Chapter 121

AN ACT
relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Human Resources Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY

Sec. 2.001. INTERAGENCY COUNCIL FOR ADDRESSING DISPROPORTIONALITY. The Interagency Council for Addressing Disproportionality is established to:

(1) examine the level of disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, and mental health systems, including:

(A) the points of entry;

(B) each point at which a treatment decision is made; and

(C) the outcomes for the children exiting the systems;

(2) examine issues relating to the disproportionate delivery of various educational services to children who are members of a racial or ethnic minority group in the education
(3) make recommendations to:

(A) reduce the involvement of children who are members of a racial or ethnic minority group in the juvenile justice, child welfare, and mental health systems; and

(B) improve the children's success in the education system; and

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

Sec. 2.002. COMPOSITION OF COUNCIL; MEETINGS. (a) The council consists of:

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

(A) the Texas Education Agency;

(B) the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission;

(C) the Department of Assistive and Rehabilitative Services;

(D) the Department of Aging and Disability Services;

(E) the Department of State Health Services;

(F) the Department of Family and Protective Services;
(G) the Texas Youth Commission;
(H) the Texas Juvenile Probation Commission;
(I) the Health and Human Services Commission; and
(J) the Office of Court Administration of the
Texas Judicial System;
(2) one representative of the office of the attorney
general appointed by the attorney general;
(3) one representative of the Permanent Judicial
Commission for Children, Youth and Families appointed by the chair
of the commission;
(4) one representative of a community-based
organization that works with child welfare, juvenile justice,
education, or children's mental health issues appointed by the
executive commissioner of the Health and Human Services Commission;
(5) one representative of a faith-based community
organization appointed by the executive commissioner of the Health
and Human Services Commission;
(6) one representative of the criminal justice
division of the governor's office appointed by the governor;
(7) one person who is a former foster care youth
appointed by the executive commissioner of the Health and Human
Services Commission; and
(8) two representatives of the medical community
appointed by the executive commissioner of the Health and Human
Services Commission.
(b) A representative of an agency appointed to the council
must have an overall understanding of the agency's mission and
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purpose and substantial experience and expertise relating to the administration of the agency's policies, programs, and activities. (c) The representative from the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission serves as the presiding officer of the council. (d) A person who is appointed to the council must complete a cultural competency training program approved by the presiding officer of the council. (e) The council shall meet at least quarterly.

Sec. 2.003. COUNCIL DUTIES IN PREPARATION OF REPORT. The council's duties include:

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

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

(3) reviewing federal, state, and local funds appropriated to address the disproportionate use of children's services by children who are members of a racial or ethnic minority group;

(4) reviewing current best practice standards addressing the disproportionate use of children's services by children who are members of a racial or ethnic minority group;

(5) examining the qualifications and training of
children's service providers and making recommendations for
training curriculum and other necessary changes;

(6) recommending methods to improve use of available
public and private funds to address the disproportionate use of
children's services by children who are members of a racial or
ethnic minority group;

(7) providing information concerning identified unmet
children's service needs and providing recommendations concerning
the development of resources to meet the identified needs;

(8) examining outcomes for children who are members of
a racial or ethnic minority group who have exited or will exit the
public and private child welfare, juvenile justice, mental health,
and education systems;

(9) recommending administrative and legislative
actions related to appropriate programs and services to reduce and
eliminate disparities in the systems and improve the long-term
outcomes for children who are members of a racial or ethnic minority
group who are served by the systems; and

(10) preparing a report consisting of the council's
findings and recommendations and the presentation of an
implementation plan to address disproportionate representation of
children who are members of a racial or ethnic minority group in the
use of children's services.

Sec. 2.004. ADDITIONAL COUNCIL DUTIES. (a) The council
shall:

(1) investigate and report on issues related to health
and health access disparities among racial, multicultural,
disadvantaged, ethnic, and regional populations;

(2) develop short-term and long-term strategies to eliminate health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations;

(3) monitor the progress of each health and human services agency in eliminating health and health access disparities; and

(4) advise each health and human services agency on the implementation of any targeted programs or funding authorized by the legislature to address health and health access disparities.

(b) In performing the duties described by Subsection (a), the council shall consult with each health and human services agency, the Center for Elimination of Disproportionality and Disparities, and any other relevant division of the Health and Human Services Commission.

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

Sec. 2.005. COUNCIL REPORT. Not later than December 1, 2012, the council shall prepare and submit to the lieutenant governor, the speaker of the house of representatives, and the legislature a report containing the council's findings and recommendations for addressing the disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services and the council's recommendation as to whether to continue the council.

Sec. 2.006. REIMBURSEMENT FOR EXPENSES. A council member
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1 is not entitled to compensation but may be entitled to
2 reimbursement for the member's travel expenses as provided by

Sec. 2.007. APPLICABILITY OF OTHER LAW. Chapter 2110,
5 Government Code, does not apply to the council.

Sec. 2.008. EXPIRATION OF CHAPTER. This chapter expires
December 1, 2013.

SECTION 2. Chapter 107A, Health and Safety Code, is amended

10 to read as follows:

CHAPTER 107A. CENTER FOR [OFFICE FOR THE] ELIMINATION OF

12 DISPROPORTIONALITY AND [HEALTH] DISPARITIES

Sec. 107A.001. CENTER FOR [OFFICE FOR THE] ELIMINATION OF

13 DISPROPORTIONALITY AND [HEALTH] DISPARITIES. The executive
14 commissioner of the Health and Human Services Commission shall
15 maintain a center for [an office for the] elimination of
16 disproportionality and [health] disparities in the Health and Human
17 Services Commission to:

18 (1) assume a leadership role in working or contracting
19 with state and federal agencies, universities, private interest
20 groups, communities, foundations, and offices of minority health to
21 develop health initiatives to decrease or eliminate health and
22 health access disparities among racial, multicultural, 
23 disadvantaged, ethnic, and regional populations, including
24 appropriate language services; and
25 (2) maximize use of existing resources without
26 duplicating existing efforts.

Sec. 107A.002. POWERS OF CENTER [OFFICE]. The center
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(office) may:

(1) provide a central information and referral source, including a clearinghouse for health disparities information, and serve as the primary state resource in coordinating, planning, and advocating access to health care services to eliminate health disparities in this state;

(2) coordinate conferences and other training opportunities to increase skills among state agencies and government staff in management and in the appreciation of cultural diversity;

(3) pursue and administer grant funds for innovative projects for communities, groups, and individuals;

(4) provide recommendations and training in improving minority recruitment in state agencies;

(5) publicize information regarding health disparities and minority health issues through the use of the media;

(6) network with existing minority organizations, community-based health groups, and statewide health coalitions;

(7) solicit, receive, and spend grants, gifts, and donations from public and private sources; and

(8) contract with public and private entities in the performance of its responsibilities.

Sec. 107A.003. FUNDING. The Health and Human Services Commission may distribute to the center [office] unobligated and unexpended appropriations to be used to carry out its powers.

SECTION 3. Chapter 107, Health and Safety Code, is
repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 501 passed the Senate on April 7, 2011, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendment on May 9, 2011, by the following vote: Yeas 31, Nays 0.

Robert Huffman
Chief Clerk of the House

I hereby certify that S.B. No. 501 passed the House, with amendment, on May 4, 2011, by the following vote: Yeas 115, Nays 23, two present not voting.

Approved:

Date

Governor

Filed in the Office of the Secretary of State

MAY 21, 2011

Secretary of State