a significant adverse impact on the community and would limit opportunities for social interaction for the children proposed to be served by the RTC.
- Bill allows for a community hearing during a license renewal upon county commissioners’ request.

Aging Out of Care/Transitional Living

- HB 45 (Minjarez): Requires DFPS create alongside community organizations a mentor program for all children in foster care age 14 and older. ***Did not pass***
- HB 53 (Minjarez): Adds additional training opportunities for obtaining auto insurance, civic engagement, financial training, etc. for foster youth in preparation for adulthood. ***PASSED***
- HB 123(White): Removes fee for foster and homeless youth for obtaining personal documentation such as a driver's license and birth certificate. ***PASSED***

CCL: Oversight & Regulatory

- SB 568 (Huffman): Adds administrative penalties for community organizations including a \$1,000 fine for abuse, neglect, or exploitation of a child. Language was added on the Senate side so community organizations would not be double-fined by both DFPS and HHSC. **PASSED**
- SB 1101 (Kolkhorst): Gives the HHSC foster youth ombudsman more authority and streamlines HHSC ombudsman office. **Did not pass**
- SB 1535 (Menendez): Requires additional communication between HHSC, DFPS, the ombudsman, and the SSCC and allows a youth to view the findings of an ombudsman report. **Did not pass**

Strategic Plans

- SB 72 (Nelson): Establishes a human trafficking prevention council made up of various state agencies to develop a 5-year plan to prevent and address human trafficking statewide. **PASSED**
- SB 355 (West): Requires DFPS to implement a strategic plan to ensure prevention services in Texas meet the definition necessary to receive federal funds under the FFPSA. **PASSED**
- HB 3950 (Frank): Requires DFPS to create an implementation plan for Community Based Care and state implementation of the Families First Act. **Amended onto SB 355**
- HB 781 (Kolkhorst): This bill focuses on RTCs but also requires DFPS to establish a strategic plan for the congregate care requirements in the federal Families First Act. **PASSED**
- HB 4183 (Parker): Requires a strategic plan to address adverse childhood experiences. **Did not pass**

Education

- HB 811 (White): Requires school districts to consider when determining punishment if a child is in foster care and if the student is homeless. **PASSED**
- HB 1702 (Howard): Requires the foster care liaison at a college to obtain names annually of students at the institution who were in foster care and requires the college or university to public ally provide contact information for the liaison and information on supports for former foster youth. **PASSED**
- HB 692 (White): Disallows a school district from placing a homeless student in out-of-school suspension unless the student committed an drug, weapon, or violent offense outlined in statute. **PASSED**
- SB 1231 (Bettencourt): Informs private school administration and protect children in private schools by including private school administrators in the scope of notification and reporting requirements regarding certain child abuse and neglect investigations performed by DFPS. **PASSED**
- HB 1709 (Gonzalez): Clarifies that state employees are only prohibited from acting as surrogates if they are employed by agencies involved in the education or care of the child, requires school districts to notify DFPS when surrogates are appointed, and clarifies that if a court appoints a surrogate who the school district finds is not performing their duties, the district must consult with DFPS to request that the court remove the surrogate from their appointment. **PASSED**

Kinship and Foster Caregiver Supports

- HB 1884 (Minjarez): Requires the court to inform a kinship family of the option to become verified by a CPA to operate an agency foster home and permanency care assistance program. **PASSED**
- HB 2764 (Frank): Creates a 35-hour threshold for foster parent pre-service training with exceptions for high needs children, etc. **PASSED**
- HB 1109 (Swanson): Allows CPAs to waive annual training requirements for foster parents not related to directly caring for a child. **Amended on HB 2764**
- HB 475 (Howard): Requires that children in state care who are pregnant or minor parents receive information on and support in providing safe environments for children, including sleeping arrangements, suggestions for childproofing potentially dangerous settings in a home; the importance of prenatal and postpartum care for both the mother and infant, and more. **PASSED**

Health Benefits

- HB 72 (White): Allows for children adopted out of the foster care system who are or were on SSI to remain in the STAR Health program upon adoption if the family so chooses. **PASSED**
- HB 2453 (Davis): Omnibus bill sought to target examples of mismanagement and abuse in the managed care system and to address several issues in managed care relating to contract oversight, network adequacy, prior authorizations and appeals processes, utilization review, and care coordination. **Did not pass**
- SB 1105 (Kolkhorst): Omnibus bill to reform Medicaid managed care including changes in fees, charges, and rates for payments; ensuring efficiencies in provider enrollment; increasing public access to Medicaid data and health outcomes; and providing for a standardized process for complaints and for the procedures for prior authorizations for care. **Did not pass**

THANK YOU!

We are so grateful to TACFS members for their support and advocacy during this legislative session.